

## **Annex 4.9 – Guidance on the Role of the Chair and Vice Chair**

1. This document provides guidance for the Chairs and Vice Chairs of committees sub-committees, and panels at Epsom and Ewell Borough Council. It sets out some principles within which Chairs and Vice Chairs should aim to operate, but it is in the nature of these roles that not everything can be covered. Where a Chair or Vice Chair is uncertain about their role, powers or the correct procedure to follow, they should seek the advice of officers.
2. Much of the role of a Chair and Vice Chair is to facilitate the smooth running of meetings, to progress through agreed agendas and to reach decisions where required. However, there are some important principles to remember as decisions can be held void if challenged.
3. The council appoints committees, and the Chairs and Vice Chairs (where appropriate) of those committees; and delegates matters to the committees, or to officers, to decide. Matters that are not delegated are left in the control of the Full Council, but the vast majority of decisions are delegated.
4. Chairs should note that as per committee rules of procedure ([Constitution](#), Appendix 5), agendas must include any items of business that the Chairs require to be included.
5. The Chair takes charge of the meeting and must act impartially in controlling and leading the meeting to ensure that discussions and debates are carried out fairly and in accordance with the council's Constitution and procedural rules. The Chair should ensure that decisions made are clear, that is, the committee members must know what they are voting for, and that this is in accordance with the council's Constitution and the meeting's agenda.
6. In the absence of the Chair, the Vice Chair must, if present, preside. If both the Chair and the Vice Chair are absent or not appointed, then a member of the committee will be elected to Chair the meeting until the Chair or Vice Chair is present.
7. It is important for a Chair to ensure that they have prepared thoroughly for the meeting, including reading the reports.
8. Schedule 1, paragraph 39(2) of the Local Government Act 1972 provides that the Chair of a meeting has a casting vote. This means that, if once the votes at a meeting have been counted and there is a tie, then the Chair is able to exercise their casting vote. The Chair does not have to exercise their casting vote. Should they choose to do so, it is entirely up to them how it is exercised.
9. Section 101 of the Local Government Act 1972 does not enable matters to be delegated to a single councillor, unless the council operates an executive model of governance. Matters can only be delegated to committees, sub-

committees, joint committees and officers. Accordingly, if a matter is left at a meeting to be decided, the committee should resolve to delegate the decision to an officer “*in consultation with*” the Chair/Vice Chair. This means that the decision is that of the officer, but they will consult with the Chair and should listen carefully to the Chair’s view.

10. The authority coming to the Chair from standing orders and common law is such that where a Chair acts reasonably and in good faith, a challenge to their decision is unlikely to be upheld. Although, if a Chair were to act improperly a court could intervene if a challenge were made, which would usually be via judicial review. Although such challenges are rare, they are not unknown and when made are always expensive and can be reputationally damaging.
11. Before a meeting it is usual for the Chair, often with the Vice Chair, to have a meeting, also known as call-over, with the relevant officers to consider the agenda and the matters which will be considered at the meeting, and how the meeting will be handled. Papers for call-over should be provided five days in advance of the meeting to allow time for the papers to be read. Those present will go through the papers to ensure the recommendations are understood and the documentation is clear. Reports that make recommendations “to note” should be by exception only, and most reports should require a decision. For meetings to be successful it is important for the Chair and their lead officers to develop a mutually respectful and trustworthy relationship. Whilst the Chair will give their view, and an experienced Chair can add considerably to the agenda setting due to their knowledge of the subject, it is the responsibility of officers to finalise the agenda.
12. The Chair can decide if an urgent matter can be admitted to the agenda, **provided that the Chair has consulted with the Monitoring Officer prior to the meeting**. It is however strongly recommended that Chairs only agree for urgent items to be admitted in exceptional circumstances, rather than this becoming an accepted norm.
13. At the meeting, the Chair will call members to order and check that there is a quorum. The Chair, with their knowledge of the agenda, should try to keep the discussion at the meeting within scope and to time. The Chair should seek advice from officers about motions and amendments, to ensure that they are in order.
14. It is the responsibility of the Chair to decide any points of order, after taking advice from the responsible officers present. Chairs should also ensure that the debate is carried out fairly, and in accordance with the standing orders in the [Constitution](#) (Appendix 4 and Appendix 5), and other relevant guidance, in the Constitution.

15. A Chair should not become personally involved in the discussion and should be clear about what is being put to members. The Chair's ruling on any matter will be final, but that ruling must be reasonable, otherwise it is open to challenge. The Chair must decide other incidental questions that require decision at the time.
16. The Chair is able to adjourn the meeting themselves in exceptional circumstances, for example when there is persistent disorder. However, the Chair can always ask the meeting if they will agree to a short adjournment and it is usual for committee members to respect the Chair and take their guidance from them. The Chair is able to exclude a member who exhibits persistently bad behaviour and, at all times, if the Chair stands all other persons must be silent.
17. If a member of the public interrupts a meeting, the Chair can warn the person concerned. If they continue to interrupt the Chair can order their removal from the meeting.
18. It is the responsibility of the Chair to declare the meeting closed when business has been completed.
19. The Chair is to approve the draft of the minutes or other record of proceedings.
20. It is the Chair's decision as to whether to cancel or postpone a meeting.