



## Hampshire ALC Key Topic Note – Role of the Chairman

The chairman has an important role on the council. This document outlines the chairman's role and responsibilities.

### Election of chairman

A local council is not properly constituted until it has appointed a chairman and this must be the first business at the council's annual meeting [Local Government Act 1972, s.15 \(2\)](#) and [Local Government Act 1972, s.34\(2\)](#). The chairman remains in office until a successor is appointed at the next annual meeting, or if they resign or cease to be qualified or become disqualified. The role must be voted on annually.

Once elected by their fellow councillors, the chairman must sign a Declaration of Acceptance of Office before the meeting proceeds to other business [Local Elections \(Declaration of Acceptance of Office\) Order 2012 ISI2012 No 1465](#).

If the retiring chairman remains a councillor, then they preside at the meeting until the new chairman has been elected. If the retiring chairman is no longer a councillor, then they do not have an original vote but can exercise a casting vote in the case of an equality of votes. It is lawful for the chairman to vote for themselves or to use their casting vote in the same way.

### Meetings

If present at a council meeting, then the chairman must preside [Local Government Act 1972, Sch 12](#), paras 11 and 27. They are responsible for ensuring good order and preventing decisions being taken on matters which are not on the agenda.

Although it is the clerk's responsibility to set the agenda for a council meeting, it is good practice for the chairman and the clerk to discuss the agenda before it is published. The chairman should ensure they are fully apprised of agenda items and it is good practice to meet with the clerk prior to the meeting to ensure both are familiar with the items for discussion thus ensuring the smooth running of the meeting.

The chairman can change the order of items on the agenda at the meeting if they so wish and they also have a casting vote should there be an equality of votes on a matter. The chairman is responsible for signing minutes when they are approved at a meeting.

### Convening meetings

The chairman may call an extraordinary meeting of the council in accordance with the council's Standing Orders. They may also call a meeting of electors of the parish giving 7

days' notice [Local Government Act 1972 Sch.12](#), paras 9(1), 10(2), 15(1) (2) (3), 25(1) and 26(2).

### **Working with the Clerk**

The clerk and the chairman often have a closer working relationship than the clerk would necessarily have with other councillors, but the chairman should always remember that the clerk is accountable to the council as a whole and not to an individual councillor, including the chairman. This means that the chairman is not permitted to instruct the clerk to carry out any work.

### **Resignations**

The chairman is the proper person to whom a notice of resignation from a councillor must be given. If the chairman chooses to resign then they should submit their resignation to the council set out in the [Local Government Act 1972, s.84\(1\)\(a\) and \(d\)](#).

### **Chairman as representative of the council**

Although the chairman has no special powers to act alone, it is expected that they are the proper person to represent the parish or town at events or ceremonial occasions such as the laying of the wreath on Remembrance Sunday.

### **Chairman's allowance**

The chairman is permitted to receive an allowance to meet the expenses of the role [Local Government Act 1972 s.15\(5\)](#) and [Local Government Act 1972, s.34\(5\)](#). The amount of the allowance must be set by the council in advance and should take into account what the chairman may have to do as part of their role. For instance, they may be expected to travel to attend an event, or they may incur extra office expenses due to their role. Often part of the chairman's allowance is used to pay for refreshments at the annual electors' meeting. If a round sum allowance is paid without accounting fully for expenditure, any internal or external auditor may conclude that the council cannot be sure that monies were spent on the statutory purpose. It is therefore preferable either for expenditure to be reimbursed upon production of receipts, or for the chairman to draw an advance against identifiable expenditure. PAYE complexities are another good reason not to pay a round sum allowance. There are no tax consequences if reimbursed or advanced against actual expenditure.

### **Essential Resources**

**Other useful information relating to this subject can be found in the Hampshire ALC Member Area:**

Hampshire ALC Key Topic: Role of a Parish or Town Councillor

Hampshire ALC Key Topic: Role of the Clerk and RFO

Hampshire ALC Key Topic Note: Council Meetings

NALC LTN 2: The Chairman of Local Councils

NALC LTN 5: Parish & Community Council Meetings

NALC LTN 8: Elections and Co-options

The Good Councillor's Guide (NALC Publication)

**This document reflects our advice based on our understanding of the current legislation and guidance and our knowledge of the sector. It is not however intended to be formal legal advice.**

**For more complex issues we are able to obtain initial specialist advice on legal, employment, financial and planning matters as part of your membership fee. Please contact us to access this service.**

