

The Role of the Chair

The Chair or Member presiding over a meeting of a council is required, by common law, to regulate the conduct of a meeting and preserve its order. Orderly conduct and keeping good order is key to ensuring that business is completed. The job of the person chairing a meeting is not an easy one.

Councillors and members of the public will be keen to have their point heard and sometimes the robust comment or dialogue can become out of hand. In order to control and complete the meeting's business, the Chair will need to check for comments which are irrelevant, repetitious and not addressed to the Chair and check the use of rude or disrespectful language and personal insults. If a Councillor or a member of the public disregards the Chair's request to modify their conduct, the Council can resolve to have the person causing the disturbance to the meeting excluded.

Legislation does not prescribe how meetings of parish councils are to be conducted. Standing Orders regulate the venue, date, duration and manner in which meetings of the Council are to be conducted.

The main rules of law governing the role of the Chair of a parish council are set out in the Local Government Act 1972, principally within Schedule 12, which sets out, for example:

- that the Chair must preside at a meeting of the parish council if he or she is present and;
- that it is the person who presided at the meeting who has the responsibility to sign the minutes as a true record.

It is the duty of the Chair "to preserve order, and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with regard to any question which is properly before the meeting". [*National Dwellings Society v Sykes (1894)*]

It is the Chair's responsibility:

- (a) To determine that the meeting is properly constituted and that a quorum is present;
- (b) To inform himself as to the business and objects of the meeting;
- (c) To preserve order in the conduct of those present;
- (d) To confine discussion within the scope of the meeting and reasonable limits to time;
- (e) To decide whether proposed motions and amendments are in order;
- (f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- (g) To decide points of order and other incidental questions which require decision at the time;
- (h) To ascertain the sense of the meeting by:
 - (i) Putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
 - (ii) Declaring the result; and
 - (iii) Causing a ballot to be taken if duly demanded;

- (i) To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- (j) To adjourn the meeting when circumstances justify or require that course; and
- (k) To declare the meeting closed when its business has been completed

“Knowles on Local Authority Meetings” (ICSA Publishing)

Voting

During the meeting, if a vote on a matter is tied, the Chair, or other person presiding, has a second or casting vote.

Whilst it is a convention in some councils that the Chair will not vote when a matter is put before the meeting and will only use his or her casting vote, there is no rule of law on this and it is becoming a practice little followed. Some councils apply a convention that the Chair will use his or her second or casting vote in a way to support the status quo and keep the question open for reconsideration at a later date, which is generally considered to be best practice.

The Chair's term of office continues until the appointment of a successor, other than where the Chair resigns or is disqualified. This continuity also applies when the Chair has not been re-elected following local elections. In this case, the Chair does not have a vote on the appointment of a successor but does have a casting vote in the event of equal votes.

Outside of the Meeting

The Chair:

- is the person to whom notice of resignation is given by other Councillors or the Clerk;
- may convene meetings of the council (on proper notice to the Clerk);
- when attending ceremonial events, is the proper person to represent the parish;
- may receive an allowance to meet the expenses of his or her office.

Beyond that, the workings and decisions not taken by the council or through the delegation scheme, by one of its committees or sub-committees are to be taken by the Clerk to the parish council.

The Chair may have an enhanced role, as functions may be delegated to the Clerk in consultation with the Chair (or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Clerk (not the Chair) but that he or she must first bring the matter to the attention of the Chair and take into account the views of the Chair in coming to his or her decision.

It is also likely to be the case that the Chair will be the person whom the Clerk will approach;

- for information about the council and the parish;
- to seek to informally discuss matters with and;
- to informally consult on decisions that are in the Clerk's remit to make or pass back to a formal meeting.
- Correspondence to and from the council should normally be dealt with by the Clerk, not by the Chair, although, where there are no other administrative staff, the Chair

will be the most appropriate person to deal with correspondence in the absence of the Clerk e.g. to sign letters giving effect to a council decision, or to send a 'holding' reply pending consideration of a matter by the council.

Source: Governance Toolkit for Parish & Town Councils (Published jointly by ACSeS [The Association of Council Secretaries and Solicitors], SLCC [The Society of Local Council Clerks], The Standards Board for England, NALC [The National Association of Local Councils] and LGA [The Local Government Association], 2009