

Chichester District Council

FULL COUNCIL

2 MARCH 2021

Amendment to Constitution on Vice Chairman authority

1. Contacts

Report Author:

Nicholas Bennett, Monitoring Officer

Tel: 01243 534658 E-mail: nbennett@chichester.gov.uk

2. Recommendation

- 2.1 That the Monitoring Officer be directed to amend the Constitution to remove the requirement that a Vice Chair may only chair a meeting in the absence of the Chairman to that meeting.

3. Background

- 3.1 Recently a committee Chairman was unable to speak due to illness and whilst able to participate in the meeting would not have been able to chair it. The Vice Chairman was the obvious person to take the chair and all members present agreed to this. However on legal advice based on the current Constitution the elected Chairman was thereupon obliged to absent herself, against her wish. The current Constitution took its wording from the former national model and this restricts the ability to have a replacement chair other than when the annually elected Chairman of that meeting is entirely unavailable. Councillor John-Henry Bowden (the Vice-Chair on that occasion) approached the Monitoring Officer and asked that this be amended.

4. Outcomes to be achieved

- 4.1 That the application of the Constitution is more flexible as to how members may amend their Chair in exceptional circumstances such as that which led to the issue described in the background above.

5. Proposal

- 5.1 Amending Chairmanship of a meeting is practically difficult especially if the Chairman in question is in ill health or similar. Such a change effectively requires a vote of no confidence in the regular Chairman which by its nature is not a positive method and to be avoided.
- 5.2 The proposal simplifies the position such that the Vice Chairman is always entitled To take the role of Chairman even if the Chairman is physically present for some or all of the meeting. This transfer to the Vice Chairman would be with the agreement of the regular Chairman when that Chairman is present.

5.3 The relevant section of the Constitution is Part 4, section 3.1.2 and the intention is simply to remove the reference to the Vice Chairman taking control of the meeting “in the absence of the Chairman” so that the decision can be managed with absolute flexibility between the Chairman and their Vice Chairman.

6. Alternatives that have been considered

6.1 A Chairman is always required at each meeting so there has to be some mechanism to enable that. Members may choose to leave the Constitution as it is if preferred.

7. Resource and legal implications

7.1 Having a more flexible procedure in place would have a nominal reduction in work required in such exceptional circumstances but no significant further implications.

8. Consultation

8.1 This is entirely a matter for Members.

9. Community impact and corporate risks

9.1 None

10. Other Implications

Are there any implications for the following?		
If you tick “Yes”, list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime & Disorder: The Council has a duty “to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”. Do the proposals in the report have any implications for increasing or reducing crime and disorder?		X
Climate Change and Biodiversity: Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		X
Human Rights and Equality Impact: You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		X
Safeguarding and Early Help: The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		X
General Data Protection Regulations (GDPR): Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to): <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. 		X

<ul style="list-style-type: none"> • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		
<p>Other (Please specify): eg health and wellbeing</p>		<p>NONE</p>

11. Appendices

11.1 None

12. Background Papers

12.1 None