

NALC, Society of Local Council Clerks, Standards Board of England and LGA

Governance Toolkit for Parish & Town Councils

The Role of the Chairman

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

- that the Chairman 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 has the responsibility to sign the minutes as a true record;
- It is the duty of the Chairman “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 Chairman’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

Voting During the meeting,

If a vote on a matter is tied, the Chairman, or other person presiding, has a second or casting vote.

Whilst it is a convention in some councils that the Chairman 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 Chairman 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 Chairman's term of office continues until the appointment of a successor, other than where the Chairman resigns or is disqualified. This continuity also applies when the Chairman has not been re-elected following local elections. In this case, the Chairman 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 Chairman:

- 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 Chairman may have an enhanced role, as functions may be delegated to the Clerk in consultation with the Chairman (or the Chairman of a Committee).

This means that the decision and the responsibility for it, remains with the Clerk (not the Chairman) but that he or she must first bring the matter to the attention of the Chairman and take into account the views of the Chairman in coming to his or her decision.

It is also likely to be the case that the Chairman 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 Chairman, although, where there are no other administrative staff, the Chairman 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.