

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

Date: Friday 26th February, 2021 Time: 3.00 pm Venue: Virtual meeting
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AGENDA

Please note: this is a virtual meeting.

The meeting will be live-streamed via the Council's Youtube channel at 3.00 pm on Friday 26th February, 2021
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1. Apologies for absence
2. Minutes - Constitution and Members' Development Committee - 23 October 2020 3 - 4
3. Declarations of Interest
4. Update - Council Constitution 5 - 20
5. Terms of Reference - Verbal update
6. Any of other urgent items which in the opinion of the Chair, may be considered.
7. Date of next meeting - 12 March 2021

Charlotte Benjamin
Director of Legal and Governance Services

Date Not Specified

MEMBERSHIP

Councillors J Hobson (Chair), L Garvey (Vice-Chair), A Hellaoui, B Hubbard, J Rathmell, D Rooney, M Saunders, M Storey and J Thompson

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Caroline Breheny, (01642) 729752, caroline_breheny@middlesbrough.gov.uk

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

A meeting of the Constitution and Members' Development Committee was held on Friday 23 October 2020.

PRESENT: Councillors J Hobson (Chair), L Garvey (Vice-Chair), A Hellaoui, B Hubbard, J Rathmell, D Rooney, B Cooper (Substitute for M Saunders), M Storey and J Thompson

OFFICERS: C Breheny, S Reynolds, S Lightwing and C Lunn

APOLOGIES FOR ABSENCE: Councillors M Saunders

1 DECLARATIONS OF INTEREST

There were no declarations of interest made at this point in the meeting.

2 MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 24 JULY 2020

The minutes of the Constitution and Members' Development Committee held on 24 July 2020 were approved as a correct record.

3 PROPOSED CONSTITUTION UPDATES

The Head of Democratic Services presented a report, the purpose of which was to request the views of members with regard to;

a) Reviewing the Terms of Reference and political composition of the Overview and Scrutiny Board to ensure that all of the individual Chairs of the six Scrutiny Panels had a seat on the Board.

b) Temporarily revise the Council's Filming Council Meetings protocol due to Covid-19 and the implementation of remote meetings.

c) Adding a section on the appointment of chairs and votes of no confidence as the Constitution was currently silent on these issues. And deleting the references at paragraph 21(f) and 57(b) of the Council procedure rules.

Consideration needed to be given to these matters by the Committee prior to seeking approval from Full Council.

In respect of the proposals regarding the political composition of the Overview and Scrutiny Board the report highlighted that up until the last elections which took place in May 2019, there had been a large majority in favour of one political party, and, as a consequence, because of political balance, almost all Chairs of the Council's Scrutiny Panels were taken up by members of that political party. Following the elections and change in political balance, which was very close, this did not always allow all of those members elected as a Scrutiny Panel Chair to automatically have a seat on the Board.

It was advised that a number of different scenarios had been considered, including changing the number of members on the Board. However, this would still not always allow for all of the Scrutiny Panel Chairs to be a member. One option that could be considered was for all the Chairs of the individual Scrutiny Panel's to become Ex Officio Voting members of the Board (an obligation or privilege a person has, by virtue of their position, to serve on a board or committee). This would ensure that all Scrutiny Chairs were automatically afforded a seat on the Board. The remaining seats could then be allocated, according to political balance. The Chair of the Overview and scrutiny Board has been consulted and was in agreement with the proposed solution.

Following discussion Members agreed that the proposal should be taken to forward to Full

Council for approval.

Reference was made to the Filming Council Meeting Protocol which had previously agreed by the Committee but not yet approved by Council. It was advised that the Protocol had primarily been developed to provide advice on the processes for press and public when attending public meetings in person. However, due to Covid-19 all public Council and Committee meetings were currently being live streamed online and members of the public could access the meetings through the Council's Facebook or Youtube site. Therefore filming/recording was not carried out in a way that could disrupt Council meetings. However, there were some elements that still remained relevant and would advise the public of current procedures for remote meetings. A revised protocol to deal with the live streaming of meetings was provided at Appendix 2 of the report for Members' consideration.

Following discussion Members agreed that the revised protocol should be taken to forward to Full Council for approval.

With regard to the appointment of Chairs it was advised that due to major changes in political structures and the fluidity of group formation in the immediate period following the local elections in May 2019, it was decided, at least for that municipal year that the Chairs of committees and panels would be appointed at the first respective meetings following the AGM. Historically such appointments had taken place at the Council's AGM, However, there was currently a lack of information in the Constitution regarding the appointment of Chairs as well as the Constitution being silent on the point of votes of no confidence.

Desktop research had been carried out in respect of the approaches adopted by other local authorities and proposed additions / amendments for consideration by the Committee were attached at Appendix 3 to the report. It was also proposed that references at paragraph 21(f) and 57(b) of the Council Procedure Rules be deleted as there could be occasions where the conduct of a member/chair could impact on the Council or the ability of a committees/panels to run effectively.

Following discussion Members agreed that the proposed additions / amendments should be taken to forward to Full Council for approval.

AGREED that the Committee endorsed the proposed amendments to the following provisions within the Constitution:-

- a) Make-up of the Overview and Scrutiny Board
- b) Council's Filming / Livestreaming Protocol
- c) Chairing and Votes of No Confidence

And that these be forwarded to Full Council for approval.

4

COUNCIL PROCEDURE RULES

The Head of Democratic Services advised that she was currently in the process of reviewing some of the Council Procedure Rules, as some needed to be amended. It was advised that the Procedure Rules were there to help Members and if there were any specific areas that Members wanted to review then this could be undertaken by the Committee. Following discussion it was agreed that an all Members' Briefing on the Council Procedure Rules would be arranged to update Members on the current procedures and highlight areas where changes could be made.

AGREED that an all Members' Briefing on Council Procedure Rules be arranged.

Report of:	CHARLOTTE BENJAMIN – DIRECTOR OF LEGAL AND GOVERNANCE SERVICES (MONITORING OFFICER)
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AGENDA ITEM 4

Submitted to:	Constitution and Members' Development Committee
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Subject	Update - Council Constitution
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Summary

Proposed decision(s)
Seek the views of the Constitution and Members' Development Committee and ask Members to consider and endorse the proposed changes to the Constitution, as detailed in the report, for submission and approval by Full Council.

Report for:	Key decision:	Confidential:	Can be called-in:
Decision	No	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
Not applicable	Not applicable	Ensure decision making practices remain relevant and / or can improve openness and transparency.

Ward(s) affected
Not applicable

What is the purpose of this report?

1. The Council's Constitution is subject to continual review together with any associated documents e.g. Scheme of Delegation, Procedure Rules and protocols to ensure that decisions taken by the Council are lawful and reflect changes in legislation and Council priorities.

Why does this report require a Member decision?

2. The Constitution is a live document, which from time to time requires adjustment to reflect how the Council operates. Occasionally amendments are needed to reflect

changes in policy and legislation whilst others deal with inconsistencies and presentational issues that have no effect on the agreed procedural rules. Other minor amendments are required to deal with the results of new legislation and do not require a change in Council processes.

3. A phased review of the Constitution is underway to ensure that the Constitution is fully up to date. Some topics have been prioritised for review and the committee will be asked to consider proposals before these are considered for approval by full Council.
4. The changes to the Constitution fall within three broad areas, which can be described as follows:-
 - a. Alterations made as a result of decisions of either the Council or the Executive.
 - b. Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes.
 - c. Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.
5. Detailed below are the areas for discussion and consideration by the Committee.

Proposed alterations to incorporate Council / Executive Decisions (a);

Motions of No Confidence

6. Council recommended that the item in relation to votes of no confidence should be referred back to the committee for further reconsideration. See **Appendix 1**.
7. It is proposed that **Appendix 1**. be amended to include the following examples of behaviour likely to lead to motions of no confidence;

Behaviour likely to lead to motions of no confidence (but not limited to);

- a. Inability to Chair meetings or to act properly as Chair over a period of time ([Members allowances - 2 consecutive months or 50% across the year](#)).
 - b. Persistent refusal to hear a particular Member over and above what would be expected in exercising control over the conduct of a meeting.
 - c. Persistent behaviour of the type likely to lead to censure motions.
 - d. Continual failure of an Executive Member to attend Overview and Scrutiny Board, when requested.
 - e. Continual non-attendance at Committees of which they are a member without adequate explanation (%?).
 - f. Actions subject to formal investigation (not determination of the validity of allegations) that may bring into question council decisions or bring the Council into disrepute.
8. Excerpts from Surrey Heath; Adur & Worthing Borough Council and Harrowgate Constitutions can be found at **Appendix 2** for members' information.
 9. A question was also raised at Council as to the removal of the reference to motions about the character or conduct of a member. As per the current standing orders on

motions, there are still opportunities to reject a motion where comments may be defamatory or vexatious, however the two points suggested for removal, if left in, could potentially contradict the proposed no confidence motion provision, which invariably could be about a member's conduct

Voting on appointments at committees

9. Council recommended that the Constitution and Members' Development Committee consider the legal position as to whether Executive members could participate in voting at the Council AGM with regard to Scrutiny/Audit Committee appointments and that a report on the outcome be brought back to Full Council
10. Appointments of Chairs and places on committees are generally made at the Annual Meeting of the Council (see Council Procedure rules excerpt **Appendix 3**).
11. In order to clarify who can take part in voting on the above appointment 'Knowles on Local Authority Meetings - a manual of law and practice', identifies;

Elements of a lawful decision;

1.38 To be lawful a decision of a local authority, if taken by the **full council** or by a committee, must:

- comply with the cardinal principle of being reached by the required **majority of Councillors present and voting** at a properly constituted meeting;;
- be one that the council is empowered or obliged to take, otherwise it is *ultra vires*;
- not offend against Wednesbury reasonableness, which in itself has several facets to consider, including that of bias or predetermination.
- if taken under delegated power, it must furthermore come within the scope of that power.

A decision cannot ordinarily be impugned because of the lack of qualification of a councillor. Ordinarily, too, a decision cannot be challenged because of the motive of a councillor or councillors who voted in favour of the proposition or just because a councillor has not directed their mind in the meeting itself to the arguments for and against or to other relevant considerations.

1.39 There is a general principle governing the manner in which an authority shall reach a decision. This is that, save where other prescriptions apply in particular circumstances:

'... all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.'

1.40 This means that every decision that falls to be taken by a local authority (unless it is one that an officer or individual member, including an elected

mayor, has been empowered to make) can lawfully be reached only by the full council at a properly constituted council meeting or by a committee or sub-committee acting under delegated powers, and then only upon the affirmative vote of a majority of the members present and actually voting.

Therefore, an authority of 100 members may properly be committed to a course of action at a council meeting at which no more than the prescribed quorum is present (say 25 council members, which represents the quorum in the case of a principal council of that membership), of whom only three trouble to put up their hand in favour when a vote is taken and two vote against: or –a more extreme example – if one member votes in favour and everyone else abstains.

12. Having contacted other Tees Valley local authorities, all of the authorities that were contacted advised that the appointments to Chairs and positions on Committees were determined by the whole of the membership of the Council.
13. The guidance contained in 'Knowles on Local Authority Meetings – a manual of law and practice' makes it clear that a decision made by Full Council, should be reached by the required majority of councillors present and voting at a properly constituted meeting.
14. The Local Government Act 1972, s.2B provides that the Mayor is to be treated as a member of the council when voting at meetings, and therefore the guidance above also applies to the elected Mayor.
15. However, the Mayor is not recognised as a Councillor for the allocation of Political Balance and therefore can only be allocated seats on committees as an ex officio member (a member of a body who holds the role as a result of their status or another position that they hold).
16. The guidance thereby indicates that the Executive can take part in voting on all Committee appointments including in respect of Scrutiny Chairs.
17. In terms of the appointment of Scrutiny Chairs the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities (May 2019) further identifies:-
18. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot.
19. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.
20. Following consultation with the Chair of OSB suggestions were made that role profiles are developed for Scrutiny Chairs and that when groups are considering, selecting or nominating a Member to be appointed as a Scrutiny Chair a Member should have at least one year's experience of being on that particular Panel prior to nomination. Example attached at **Appendix 4**.

Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors. (c)

Motions

20. It is felt from an operational perspective that improvements could be made to some processes in relation to motions that may help Members' and Service Directors understand the possible impact of motions before submitting them and identify who will be responsible for ensuring actions can be tracked and monitored.
21. Propose that the time for submitting motions with notice to be extended to 9 clear working days. Motions will need to be submitted by 5pm prior to the 9th clear working day. This will allow time for discussions / consultation with the Monitoring Officer / Deputy Monitoring Officer / 151 Officer or Service Director where appropriate and allow time for alterations where required.
22. It is proposed that when submitting a Motion, a Motions Form (**Appendix 5**) be submitted to ensure that all the necessary information is included which will enable appropriate consideration by the Chair of the Council and the Monitoring Officer. The form will also identify who is responsible for any actions arising from the agreement of the Motion and will facilitate Motions to be tracked to ensure that any actions are carried out and within the required timescale.
23. Any known amendments to Motions must be submitted 2 working days prior to the meeting to allow time for discussions/consultation with the Monitoring Officer / Deputy Monitoring Officer/ 151 officer or Service Director where appropriate, to ascertain if the amendment is lawful or valid. This will allow the Chair to read any proposed amendments out at the meeting, therefore providing members with clarity with regard to the amendment to the Motion and clarity on what they are voting on.
24. Any amendment must be relevant to the Motion and should not substantially alter the Motion in such a way as to negate the Motion or to introduce a new proposal.

What decision(s) are being asked for?

25. That the Constitution and Members Development Committee consider proposals to update the Constitution and that the Committee endorses the following:
 - I. Endorse the Vote of No Confidence proposed amendment and criteria for resubmitting to Council
 - II. Note that all Members of Council to vote on appointment of Committee Chairs and members
 - III. Endorse the recommendation for Scrutiny Chair role profiles.
 - IV. Change the timescale for submitting a Motion from 7 working days to 9 working days for Notice of Motions
 - V. Endorse the proposals to introduce the use a Notice of Motion form to gather additional information

- VI. Endorse the proposal to submit known amendments to motions 2 working days before the meeting

Other potential decisions and why these have not been recommended

26. Not applicable

Impact(s) of recommended decision(s)

Legal

27. No impact.

Financial

28. No impact.

Policy Framework

29. Not applicable. The report does not propose an amendment to the policy framework.

Equality and Diversity

30. Not applicable.

Risk

31. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation, it could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities.

Actions to be taken to implement the decision(s)

32. Monitoring Officer to draft a report to Council setting out the proposed changes to the Constitution for consideration by Full Council.

Background Papers

Knowles on Local Authority Meetings (8th Edition)
Council Minutes – 14 October 2020

MOTIONS OF NO CONFIDENCE

1. Motions of no confidence in a Chair of a committee /scrutiny panel may be moved in a committee meeting as an interim measure. However, the Council appoint Committee Chairs, therefore a confidence motion relating to a Chair of Committee must be approved by Full Council as a non-delegated item, with a recommendation that a new Chair be appointed by Council.

Raising a No Confidence Motion

Committee and Scrutiny Chairs

2. Any member of a committee, Overview and Scrutiny Board or any Scrutiny Panel shall be entitled to give notice to the Monitoring Officer or the Head of Democratic Services that they wish an item relevant to the Committee's function to be included on the agenda for the next available meeting (7 clear working days' notice prior to the appropriate committee). The request must contain detailed reason for the motion.

Behaviour likely to lead to motions of no confidence (but not limited to);

- a. Inability to Chair meetings or to act properly as Chair over a period of time (what period? 50% planned meetings? Members allowances).
 - b. Persistent refusal to hear a particular Member over and above what would be expected in exercising control over the conduct of a meeting.
 - c. Persistent behaviour of the type likely to lead to censure motions.
 - d. Continual failure of an Executive Member to attend Overview and Scrutiny Board, when requested.
 - e. Continually not attending Committees of which they are a member of without adequate explanation (%?).
 - f. Actions subject to formal investigation (not determination of the validity of allegations) that may bring into question council decisions or bring the Council into disrepute
3. The Monitoring Officer will ensure it is included on the next available agenda as the first item for consideration. Where it is not feasible to give the required notice, then a Member of that Committee after consultation with the Monitoring Officer may move that an urgent agenda item is considered at the meeting. Under the law, only the Chair can admit urgent items of business - failure of the Chair to admit a confidence motion in respect of him/herself may be submitted as a Notice of Motion to Council.
 4. For consideration of such a motion, the Chair shall cease to be Chair of the Committee for that item and shall be an Ordinary Member of the Committee. The Monitoring Officer, or their representative, will act as Chair of the Committee during consideration of the motion.
 5. Where a Member wishes to bring a confidence motion against the Chair of a Committee of which they are **not a Member**, it should be brought as a notice of motion to the Council under the Council's Procedure Rules.

6. The motion, after debate, shall be carried if it is agreed by a simple majority of the **Members** present and voting. The Chair shall immediately stand down and the remainder of the meeting shall be chaired by the Vice-Chair or, in his/her absence, or if he/she was acting as the Chair and the subject of the vote, by a Member elected for that purpose by the meeting.
7. Following a successful vote of no confidence in the Chair, he/she shall not officiate at any subsequent meeting of the Committee prior to the next meeting of the Full Council.
8. If the Council does not confirm the vote by a simple majority of the Members present and voting, the Member remains as Chair of the Committee.
9. Only 1 vote of no confidence can be considered in any 12 month rolling period.

Mayor and Executive

10. A confidence motion against an Executive Member may be brought at Council under the Council's Procedure Rules but the Executive Member can only be removed by the elected Mayor
11. A confidence motion against the Elected Mayor may be brought at Council under the Council's Procedure Rules, however by law the Mayor remains in office until resignation, disqualification or the appointment of a successor, so the Mayor cannot be dismissed by Council by a vote of no confidence.
12. Only 1 vote of no confidence can be considered in any 12 month rolling period.

Chair of the Council

13. A confidence motion against the Chair of the Council may be brought at Council under the Council's Procedure Rules.
14. Only 1 vote of no confidence can be considered in any 12 month rolling period.

No Confidence Motions at Council

15. Members must give notice to the Monitoring Officer or the Head of Democratic Services that they wish put a motion to Full Council (9 clear working days' notice prior to of the appropriate Council Meeting).
16. The Council shall consider whether to confirm the vote of no confidence. If by a simple majority of the **Members** present and voting, they decide to confirm the vote, the office of Chair of the relevant Committee shall be declared vacant and the Council shall elect a new Chair.

Procedure

Where motions of confidence are moved, the rules of debate will not strictly be applied and in accordance with the rules of natural justice, the defendant (Chair or Mayor, Executive Member) will have the right to speak last, though the mover will have the right to respond.

Other Local Authority Constitution Excerpts

Surrey Heath

6.3 At any meeting of a committee, a councillor may propose that “the meeting has no confidence in the chairman.” The question will, after debate, be put and if carried by a majority of at least two thirds of the councillors present, the chairman will stand down and the remainder of the meeting will be chaired by the vice-chairman or, in his or her absence (or if he or she was the chairman subject to the vote) by a councillor elected for that purpose by the meeting.

6.4 Following a successful vote of no confidence in the chairman, he or she will not officiate at any subsequent meeting of the committee prior to the next meeting of the Council. At that meeting, the Council will consider whether to confirm the vote of no confidence. If by a simple majority the Council decides to confirm the vote, the office of chairman of the committee will be declared vacant and a new chairman will be elected by the Council.

Adur & Worthing Borough Council

(a) At any Meeting of a Committee, a Member of that Committee may move that “the Meeting has no confidence in the Chairperson”. If seconded, the motion shall, after debate, be put and, if carried by a majority of at least two thirds of the Members present, the Chairperson shall immediately stand down and the remainder of the Meeting shall be chaired by the Vice-Chairperson or, in his/her absence, or if he/she was acting as the Chairperson and the subject of the vote, by a Member elected for that purpose by the Meeting.

(b) During the consideration of a motion under (a) above, the Chairperson shall cease to be Chairperson of the Committee and shall be an Ordinary Member of the Committee. The Director for Communities, the Solicitor to the Council, or their representative, will act as Chairperson of the Committee during consideration of the motion.

(c) Following a successful vote of no confidence in the Chairperson, he/she shall not officiate at any subsequent Meeting of the Committee prior to the next meeting of the Full Council. At that Meeting, the Council shall consider whether or not to confirm the vote of no confidence. If by a simple majority they decide to confirm the vote, the office of Chairperson of the relevant Committee shall be declared vacant and a new Chairperson shall be elected by the Council. If the Council does not confirm the vote by a simple majority, the Member remains as Chairperson of the Committee.

Harrowgate

1. Behaviour likely to lead to motions of no confidence

(a) Inability to Chair meetings or to act properly as Chair over a period of time.

(b) In respect of the Mayor, a failure to carry out the duties in a manner appropriate to that office.

- (c) Persistent refusal to hear a particular Member over and above what would be expected in exercising control over the conduct of a meeting.*
- (d) Persistent behaviour of the type likely to lead to censure motions.*
- (e) Failure by Cabinet Members to meet Councillors in circumstances required under the Council's Procedure Rules.*
- (f) Failure of a Cabinet Member to attend an Overview and Scrutiny Committee of which they have notice without adequate explanation. (This may also result in a complaint to the Monitoring Officer or other action).*

2. Conventions in connection with Motions of Confidence

- (a) Confidence in the Cabinet Members or Chairs of Council Committees is a matter implicitly on Council and committee agenda and may be moved at any meeting without notice and will be treated as an urgent item of business and minuted accordingly.
(Note: under the law, only the Chairman can admit urgent items of business - failure of the Chairman to admit a confidence motion in respect of him/herself would probably lead to a Notice of Motion to Council and would itself be a matter for a censure motion).*
- (b) It is the Council's policy to appoint Committee Chairs at its Annual Meeting and therefore a confidence motion relating to a Chair of Committee if approved, would go to the Council as a non-delegated item with a recommendation that a new Chair be appointed by Council.*
- (c) A Committee may only consider whether it has confidence in its own Chair and not the Chair of any other Committee.*
- (d) Where a Member wishes to bring a confidence motion against the Chair of a Committee of which (s)he is not a Member, it should be brought as a notice of motion to the Council under the Council's Procedure Rules.*
- (e) By law the Mayor remains in office until resignation, disqualification or the appointment of a successor, so it follows the Mayor cannot be dismissed by a vote of no confidence. It may be expected that the Mayor would resign if the Council expressed a lack of confidence by approving a no confidence motion.*
- (f) A confidence motion against a Cabinet Member may be brought at Council under the Council's Procedure Rules but the Cabinet Member can only be removed by the Leader. It may be expected that the Cabinet Member would resign or the Leader dismiss him/her if the Council as a whole indicated a lack of confidence.*
- (g) The Leader can only be removed by a notice of motion laid in accordance with the Council's Procedure Rules and not by a vote of no confidence.*

3. Procedure

Where motions of confidence are moved, the rules of debate will not strictly be applied and in accordance with the rules of natural justice, the defendant (Chair or Cabinet Member) will have the right to speak last, though the mover will have the right to respond immediately before the last speaker.

APPENDIX 3

Voting on appointments at Committees - Council Procedure rules excerpt

CHAIRING

1. The Council will appoint chairs and vice-chairs of the Council and all committees and scrutiny panels at its Annual Meeting.
2. Where there is a vacancy for Chair, the Vice Chair will act as Chair until the council fills the vacancy *at the next general full council meeting*.
3. Written notice of the resignation of a Chair or Vice Chair will be effective on receipt by the Monitoring Officer.
4. In the absence of the Chair and Vice-chair at a meeting, the committee will appoint a chair for that meeting or part of that meeting, as appropriate. The person presiding at the meeting may exercise any power or duty of the Chair.
5. Chairs and (where required) Vice Chair of sub-committees of main committee/s will be appointed by the parent committee.
6. The Council may at any time remove a Chair or Vice Chair of a committee.
7. A joint meeting should appoint a member to chair the meeting?
8. No member of the Executive will chair any meeting of the Council, Overview and Scrutiny Board; a Scrutiny Panel or the Corporate Affairs and Audit Committee.

Role Descriptor: Chair or Vice Chair of Overview and Scrutiny Board

Role	Actions	Skills / Behaviour
To provide clear leadership and direction to the Board	<ul style="list-style-type: none"> • Adhere to Council Committee procedures, such as setting the agenda and following established protocols. Ensure that Call-in meetings are conducted in line with scrutiny protocols and procedures, and that the Board takes heed of any advice provided by the Monitoring Officer/Section 151 Officer in relation to decisions that may or may not be outside of the Policy Framework; • Ensure that discussions are held within a framework for open and focussed debate, and encourage participants to agree on a way forward; • Ensure that the Board holds appropriate parties to account, in line with relevant legislation; • Ensure that Overview and Scrutiny makes a positive contribution to the development of policy and the continuous improvement of Council operations; • Provide strong and fair leadership and clear guidance to Members and officers in respect of the Overview and Scrutiny function; • Maintain an overview of the work of the Board to ensure effective co-ordination and progress of all work; and • Review and scrutinise matters relating to the planning, provision and operation of health services. 	<p>These include:</p> <ul style="list-style-type: none"> • Influencing skills; • Leadership skills; • Good working relationships; • Communication skills; • Negotiation skills; • Listening skills; • Mediation skills; • Public speaking skills; and • Knowledge and understanding of the subject.
To actively promote and champion the role and work of the Overview and Scrutiny function	<ul style="list-style-type: none"> • Develop a clear understanding of the Board's and individual Panels terms of reference, including the services they are responsible for; • Attend meetings, conferences, governmental discussions or other venues as a representative of the Board; • Engage partner agencies in the Board's work to promote a constructive approach to Overview and Scrutiny; • Undertake media and other public affairs activity on behalf of the Board; and • Regularly liaise and communicate with relevant stakeholders to obtain appropriate advice and encourage involvement in the scrutiny process. 	<p>These include:</p> <ul style="list-style-type: none"> • Leadership skills; • Communication skills; • An understanding of media practice / communications; • Public speaking skills; • Tact and diplomacy skills; and • A willingness to engage.

Role	Actions	Skills / Behaviour
To act as a mentor to the Scrutiny Chairs	<ul style="list-style-type: none"> Identify any required training in respect of Chairing skills and meeting etiquette by attending / observing scrutiny meetings, and providing guidance and critical feedback as appropriate; Hold regular meetings between the Chair and Vice-Chair of the Board and all Scrutiny Chairs and Vice-Chairs to discuss any potential issues and share good practice, such as methods by which to ensure the most effective use of available resources; and Encourage Panel members to develop the necessary skills to contribute effectively to the work of the Panel and to work with officers to provide training, if appropriate. 	<p>These include:</p> <ul style="list-style-type: none"> Influencing skills; Leadership skills; Communication skills; Good working relationships; and Knowledge and understanding of the subject.
To maintain an effective relationship between the Executive and the Board	<ul style="list-style-type: none"> Develop a clear understanding of the role of the Board in relation to the Executive; Initiate and develop constructive relationships with the Executive; and Attend, when requested, meetings of the Executive when items relevant to the Board are being discussed. 	<p>These include:</p> <ul style="list-style-type: none"> Influencing skills; Leadership skills; Communication skills; Good working relationships; and A willingness to engage.
To communicate with the Council as a whole	<ul style="list-style-type: none"> Report progress of issues, in particular to full Council; and Explain and justify decisions to Executive and full Council. 	<p>These include:</p> <ul style="list-style-type: none"> Leadership skills; Public speaking skills; and Good working relationships.

Role Descriptor: Chair or Vice Chair of Scrutiny Panel

Role	Actions	Skills / Behaviour
To provide clear leadership and direction to the Panel	<ul style="list-style-type: none"> • Adhere to Council Committee procedures, such as setting the agenda and following established protocols; • Ensure that discussions are held within a framework for open and focussed debate, and encourage participants to agree on a way forward; • Ensure that the Panel holds appropriate parties to account, in line with relevant legislation; • Ensure that Overview and Scrutiny makes a positive contribution to the development of policy and the continuous improvement of Council operations; • Provide strong and fair leadership and clear guidance to Members and officers in respect of the Overview and Scrutiny function; • Maintain an overview of the work of the Panel to ensure effective co-ordination and progress of all work; and • Review and scrutinise matters relating to the planning, provision and operation of health services. 	<p>These include:</p> <ul style="list-style-type: none"> • Influencing skills; • Leadership skills; • Good working relationships; • Communication skills; • Negotiation skills; • Listening skills; • Mediation skills; • Public speaking skills; and • Knowledge and understanding of the subject.
To actively promote and champion the role and work of the Panel	<ul style="list-style-type: none"> • Develop a clear understanding of the Scrutiny Panel's terms of reference, including the services it is responsible for; • Attend meetings, conferences, governmental discussions or other venues as a representative of the Panel; • Engage partner agencies in the Panel's work to promote a constructive approach to Overview and Scrutiny; and • Regularly liaise and communicate with relevant stakeholders to obtain appropriate advice and encourage involvement in the scrutiny process. 	<p>These include:</p> <ul style="list-style-type: none"> • Leadership skills; • Communication skills; • Public speaking skills; • Tact and diplomacy skills; and • A willingness to engage.

Role	Actions	Skills / Behaviour
To act as a mentor to the members of the Panel	<ul style="list-style-type: none"> • Provide guidance and critical feedback to Scrutiny Panel members; • Identify any required training in respect of meeting etiquette; • Hold regular meetings between the Chair and Vice-Chair to discuss any potential issues and share good practice, such as methods by which to ensure the most effective use of available resources; and • Encourage Panel members to develop the necessary skills to contribute effectively to the work of the Panel and to work with officers to provide training, if appropriate. 	<p>These include:</p> <ul style="list-style-type: none"> • Influencing skills; • Leadership skills; • Communication skills; • Good working relationships; and • Knowledge and understanding of the subject.
To maintain an effective relationship between the Executive and the Panel	<ul style="list-style-type: none"> • Develop a clear understanding of the role of the Panel in relation to the Executive; • Initiate and develop constructive relationships with the Executive; and • Attend, when requested, meetings of the Executive when items relevant to the Panel are being discussed. 	<p>These include:</p> <ul style="list-style-type: none"> • Influencing skills; • Leadership skills; • Communication skills; • Good working relationships; and • A willingness to engage.
To communicate with the Council as a whole	<ul style="list-style-type: none"> • Report progress of issues, in particular to full Council; and • Explain and justify decisions to Executive and full Council. 	<p>These include:</p> <ul style="list-style-type: none"> • Leadership skills; • Public speaking skills; and • Good working relationships.

DATE MOTION SUBMITTED		
PROPOSER		
SECONDER		
DATE OF COUNCIL MEETING		
RESPONSIBLE EXECUTIVE MEMBER		
SUBJECT OF MOTION		
ACTION REQUIRED TO IMPLEMENT THE MOTION		
IS THERE ANY FINANCIAL/LLEGAL/SERVICE IMPACT (CHECK WITH MO/S151/SERVICE DIRECTOR)		
PERSON/PEOPLE RESPONSIBLE FOR ACTION		
DEADLINE DATE FOR ACTION		