

Report

Democratic Services Committee

Part 1

Date: 17 February 2017

Item No: 8

Subject **Mayoralty**

Purpose To consider making a recommendation to the Council about deferral of acceptance of office for inclusion in the Council's Constitution

Author Chief Democratic Services Officer

Ward All Wards

Summary Newport City Council's method of selecting the Mayor is fair and balanced and determined exclusively on seniority. What this means is that the longest serving member on the Council who has not served as the Mayor will be nominated to serve as Mayor, irrespective of which political party he or she represents.

However, from time to time the prospective incoming Mayor may need to defer his or her election as Mayor for personal reasons.

There is no written protocol to take account of this situation but in the past there has been an informal agreement between the parties that an individual can defer for twelve months

This appears to be a reasonable position as it will allow the individual time to resolve any specific issues but it also takes away the opportunity for individuals to 'pick and choose' when they serve as Mayor.

It is suggested that a form of words is written into the constitution that allows an individual to defer for one year from his or her original nomination date and that any longer deferral be a matter for decision by the Council

One other issue to be clarified refers to an election year. In January of each year an individual is nominated to serve as Mayor. Obviously in an election year, if the individual who is nominated fails to retain his or her seat then the Mayoralty will fall to the next in line, according to seniority

Another complication may arise in an election year. An individual could be re-elected to the Council following an absence and, on strict seniority rules would qualify as Mayor in the year of his or her election. However by that time the Council will have already made a nomination for the coming year.

It is suggested that in such circumstances the person already nominated by the Council will become Mayor in the election year and the re-elected member will take his other place according to seniority in the following year. Any agreed deferrals will then be extended for a further period of time.

Finally an issue about the format of the AGM. In previous years, for practical reasons, the outgoing Mayor has chaired the official part of the Council AGM which deals with the relevant Council appointments – Leader, Chairs of Committees etc. – and this is followed by the ceremonial Mayor-making part, when the new Mayor is officially sworn-in. That has never been a problem where the outgoing Mayor remains as an elected Councillor. However, where the out-going Mayor is not re-standing in the elections or is not re-elected, then his/her term of office as a Councillor will have ceased before the AGM. Therefore, he/she should not Chair the official Council AGM in May. In the circumstances, it is suggested that the ceremonial Mayor-making process should now be conducted first to enable the new Mayor to be appointed and to chair the official Council business at the AGM.

Proposal To adopt the proposed protocol set out in the Summary

Action by Chief Democratic Services Officer

Timetable Immediate

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of People & Business Change
- Group Leaders

Background

As mentioned in the summary Newport City Council's method of selecting the Mayor is fair and balanced and determined exclusively on seniority. What this means is that the longest serving member on the Council who has not served as the Mayor will be nominated to serve as Mayor, irrespective of which political party he or she represents.

However, from time to time the prospective incoming Mayor may need to defer his or her election as Mayor for personal reasons. There is no written protocol to take account of this situation but in the past there has been an informal agreement between the parties that an individual can defer for twelve months

The report summary makes suggestions as to how this could be formalised in the Council's Constitution

One other issue referred to above refers to an election year. Again the report summary makes suggestions as to how this could be formalised in the Council's Constitution

Finally the report addresses the format and running order of the AGM

Financial Summary

There are no financial implications for the Council

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
No protocol is agreed and informal arrangements continue	M	L	This report suggests a more formal approach	Chief Democratic Services Officer
A formal arrangement could prevent someone with a genuine reason from deferring for longer	M	L	The report suggests giving the power to extend the deferral in certain circumstance	Chief Democratic Services Officer

Links to Council Policies and Priorities

The proposals are intended to clarify an existing informal arrangement and provide clarity to elected members and the public

Options Available and considered

- To adopt a protocol and include in the constitution
- Allow informal arrangements to continue

Preferred Option and Why

To adopt a protocol and include in the constitution to clarify an existing informal arrangement and provide clarity to elected members and the public

Comments of Chief Financial Officer

There are no financial implications

Comments of Monitoring Officer

The Mayor has both a constitutional role, as Chair of the Council, and a civic and ceremonial role in accordance with the prerogative rights granted under Royal Charter. In accordance with Section 23 of the Local Government Act 1972, the election of the Chair is the first item of business transacted at the Council Annual General Meeting in May and the decision is taken by a simple majority of votes cast. However, the custom and practice has always been to nominate the Mayor for the forthcoming municipal year beforehand, based on seniority, and for that appointment to be formalised unanimously at the subsequent AGM. It has also been the protocol that prospective Mayors can defer their term of office by up to 12 months, for personal reasons, but for no longer. Therefore, it would be advisable to formalise this arrangement within the constitution.

Difficulties can arise in an election year where the nominated Mayor is not re-elected or where a new Member is re-elected to the Council, following a period of absence, and is entitled to be appointed as Mayor on grounds of seniority because of previous service. Where the nominated Member is not re-elected, then the next senior Member is then nominated and appointed at the AGM. However, where a Member is re-elected who has greater seniority, it would still be appropriate to confirm the appointment of the previous nominee and for the newly elected Member to take his/her turn in the following Mayoral year. Again, this practice could be formalised within the constitution, in order to avoid any uncertainty or confusion. Legally, a decision to appoint the civic Mayor as the statutory Chair of Council can only be taken at the AGM in May and, therefore, it is not possible to fetter or pre-empt this decision, but if the protocol is formalised and only the Mayor-elect is nominated, the legal decision is then a formality.

In previous years, for practical reasons, the outgoing Mayor has chaired the official part of the Council AGM which deals with the relevant Council appointments – Leader, Chairs of Committees etc. – and this is followed by the ceremonial Mayor-making part, when the new Mayor is officially sworn-in. That has never been a problem where the outgoing Mayor remains as an elected Councillor. However, where the out-going Mayor is not re-standing in the elections or is not re-elected, then his/her term of office as a Councillor will have ceased before the AGM. Therefore, he/she should not Chair the official Council AGM in May. In the circumstances, it is suggested that the ceremonial Mayor-making process should now be conducted first to enable the new Mayor to be appointed and to chair the official Council business at the AGM.

Comments of Head of People and Business Change

There are no staffing, performance or policy issues arising from the report. It offers a pragmatic solution to a series of potential issues within the current Constitutional arrangements under certain circumstances.

Comments of Group Leaders

Leader of the Council; Leader of the Opposition; and the Leader of the Independent Group have indicated they are happy to support the proposals

Local issues

There are no local issues

Scrutiny Committees

This is a matter for consideration by the Democratic Services Committee.

Equalities Impact Assessment and the Equalities Act 2010

Equalities Impact Assessment is not required

Children and Families (Wales) Measure

No issues in this report relate directly to Children and Young People

Wellbeing of Future Generations (Wales) Act 2015

No issues in this report

Crime and Disorder Act 1998

Not applicable for this report

Consultation

As set out above.

Background Papers

None

Dated: January 2017