



**Part 5, Section 5(A):
Chairman's Protocol**

**Aide-Memoire For Chairman
During The Year Of Office**

These notes are prepared as a background to assist the Chairman during the year of office.

Most of the points mentioned relate to matters with which the Chairman will need to deal in liaison with the office.

It is most important that these notes should be consulted from time to time throughout the year so that the Chairman will be reminded of the various matters which they are expected to initiate.

THE CHAIRMAN

1.0 The Election of the Chairman

1.1 Any candidate for the post of Chairman of Harborough District Council must be a Member of the Council (Section 3(1) of the Local Government Act 1972).

1.2 The annual election of the Chairman shall be the first item of business at the Meeting of the Council (Section 4(1) of the Local Government Act 1972), with the election being decided by a majority of Members present and voting on the matter of the meeting (Paragraph 39(1), Schedule 12, Local Government Act 1972).

1.3 The outgoing Chairman continues in that post until his or her successor has been chosen and has made a valid declaration of acceptance of office (Section 3(2) of the 1972 Act). The outgoing Chairman will, if present, preside at the meeting to elect his or her successor (Paragraph 5(1), Schedule 12 to the 1972 Act).

1.4 In accordance with the Local Government Act 1972, sections 5(1) and 5(2), the Council must appoint from amongst its Members, a Vice-Chairman, who will hold office until immediately after the election of a Chairman at the next Annual Meeting of the Council.

1.5 The main duty of the Chairman is to preside over principal meetings of Council. If the Chairman is not present at the Council meeting the Vice-Chairman has to preside.

1.6 The person presiding at the Annual Meeting must give a casting vote in the event of any equality of votes for the election of the new Chairman. This is in addition to any other vote he or she may have cast. A candidate for Chairman should not however, continue to preside at the meeting or exercise the casting vote

1.7 Immediately after the result of the election is announced, the successful candidate should publicly make his/her formal declaration of acceptance of office as required by Section 83 of the 1972 Act. The outgoing Chairman will invest the incoming Chairman with the badge of office and the incoming Chairman will present the outgoing Chairman with his/her past Chairman's badge.

2.0 Non-Political Role

2.1 Apart from the role as an ordinary member of the District Council, the Council has decided that the Chairman's role should be primarily Civic and Ceremonial in nature. (Minute number 1039/90-91 refers)

2.2 The office of Chairman of the District Council is a neutral office, and the office-holder is expected to behave impartially and protect the rights of Councillors to participate in debate. If the position was not non-political, then the Council would appoint on political grounds and this would reinforce the position of the controlling or dominant political group to the disadvantage of other groups.

2.3 It is understood that the Chairman is an elected member and as such has certain political beliefs. However, during his term as Chairman any manifestation of these beliefs should be suspended. Not to do this may bring into disrepute the office of Chairman, and eventually affect the credibility of the Council as an authority which takes decisions on the merits of a case rather than on the strength of party political perceptions.

3.0 Committees and Task Panels

3.1 The Chairman/Vice Chairman of Council is required to attend the first meeting of panels and committees for new council year, to facilitate the process of electing Chairperson(s) for these panels and committees.

3.2 The Chairman of the Council may attend as an observer, without rights to discuss or vote on any matter, meetings of the Executive, Boards, Committees, Forums and Task Panels of which he/she is not a member. It is recommended that, as a matter of courtesy, the Chairman of the meeting be informed in advance.

3.3 However, in accordance with Standing Orders the Chairman assumes the Chair for the appointment of Planning & Regulatory Committee Chairman at the first meeting of this committee. In this respect the Chairman should be prepared to exercise a casting vote in the event of a tie and therefore it might be wise to refrain from voting unless a casting vote proves necessary. Standing Orders give the procedure for the appointment of Chairmen of the respective body.

4.0 The legal precedence of the Chairman.

4.1 Section 3(4) of the Local Government Act 1972 specifically provides that 'The Chairman of a District Council shall have precedence in the District but not so as prejudicially to affect Her Majesty's Royal prerogative'.

4.2 It is clear from this wording that the Chairman must give precedence to the Lord-Lieutenant of Leicestershire if the Lord-Lieutenant is attending a function in his/her official capacity representing the Queen.

4.3 Her Majesty the Queen has made it clear that on official royal visits to a district, the order of presentation by the Lord-Lieutenant to the royal visitor will normally be:

- i) Lord Lieutenant's spouse;
- ii) High Sheriff and spouse;
- iii) Chairman of Harborough District Council and spouse;
- iv) Chief Executive, Harborough District Council and spouse.

NB Under a Royal Warrant of 1904 (as amplified by a Home Office Memorandum of 1928), the High Sheriff of the County takes precedence immediately after the Lord-Lieutenant. It is suggested that this should not be interpreted as giving precedence to the High Sheriff of Leicestershire when attending District occasions.

4.4 In general, the Chairman will take precedence in the District over the Town Mayor of Lutterworth unless it is predominantly a Town occasion to which the Chairman has been invited as a guest.

4.5 The Chairman's consort or escort does not have any legal status but customarily takes precedence immediately after the Chairman.

4.6 The Chairman enjoys precedence only in Harborough. The Chairman should not therefore, accept an invitation to attend, in an official capacity, a function in another area without the express consent of the civic head of that area. Under normal circumstances, a telephone call to the secretary of the relevant civic head will suffice. This does not apply to formal invitations received from other authorities to attend civic functions.

4.7 If it is intended to accept an invitation in another authority's area, permission from the Chairman/Mayor's secretary should be obtained if insignia is to be worn.

5.0 The Vice-Chairman

5.1 In the absence of the Chairman, the Vice-Chairman is entitled to the Chairman's right of precedence within the District and only has a civic, legal and royal status in the absence of the Chairman.

5.2 Invitations to a function therefore, should not be sent to (or solicited by) the Vice-Chairman (or for that matter by the Chairman). The Vice-Chairman should not attend functions in his/her own right but only when deputising for the Chairman.

5.3 All invitations should be sent for consideration to the Chairman, as First Citizen and if the Chairman cannot attend, the invitation should generally be offered to the Vice-Chairman. This may not always be automatic or desirable but should be discussed with the Chairman.

6.0 Insignia

The Chairman is responsible for the insignia and Consort's Badge during the year of office, but both are suitably insured by the Council's Insurers under an 'All Risks' Policy. However, we understand from the Insurers that they would NOT consider the boot of a car as being a safe and secure place.

6.1 It is usual for the Chairman to retain the insignia during the year of office except, say, when on holiday when the insignia may be left with the Chief Executive for safe keeping in the strong room.

6.2 The insignia is the outward sign of the civic office held and is worn by the Chairman, Vice-Chairman and their consorts.

6.3 Insignia is worn at all special and public functions connected with the business of the Council at which royalty is present; on all civic occasions, for example the annual Civic Service and at non - civic functions within the district to which the Chairman is invited as First Citizen. Insignia should not be worn at funerals but may be worn at Memorial or Thanksgiving Services.

6.4 As stated earlier, insignia may be worn at out-of-District functions if requested by the host authority or otherwise agreed with the secretary to the Chairman/Mayor of the Borough/District where the function is to be held.

6.5 Retiring Chairmen are presented with a past Chairman's badge by the incoming Chairman at the Annual Meeting of Council.

6.6 Appendix 1 at the back of this document details the relevance of the emblems on the Chairman's Insignia.

THE OFFICE OF CHAIRMAN

The Chairman's Role

There are two distinct facets to the Office of Chairman:

Chairman of Harborough District Council

The Chairman is the First Citizen of the District of Harborough.

Apart from the traditional legal duties such as chairing the meetings of full Council, the bulk of the Chairman's duties consist of the "First Citizen" function of representing the Council, and indeed the whole of the District, and in so doing meeting employers, voluntary organisations and other bodies, mainly within the District but also some further a field.

Job Description – Chairman of Harborough District Council

Post Title: Chairman of Harborough District Council
Accountable to: The Members of Harborough District Council

To act as:

- First citizen of the District, to represent the Sovereign, the Council and the citizens.
- Chairman of the Council.
- Ambassador of the Council to support and encourage the interests of all sections of the community and actively promote the District.

Duties and Responsibilities

1. Chair meetings of Councils in accordance with current central government legislation and the Harborough District Council Constitution.
2. Normally host the following annual civic events:

Annual Council Meeting
Civic Service
Civic Dinner
and such other civic events as may be arranged.
3. Support and encourage the District's twinning links and, by invitation, attend visits to those towns.
4. Support and encourage the interests of the Council and assist with the launch and promotion of Council schemes and initiatives.
5. Support and encourage all sections of the community and, by invitation, attend events, meetings and visits organised by them.
6. Host receptions for local groups and organisations.
7. Recognise achievements by local groups, organisations and residents of the District as appropriate.
8. Greet royal visitors and distinguished guests to the District as appropriate.
9. Sealing of documents to be executed on the Council's behalf. The Vice-Chairman is authorised to sign in the Chairman's absence.

10. Carry out the duties of the post fairly and without discrimination, and in accordance with the aims and objectives of the Council.

The Vice Chairman's Role

There are two elements to the role of Vice Chairman:

To deputise for the Chairman at their request when the Chairman is unable to fulfil an engagement;

To support the Chairman at major civic events organised by the Council.

The Vice Chairman is unable to fulfil a civic engagement in his/her own right. All requests to attend an engagement are for the Chairman only. During the Vice Chairman's year of office it sometimes happens that engagements are sent direct to his/her home address, and these should always be forwarded to the Chairman's Office for the Chairman's attention.

Job Description - Vice Chairman of Harborough District Council

Post Title: Vice Chairman of Harborough District Council
Accountable to: The Members of Harborough District Council

To assist the Chairman of Harborough District.

Duties and Responsibilities

1. Deputise for the Chairman, when the Chairman is unable to fulfil the duties of that post, at the request of the Chairman.
2. Support the Chairman at annual civic events and other events hosted by the Council, at the request of the Chairman.
3. Sealing of documents to be executed on the Council's behalf. The Vice-Chairman is authorised to sign in the Chairman's absence .
4. Carry out the duties of the post fairly and without discrimination, and in accordance with the aims and objectives of the Council.

7.0 The Chairman's Allowance

Section 3(5) of the Local Government Act 1972 states that:

'A principal Council may pay the Chairman for the purpose of enabling him to meet the expenses of his office, such allowance as the Council thinks reasonable'.

- 7.1 The Chairman's Allowance is paid to meet the incidental and day-to-day expenses of the office and any items not covered by the Civic Expenses budget (overleaf) which arise unexpectedly. This does not preclude access to the normal allowance (i.e. attendance, subsistence and travelling) for 'approved duties' under the Members' Allowance Regulations in respect of the Chairman's ongoing duties as a Councillor.
- 7.2 It should be noted that the Chairman cannot initiate any expenditure on the Council's behalf other than expenditure which is to be met through the Chairman's allowance.
- 7.3 No expenditure from the Chairman's allowance is incurred or committed by Officers on the Chairman's behalf, without the Chairman's approval.

8.0 Travelling Allowance

Travelling expenses have been set aside for the provision of transport costs where the Chairman is attending a civic engagement. Examples of a Civic Engagements are Civic Services and Civic Dinners or Lunches.

- 8.1 Special claim forms are available from the Chief Executive's Office for completion when the Chairman's own vehicle is used on civic engagements.
- 8.2 The Vice-Chairman also has call on this facility when attending a function in the Chairman's stead. Should this situation arise the Vice-Chairman is asked to seek the Chairman's agreement.
- 8.3 The services of a chauffeur for any other functions to be judged on an individual basis taking into account distance to be travelled and type of event. Any over expenditure in this area, to be met by an appropriate reduction in the Chairman's Personal Allowance.

9.0 Civic Expense Budget

- 9.1 The Civic Expense Budget is intended to cover the cost of Civic functions and other expenses.

9.2 There is flexibility to move monies between headings under this budget heading only.

9.3 Any expenditure over the total yearly budget which is requested by the Chairman shall be met by an appropriate reduction in the Chairman's Personal Allowance.

10. Receipt of Gifts

10.1 In the course of the duties of being Chairman, it is likely that gifts will be offered to the Chairman either as a personal present or for the Council in general.

Receiving gifts is always difficult and should be treated carefully. However, most gifts are made innocently and without intention to influence and therefore care should also be taken not to offend by refusing.

10.2 Consumable gifts can be treated as being for the Chairman personally, but non-consumable gifts should be treated as gifts to the District and retained in the office. A display case has been placed in Customer Services' reception where gifts received by the Chairman are displayed for the public to see.

10.3 There is a section in the Code of Conduct concerning gifts and hospitality which are worth reading (section 4) Attached at Appendix 2, is a copy of the Council's own Member Code of Conduct.

10.4 Gifts to the Chairman (rather than the Council) and all hospitality, if over the value of £25, are required under the Members Code of Conduct to be entered on the Register of Gifts and Hospitalities held by the Monitoring Officer.

11. Sealing of Documents

11.1 It is a duty of the Chairman's office to sign documents to be executed on the Council's behalf and the Chairman's Office will arrange accordingly.

11.2 The Vice-Chairman is authorised to sign in the Chairman's absence.

The Civic Year

12. Chaplain

12.1 The Chairman may appoint a Chaplain for his/her year of office. The Council minute regarding the appointment of a Chaplain says, 'that the Chairman, at his or her discretion, appoint a Chaplain for his or her year office'. The duties of the Chaplain are:

To say prayers (or make arrangements for prayers to be said) at the commencement of each Council Meeting

To conduct the civic service.

To offer such support as the Chairman may request for other civic events.

13. Chairman's Charity

- 13.1 The Chairman may wish to nominate a charity or charities at the beginning of the civic year who will be the beneficiary of the Chairman's Charity fundraising appeal.
- 13.2 Since Autumn 2004, when the role of Chairman's Secretary was reduced from a full time to a part time role (18.5 hours per week), the Chairman is expected to organise his/her own fundraising activities/events that he/she wishes to arrange for the benefit of his/her chosen charity during the year.
- 13.3 Donations can come from a variety of sources such as church collections, donations from local people and businesses and the proceeds of any events organised by the Chairman.
- 13.4 Such donations are paid into an account known as 'Chairman's Charity, Harborough District Council', with a cheque for the total of funds raised during the year of office usually presented to the nominated charity(s) at the end of the civic year.

Civic Functions

The main civic functions held during the year are:

14.1 Civic Service

Following the appointment of the Chairman's Chaplain arrangements for the Civic Service as to the date and venue should be made.

The Civic Service normally takes place early in the Chairman's term of office but should this prove inconvenient a date after the main summer holidays might be selected.

14.2 Civic Dinner

The Chairman hosts a dinner for civic heads of the other authorities in Leicestershire and the Welland Partnership in order to reciprocate for hospitality received.

14.3 Further Civic Functions

The Chairman may hold further Civic events, subject to funds being available in the Civic Expense Budget. Examples of such events could be a Civic Carol Service or Civic Tour of Harborough.

Any overspend in this area would have to be met from the Chairman's Personal Allowance or own funds.

- 14.4 During the year of office it may be necessary to provide civic receptions (e.g. for visiting delegations), for which there is separate budget provision. The use of this should be agreed in advance with the Chief Executive's Office.

15. Civic Engagements

- 15.1 Care should be taken in accepting invitations involving commercial undertakings. The contribution that the organisation makes to the district should be assessed prior to deciding whether to accept.
- 15.2 When accepting invitations you should always bear in mind the Code of Conduct. It is particularly relevant that your over-riding duty as a Councillor is to the whole local community and you should, at all times, avoid any function or invitation which could give reasonable members of the public cause to suspect improper conduct.

It is difficult to provide a definitive list of examples which would be appropriate or inappropriate to accept, as each invitation should be judged on its merits. However, as a general rule, invitations from a business could be appropriate where, for example:-

- * the Council has given some sort of grant aid;
- * the business has been involved in a Council initiative;
- * the business is part of a wider representative group or forum; (e.g. Chamber of Trade),
- * a business or group of businesses perhaps leading a trade delegation, either abroad or in this country, promoting the District generally.
- * to mark the conclusion of a contract the Council has let to a particular business, for example, a housing refurbishment scheme, or
- * where a business has been involved in some sort of charitable work.

What must be avoided is direct association with a business where there is no obvious connection or reasonable grounds for involvement.

It is unusual for a Chairman to take up a Chairmanship or Presidency of a voluntary organisation during the year of office. Similarly, care should be taken if any invitation is received to publicly sponsor any

financial appeal. It would be wise to discuss this latter aspect with the Chief Executive in the event of such an occasion arising.

16. Informal Meetings of Members

- 16.1 Arrangements have been made in the past for the Chairman's invitations convening any informal member meetings to be circulated through the office when other correspondence was being mailed to Council. However, the onus for calling these meetings and for making the necessary arrangements is the Chairman's. The Chairman has usually kept the Chief Executive in touch with any matters of moment raised at informal meeting, it being appreciated, of course, that instructions to Officers can only flow from the official meetings of the Authority. Informal meetings have sometimes generated items for the Group Leaders/ Management Team meetings. It is important for the Chairman to keep a note of such matters.

17. Public and Staff Relations

- 17.1 Always refer questions to the Communication's Team in the first instance.

There will be times when the Chairman has to act as spokesman for the Council and in such instances the Chairman will give the Council's viewpoint (which may not necessarily coincide with his/her own). Although members of the media are often very persistent it is not unreasonable to decline to make instant comment. This gives the opportunity to think through the key points to be put across and also enables facts to be checked.

- 17.2 It is advisable for the Chairman to avoid becoming 'middle man' between on the one hand individual members of the public, representatives of local organisations, (including the media) and on the other hand members of the Council or Officers. Whenever possible, enquiries should be directed to the appropriate Chairman of Committee, Ward Members or members of the Strategic Team. Such a practice prevents the Chairman of the Council becoming a 'messenger'. To do otherwise results in the Chairman being involved in unnecessary work and can create misunderstandings. Similarly the Chairman should not be seen to favour those who seek benefit in using the Chairman's influence to get things done.
- 17.3 If a Member or Members raise matters of criticism relating to the conduct of individual Officers with the Chairman, it should be explained that the correct procedure is to approach the Head of Service concerned in the first instance and then, if necessary, the Chief Executive. It is important that Members should be encouraged to adopt this procedure and not allow matters relating to Officers to 'fester' or become a source of rumour.

18. End of Term Arrangements

- 18.1 Before the Annual Meeting at the end of the year of office, the Chairman should try to secure arrangements for the nomination of a successor who will, according to the convention established in 1974, be the retiring Vice-Chairman (subject, of course, to the Vice-Chairman continuing to hold office as a Member of the Council).



**Part 5, Section 5(B):
Vice-Chairman's Protocol**

**Aide-Memoire For Vice-Chairman
During The Year Of Office**

These notes are prepared as a background to assist the Vice-Chairman during the year of office.

Most of the points mentioned relate to matters with which the Vice-Chairman will need to deal in liaison with the office.

It is most important that these notes should be consulted from time to time throughout the year so that the Vice-Chairman will be reminded of the various matters which they are expected to initiate.

OFFICE OF VICE-CHAIRMAN

The appointment of District Council Vice-Chairman is a statutory office under Section 5 of the Local Government Act 1972. The Vice-Chairman holds office until immediately after the election of Chairman at the next Annual Council Meeting.

Subject to Council's Standing Orders, the Vice-Chairman is authorised to undertake any duty in the Chairman's absence, e.g. the Vice-Chairman is authorised to witness all official documents which require the affixing of the Council's Common Seal.

PRECEDENCE

Under Section 3 of the Local Government Act 1972, the Chairman of a District Council has precedence in the District, but not so as to affect the royal prerogative. The Chairman also surrenders precedence when the Lord-Lieutenant is present in his official capacity representing the Queen.

When the Vice-Chairman acts officially on the Chairman's behalf, they should strictly be accorded the full precedence of the Chairman. The Vice-Chairman cannot wear the Civic Insignia but can, of course, wear the Vice-Chairman's Badge of Office. The Vice-Chairman has no special precedence when not deputising for the Chairman.

VICE-CHAIRMAN'S ENGAGEMENTS

The Vice-Chairman attends the following functions:

- a) Annual meeting with Parish representatives;
- b) Such civic engagements, if any, as the Chairman may agree with the Vice-Chairman (it should be noted, however, that where an invitation is declined by the Chairman it is not appropriate to suggest that the Vice-Chairman should attend in lieu, unless there is a clear indication from the person inviting that the invitation should be so extended);
- c) The District Council's Civic Service;
- d) County Service;
- e) The Council is usually invited by the British Legion to be represented at the November Remembrance Day Service in Market Harborough and Lutterworth. Since 1974, the Chairman has attended one of these services, and the Vice-Chairman the other. The Council meets the cost of the wreaths to be laid on the Council's behalf.

1.0 Vice Chairman as Chairman-Elect

- 1.1 Under a convention adopted in 1974, the Vice-Chairman is appointed on the basis that the holder of the office will become the next year's Chairman of Council subject, of course, to the Vice-Chairman continuing to hold office as a member of the Council. In practice this convention has been observed by succeeding Councils since 1974, however at the Annual Meeting the Council remains legally free to elect any Councillor it so wishes to the Chair.

2.0 Vice-Chairman's Allowance

The Vice Chairman's Allowance is paid to meet the incidental and day-to-day expenses of the office and any items not covered by the Civic Expenses budget (overleaf) which arise unexpectedly. This does not preclude access to the normal allowance (i.e. attendance, subsistence and travelling) for 'approved duties' under the Members' Allowance Regulations.

3.0 Travelling Allowance

- 3.1 Agreement for use of a chauffeur driven car needs to be given by the Chairman on each occasion.
- 3.2 Alternatively, the Vice-Chairman may use his/her own vehicle and reclaim costs at the appropriate mileage rate and special forms are available from the Chairman's Secretary for this purpose.
- 3.3 The services of a chauffeur for any other functions to be judged on an individual basis taking into account distance to be travelled and type of event. Any over expenditure in this area, to be met by an appropriate reduction in the Chairman's Personal Allowance, so approval prior to booking from the Chairman is required on each occasion.

4. Sealing of Documents

- 4.1 It is a duty of the Chairman's office to sign documents to be executed on the Council's behalf and the Chairman's Office will arrange accordingly.

The Vice-Chairman is authorised to sign in the Chairman's absence.

5. Maintaining Contact with Members of the Council

- 5.1 During each Council year there are occasions when Members are absent from meetings through illness or otherwise. Apologies for absence are often received by the Chief Executive and the Chairman of Council is kept in touch where the officers are aware that a Member might be ill. It is useful if the Vice-Chairman, on the Chairman's behalf, maintains contact when any Member is indisposed so that the

Chairman can be primed, where necessary, either to write, visit or make reference to a Member's illness under the Chairman's announcements to Council.

6. End of Term Arrangements

6.1 Chaplaincy and Civic Service Arrangements for the following year

Towards the end of the Vice-Chairman's term it is advisable to give thought to provisional arrangements for the Civic Service as to the date, venue and who the person he/she intends to appoint as Chaplain.

The Council minute regarding the appointment of a Chaplain says, "that the Chairman, at his or her discretion, appoint a Chaplain for his or her year of office." It should be borne in mind that these arrangements are made on behalf of the Council, even though there is no guidance as to the Civic Service in the Council Minutes. A Civic Service normally takes place early in the term of office as Chairman, but should this prove inconvenient a date after the main summer holidays might be selected. The avoidance of any clash with the date for the County Service is advisable.

6.2 Annual Council Meeting for following year

It is the Vice-Chairman's responsibility to ensure that a member is prepared to propose a vote of thanks to the retiring Chairman. The vote of thanks is made on behalf of the Council for the services rendered by the Civic Head. The Vice-Chairman could undertake this task, but it is generally preferred that the vote of thanks comes from the body of the meeting rather than the 'dais'. No seconder is needed as the vote is not 'put to the meeting'.