

Agenda Item No: 4

Report To: Selection and Constitutional Review Committee



Date: 24th September 2009

Report Title: The Constitution – Codes and Protocols – Civic Protocols – Selection of Mayor and Term of Office

Report Author: Head of Legal and Democratic Services

Summary:

Following representations made during the 2007/08 Municipal Year regarding the interpretation of the Civic Protocols which deal with guidance on the Selection of the Mayor and Deputy Mayor and Term of Office, the suggested changes as set out in the attached appendix to the report are put forward for approval to help clarify that particular section of the Constitution.

Key Decision: NO

Affected Wards: Not applicable in the context of this report

Recommendations: **That the Selection and Constitutional Review Committee recommend to Council that the proposed revisions to the Civic Protocol section of the Constitution as it relates to the Selection of Mayor and Deputy Mayor and Term of Office and as set out in the appendix to the report be approved.**

Policy Overview: It is important to ensure that the Constitution is regularly updated to reflect any changes made by the Council. GQS1 of the Corporate Plan requires that the Constitution be updated and published in its revised form during 2009

Financial Implications: n/a

Risk Assessment If the Constitution is not updated in accordance with changes already agreed by Council or amended to take account of any representations made about its clarity the Council may run the risk of challenge as to how the document should be interpreted.

Equalities Impact Assessment Not applicable in terms of the suggested amendments set out within this report.

Background Papers: None

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Purpose of the Report

1. To seek approval to the amendments to the section of the Constitution which deals with Civic Protocol and in particular to the part which covers the Selection of the Mayor and their Term of Office. The appendix to the report shows the proposed changes as struck through and the additions as *italics*.

Issue to be Decided

2. To consider and approve the suggested amendments to the Civic Protocol section of the Constitution which deals with the selection to the office of Mayor and Deputy Mayor.

Background

3. Representations were made during the Municipal Year 2007/08 regarding the application of the protocol regarding the selection of the Mayor and in particular as to whether, although not explicitly stated, the guidance applied also to the office of Deputy Mayor. This report seeks approval to the suggested revised wording to make the position completely clear.

Handling

4. Subject to the Selection and Constitutional Review Committee supporting the suggested changes and being agreed by Council on the 8th October 2009 the relevant section of the Constitution will be amended and published.

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A. **Selection of Mayor and Deputy Mayor and Terms of Office**

The selection of Mayor and Deputy Mayor will not be confined to any one party. He/she will be chosen on merit. Where the political balance of the Council, however, might depend on the Mayor's casting vote it is not unreasonable to expect this factor to play a part in the selection procedure.

The term of office of Mayor and Deputy Mayor will normally be for one year. Although not compulsory for Members to serve a full term as a Councillor before becoming eligible for nomination as Mayor or Deputy Mayor, it ~~is~~ should be desirable that they do.

The Deputy Mayor will normally succeed the Mayor (subject to review in an election year).

There ~~should be~~ is a presumption against Members serving a second term as Mayor and Deputy Mayor if other willing candidates exist but this is ultimately a matter for decision of the Council.

B. **Procedure for Selection**

The procedure for the selection of the Mayor and Deputy Mayor will be as follows:-

- (a) Early in the calendar year, Group Leaders will meet informally to discuss the nominations for Mayor and Deputy Mayor for the ensuing year, and normally their recommendations will be reported to the Selection and Constitutional Review Committee immediately preceding the Annual Meeting of the Council. The name of the Mayor and Deputy Mayor elect may then be made public. This ~~process does~~ will not preclude other nominations of any other Councillor for Mayor or Deputy Mayor being made at the Annual Meeting, but with goodwill should reduce the likelihood but the expectation is that this should be avoided wherever possible.
- (b) Group Leaders will also make recommendations to the Selection and Constitutional Review Committee held immediately preceding the Annual meeting of the Council as to which Members are to propose and second nominations for the offices of Mayor and Deputy Mayor.
- (c) In election year, however, the above procedure to be adopted will be as follows:- may need to be revised to include a further meeting of Group Leaders in the week following election week, in the event of the nominated candidates for Mayor and Deputy Mayor not having been re-elected.

- ~~(c) — Group Leaders will meet on a convenient date in the week following election week, to consider the making of recommendations for Mayor and Deputy Mayor and any allied matters.~~
- ~~(d) — The recommendations from such a meeting will be reported to the programmed meeting of the Selection and Constitutional Review Committee held between the date of the election and the Annual Meeting of the Council. The Minutes of this meeting will be presented to the Annual Meeting of the Council.~~

C. **Responsibilities of the Mayor**

The Mayor must be non-partisan in all that s/he does. The main duties of the Mayor are set out below however a detailed guidance note is issued to the Mayor and Deputy Mayor following the Annual Meeting of the Council. (Minute No 556/4/03 refers). A copy is available from the Democratic Services Manager.

Council Duties

- To represent and promote the Council as a whole in all Civic and Ceremonial matters.
- To preside over and Chair meetings of the Full Council.
- The Mayor should encourage fair debate but s/he has the casting vote.
- To uphold and promote the purposes of the Constitution and to interpret when necessary.
- To publicise events of the Council and encourage involvement in the Council's activities.
- To promote the work of the Council.
- To determine, in the absence of a relevant Overview and Scrutiny Committee Chairman whether an urgent decision which is contrary to the policy framework may reasonably be regarded as urgent in the circumstances. If the Mayor does not agree, then the matter must be referred to the Full Council for decision.

Public Duties

- To be the First Citizen of the Borough and the focus of local democracy: to be visible, to listen to and engage with the community.
- To represent the people of Ashford Borough, both within the Borough area and externally.