

# **Report to Overview and Scrutiny Committee**

**Date of meeting: 29 January 2009**

**Subject: Civic Ceremonial Function – Review 2008**

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**Recommendations:**

## **Constitutional changes:**

- (1) That the inclusion of the responsibility for Promoting Democracy should be placed with the Chairman of Council and incorporated into the Council's Constitution;**
- (2) That a report be submitted to Council recommending the following Protocols be incorporated into Article 5 of the Constitution, namely:
  - (i) The appointment of the Vice Chairman of Council; and**
  - (ii) The role of the Chairman and Vice Chairman;****
- (3) That the Council be recommended to adopt a revised Constitution Article 5 (attached at Annex 1), incorporating changes suggested by the review;**
- (4) That the idea of a two year appointment for the Chairman and Vice Chairman of the Council be not pursued;**

## **Annual Council meeting:**

- (5) That the Group Leaders be urged to agree Committee and Outside Body appointments as far as is possible prior to the Annual Council meeting;**
- (6) That the Chairman of Council have discretion on civic content of the Annual Council meeting including, if thought appropriate, a presentation by the Chairman's chosen charity;**
- (7) That a 'second' or civic Annual Council meeting be not supported;**

## **Promotion of the Civic Office**

- (8) That the Chairman should be used far more to promote the Council, including:
  - (i) Promotion of the Chairman, with the local press including interviews with new Chairman and Vice Chairman and regular meetings;**
  - (ii) Promoting the Council to community groups including young people;**
  - (iii) Encouraging invitations to schools, hospitals, services and care homes and that as a matter of policy, every school in the district should be written to, particularly secondary schools and 6th Form Colleges in conjunction with the Youth Council and the Leader of Council;****

- (iv) Regular meetings with Public Relations staff;
- (v) Promotion via the website with more items/photographs of chairman's events and a home page link and updating of the Chairman's webpage;
- (vi) The role of the Chairman being given more prominence in the induction training sessions for new members and officers;
- (vii) The preparation of an "easy guide", comprising no more than two sides of A4 paper, for promotional purposes advising on the role and inviting the Chairman and Vice Chairman to functions;
- (viii) Arranging monthly liaison meetings with the Leader of Council;

### **Events**

- (9) That no changes be made to the timing and types of events or to the Civic Ceremonial budget;
- (10) That the incoming Chairmen's views on other types of civic events continue to be sought and agreed with support officers at the beginning of each Civic Year;
- (11) That a meeting be organised with the incoming Chairman with their proposed charity to discuss how fundraising can be supported during the Civic Year;
- (12) That Chairman and Vice Chairman be issued with Satellite Navigation systems for use in their own cars during their years of office;
- (13) That Town Twinning be not pursued;

### **Other Issues**

- (14) That, name badges be issued to each Member of the District Council in the format presented at the meeting; and
- (15) That the Terms of Reference of the Constitution and Members Services Panel be widened to include reviewing the Chairman/Vice Chairman Accountability Statements.
- (16) That the implementation of issues from the previous reviews be noted.

### **Report:**

1. (Chairman of the Panel – Councillor Mrs M McEwen) This report brings forward a number of issues for consideration following the Civic & Ceremonial Review for 2008. The Review also takes account of views from past Chairmen of Council and practice in other local authorities. We have also looked at the references to the role of the Chairman contained within the Council's Constitution.
2. The scope of the review was agreed at the meeting of the Panel on 8 September 2008 as follows:

### **Scope**

The role of the Chairman of Council

- A response to the report of the Councillor's Commission
- A review of the Council's Protocol and the Status of the Chairman

- A review of the member accountability statements contained within the constitution.
- How could the Chairman be better promoted?

#### Annual Council

- Civic and Business aspects of the Annual Council meeting
- Changes in 2009

#### The Annual Civic Events

- A review of: timing, type, relevance and affordability
- What other authorities do.

#### Issues from other reviews

- An update on the last review
- Issues from Audit reports: Gifts and Hospitality, Account Handling, Bank Account Processes

### **Constitutional Elements - The Role of the Chairman & Vice Chairman of the Council**

3. Contained within the Council's Constitution are four main documents relating to the Chairman/Vice Chairman:

- (a) Article 5 (pages B10 to B12) covers the Chairing of the Council;
- (b) Protocol on the Role of the Chairman and Vice Chairman (pages S5 to S7) which covers much of the same ground as Article 5;
- (c) Protocol for the Election of the Vice Chairman of the Council (page S4 as recently amended);
- (d) Member Accountability Statements (pages W3 (Chairman) , W4 (Vice Chairman), W5 (Leader) which were intended to be the equivalent of a "job description" for Councillors holding certain positions and devised in 2001 but not reviewed since.

4. The two protocols largely reproduce the text contained within Article 5 of the Constitution. We are recommending that, as a tidying up exercise, the texts be brought together into one document in the main article. We are additionally suggesting a minor change to section 5.02 (d) to cover the eventuality that a Vice Chairman cannot become the Chairman. An example might be failure to be re-elected. The suggested text is attached at Annex 1 to this report. These changes will require the assent of the full Council. We are recommending that our Panel undertakes, as part of next years programme, a review of the Chairman/Vice Chairman's Member Accountability Statements.

5. The Government has recently published its white paper response to the report of the Councillor's Commission. This response signals the intention of the Government to place a statutory duty on Local Authorities to promote democracy. This is in addition to their expectation of increased electoral participation. The Government are advocating promotion of local democracy through programmes such as 'Civic Champions' or 'Democracy Advocates'.

6. Government ideas include:

- Working with local schools, including initiating visits to explain their role and to support active citizenship education;
- Making a positive presentation to local volunteer groups or boards about governance roles and how to apply;

- Promoting the role of the council and councillor to community and voluntary groups; and
- Developing links with town and parish councils and supporting democracy activities.

7. It is our view that the Chairman, as the Civic Head of the Authority, is in a unique position to undertake this role as they already have the overall responsibility for promoting public involvement in the Council's work. Giving the Chairman this responsibility would also have the effect of differentiating the Leader's role in political leadership/management of the Council from that of the Civic Head. The suggestion seems to fit well with Past Chairman's representations about being involved in schools and group's. Officers have suggested wording in the revised Article 5 at paragraph 5.03 (d) to cover this point.

8. We also gave consideration to an idea that the Chairman and Vice Chairman might serve for two years. We are not recommending this option be pursued as we believe that with over 150 events per annum, there would be too many events for the Chairman to attend and make the positions too onerous.

### **Annual Council meeting**

9. We have reviewed the processes at the Annual Meeting, particularly the Civic Ceremonial aspects and whether a second 'Civic' Annual Meeting should be held. We have concluded that improvements could be made to the Annual Meeting which stops short of holding a second meeting. We are recommending that Group Leaders be urged to agree the Committee and Outside body appointments, as far as is possible, prior to the meeting. In any event we have acknowledged that changes to the executive arrangements already mean that the Leader will be responsible for making a number of the appointments and that in 2009 the process should be more straightforward as there are no scheduled district elections.

10. We are also recommending that the incoming Chairman should have involvement in the civic content of the Annual Council meeting including, if thought appropriate, a presentation by the Chairman's chosen charity in order to raise their profile locally at the start of the Civic year.

### **Promotion of the Civic Office**

11. We have discussed how the Chairman could be more effectively promoted. Attendance at events has been dependant on invitations received. In the review it was evident that all Chairmen enjoyed their year in office and the opportunity to meet different people and organisations and Chairmen were complimentary about support they received from both officers and previous Chairmen.

12. Respondents have indicated that there was sometimes confusion about the respective roles of the Chairman and Leader which often needed to be carefully explained to the residents. There were also indications that there were some tensions when undertaking duties within the district when Town Mayor's or Chairmen were present.

13. Following Councillor Sandler's year improvements were made to the 'green' information form that is used to clarify the processing of events in which the chairman's involvement is sought. We understand that this is operating well.

14. Given the new role envisaged for the Chairman, we are of the view that the Chairman should be used far more to promote the Council and its work. We are recommending that this promotion include:

- (i) Proactive promotion with the local press including interviews with new Chairman and Vice Chairman and regular meetings;
- (ii) Promoting the Council to groups including young people;

- (iii) Encouraging invitations to schools, hospitals, services and care homes and that as a matter of policy, every school in the district should be written to, particularly secondary schools and 6th Form Colleges in conjunction with the Youth Council and the Leader of Council;
- (iv) Regular meetings with press officers;
- (v) Promotion via the website with more items/photographs on events and a home page link and updating of the Chairman's web pages;
- (vi) The role of the Chairman being given more prominence in the induction training sessions for new members and officers;
- (vii) The preparation of an "easy guide", comprising no more than two sides of A4 paper, for promotional purposes advising on the role and inviting the Chairman and Vice Chairman to functions; and
- (viii) Arranging monthly liaison meetings with the Leader of Council;

### **Civic Events**

15. We took evidence from a number of past Chairmen, all of whom had enjoyed their civic events. They had given them a chance to meet diverse groups of people; promoting the district; meeting people who had contributed their time to the community and they had liked having the opportunity to decide on how the events were run. All Chairmen felt that EFDC events were the best they had attended and were well organised. One area that was a common factor was a finding a venue for functions within the district which is large enough and suitable to accommodate them.

16. We understand that each new Chairman holds a planning meeting with officers at the start of their year to discuss and agree events for that year. This aids the organisation and budgeting of events. Chairmen have expressed the view that no major changes should be made to the types of event which are held, although each individual Chairman has the opportunity of expressing their wishes for their year. We also received a number of ideas for additional types of event. We are of the view that the Chairman should decide whether to hold these types of events.

17. During the review the Chairmen made the following additional observations:

- (a) That other chairmen had far more support for Charitable Fundraising and a far larger budget. Clearly, officers are spending time on charitable efforts although this is not their main function. Also support to the Chairman from the charities themselves seems to have been variable. We considered that the Chairman should be responsible for fundraising and advocate the idea that a meeting with the Charities be held in early part of the year at which the expectation of support from them could be agreed. We understand that Officers will continue to monitor the costs of events and will manage the current budget accordingly. No budget increases are proposed.
- (b) Two past chairmen made reference to the use of a Civic Car. One advocating a car for all events, another suggesting that without a car they had to 'park round the back' at functions. We noted that during the last review increases had been made to this budget and that most chairman thought the budget was adequate. We are not recommending any changes to budget levels but we are recommending that the Chairman and Vice-Chairman be issued with a satellite navigation system to help them find event locations when using their own cars. The Panel also discussed difficulties that had been experienced with a suction based crest for the chairman's car. Officers still sought a safe solution to the use of such a crest.

- (c) One Past Chairman suggested having a “wearable badge” to functions when the Chain of Office was not appropriate. We considered that rather than just the Chairman having a badge, all members should be issued with an appropriate name badge for use during Council business.
- (d) That Town Twinning should be considered. We are of the view that this would not be appropriate and should not be pursued.

### **Issues from other reviews - An update on the last review**

18. In December 2006 a review was undertaken into a number of aspects of the Civic function. More officer support was secured for the Chairman. This has enabled support across three day each week. Further funding was also secured for civic transport giving more flexibility. New custody arrangements for Civic Regalia are being followed and are proving robust. In addition we have noted that new long service awards have been designed in conjunction with the original designer of the civic regalia and are in use. These comprise Gold, Silver and Bronze service badges.

### **Issues from Audit reports**

19. As part of routine reviews, Internal Audit had previously raised the issue of how the banking of funds raised by the Chairman as part of his charity appeal was being handled insofar. Each Chairman maintains a separate charity bank account into which all donations are deposited. This process is ‘outside’ the Council’s financial monitoring system. We understand that agreement has been reached with the Director of Finance and ICT that his staff would reconcile the account of a regular basis. Audit had no other concern about the Charity banking process which has clear measures to ensure other normal checks are made during the banking process, to ensure that all funds are properly accounted for and supervised.

Proposed Changes are shown underlined

## ARTICLE 5 - CHAIRING THE COUNCIL

### 5.01 Introduction

This article sets out the role, responsibilities and duties of the Chairman of Council. The role, responsibilities and duties fall to the Vice-Chairman in the absence of the Chairman.

### 5.02 Election of Chairman of the Council and Appointment of Vice-Chairman of Council

The individual elected to the office of Chairman of Epping Forest District Council shall be elected on merit, without regard to party affiliation.

The appointment of the Vice-Chairman of the Council shall also be on the basis of merit and without regard to party affiliation in accordance with the following provisions:

(a) Nominees for the office of Vice-Chairman of the Council should submit a nomination form signed by not less than 12 District Councillors drawn from at least two political groups;

(b) Nominees for Vice-Chairman of the Council may be drawn from any political group or any independent member serving on the Council;

(c) The process of agreeing a nomination for Vice-Chairman of the Council shall be co-ordinated by the Leader of the Council in consultation with independent members and the Leaders of all political groups;

(d) It is expected that the person nominated under this article and appointed by the Council as Vice-Chairman of the Council shall normally become the Chairman of the following Council year;

(e) It shall be open to the Council to suspend the operation of the appointment process at any Annual Council meeting if this is in the best interests of the Council. Such suspension shall, however, only be agreed if 65% of the Council membership support a motion to that effect.

### 5.03 Overall Responsibilities

The Chairman and Vice-Chairman will be elected by the Council annually. Set out below are the overall responsibilities. It will be noted that these fall into two categories i.e. 'Chairing the Council meeting' and 'Civic/Ceremonial'. Further information on these two roles is set out in 5.04 - 5.06.

(a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

(b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and at which members who are not on the Executive or hold Committee Chairmanship are able to hold the Executive and Committee Chairmen to account;
- (d) to promote public involvement and local democratic engagement in the Council's activities;
- (e) to uphold the Members' Charter; and
- (f) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

#### **5.04 Chairing the Council Meeting**

The Chairman shall undertake the following duties:

- (a) to determine that meetings of the Council are properly constituted and that a quorum of members is present;
- (b) to be informed as to the business and objects of meetings;
- (c) to preserve order in the conduct of those present;
- (d) to confine discussion within the limits required by the business to be determined and within a reasonable period of time;
- (e) to rule on the admissibility of motions and amendments put in debate by the Members of the Council;
- (f) to formulate summaries of those issues arising in debate for the consideration of the meeting;
- (g) to adjudicate on points of order and personal explanation raised at meetings and other incidental issues;
- (h) to determine the proper and most appropriate method of voting on any question before the Council;
- (i) to put relevant questions to the meeting, secure orderly votes thereon and declare the result;
- (j) to inform the Council whether he or she will vote on any matter to be determined;
- (k) to give, if appropriate, a second vote or a casting vote in order to deal with an equality of votes in the circumstances set out in this Article;
- (l) to adjourn any meeting of the Council should the circumstances justify or require it, having first of all taken such steps to establish that Members of the Council support such action;
- (m) to read out any motion to exclude the press and public from meetings and to seek the consent of the Council; and
- (n) to sign the minutes of Council meetings as a correct record, following approval by the Council.



In carrying out these duties, the Chairman shall at all times act in accordance with legal requirements as advised by the Chief Executive, shall take care to ensure that the rights of individual members shall at all times be protected and, in the conduct of meetings shall disregard considerations arising from political affiliation and shall always have regard to the civic dignity of the Council and the office of Chairman.

#### **5.05 Use of Casting Vote**

The Chairman of the Council shall, at all times, have due regard to the requirements of the Constitution and statute law concerning the use of a "second" or "casting" vote. The Chairman shall:

- (a) give a "second" vote (after voting previously on the issue) or a "casting" vote (having not voted previously) on any issue on which there is equality of voting;
- (b) shall issue a "second" or "casting" vote in favour of the status quo unless there is a legal requirement to vote otherwise than for the status quo;
- (c) may decline to give a second or casting vote if an affirmative vote is not required on grounds of urgency or otherwise and an opportunity will arise to consider the matter again, within a reasonable period; and
- (d) shall, in the circumstances outlined in (c) above, explain such a decision to the Council.

#### **5.06 Civic/Ceremonial Role**

(a) In the carrying out of civic duties on behalf of the Council, the Chairman shall at all times act in a way consistent with the dignity of the office of Chairman and the policies of the Council.

(b) The Chairman of Council as first citizen in the district and the representative of the Queen will take precedence in the absence of the Lord Lieutenant of Essex. If the Chairman is invited to a function organised by or within the district he/she is always the Guest of Honour.

(c) When the Chairman of Council is invited to carry out duties at an official Council function (e.g. naming of a street or opening of Council buildings), the following people should be invited to attend:

- (i) the Chairman of the Committee or member of the Executive responsible for the function;
- (ii) the Leader of the Council or a member of Cabinet nominated by the Leader;
- (iii) if the Chairman of the Committee is unavailable, the Vice-Chairman of the Committee shall deputise;
- (iv) district members for the ward in question;
- (v) the Service Director responsible for the function;
- (vi) Parish Chairman or Town Mayor;
- (vii) other members and officers agreed by the Chairman of Council, the Chairman of Committee, the Leader of the Council and the Service Director; and
- (viii) the Public Relations and Marketing Officer will attend appropriate functions when the press are invited.

#### **5.07 Absence of Chairman and Vice-Chairman**

There may be occasions when the Chairman of the Council and Vice-Chairman of the Council cannot attend functions. In these circumstances, the Chairman of the Council shall nominate a past Chairman of the Council or other appropriate member to act on his/her behalf at any such event.