



Agenda Item No:

Report To: Selection & Constitutional Review Committee

Date of Meeting: 5 December 2023

Report Title: Term of Office of Mayor

Report Author: Terry Mortimer Solicitor to the Council
& Monitoring Officer

**Portfolio Holder
Leader of the Council:** Cllr. N. Ovenden

Summary: to inform the Committee of the legal and constitutional position regarding the possible election of the Mayor for a 2 year term.

Key decision: No

Recommendation: the Committee and Council is asked to note the legal and constitutional position regarding the possible election of the mayor for a 2 year term.

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TERM OF OFFICE FOR MAYOR

Introduction

1. At its meeting on 13 June 2023 the Overview & Scrutiny Committee recommended that this Committee should receive a report to consider whether the term of office on election of the Mayor should be extended to up to two years. This recommendation regarding a report was agreed by Council at its meeting on 19 July 2023.
2. The Overview & Scrutiny Committee considered that allowing extension of the term of election could ease difficulties sometimes encountered with identifying candidates each year under the current arrangements.

Legal & Constitutional Position

3. Section 3(1) of the The Local Government Act 1972 provides that “the Chairman of a principal council shall be elected annually by the Council from among the councillors”.
4. The Mayor’s statutory role includes chairmanship of the Council and so s.3 applies to election of the mayor. **Accordingly it is not legally possible to elect a mayor for a term of more than one year.**
5. There is nothing in the law or in the Council’s Constitution which prevents a mayor from being elected for a second successive year. However this is a matter for the Council to decide at each annual election process at the Annual Meeting and cannot be predetermined in advance in a single election process. Clearly if the Council wished to elect a mayor for a second successive year then it would need to take into account the position of the Deputy Mayor who would normally expect to succeed the mayor upon completion of one year in office.
6. Relevant provisions of the Council’s Constitution are as follows (Selection of Mayor and Term of Office – Part 5 Codes & Protocols)
 - “The term of office of Mayor and Deputy Mayor will normally be for one year”
[as indicated above, a mayor can be elected for a second successive year but cannot be elected for a two year term in advance. Article 5 of the Constitution correctly states that the mayor is elected annually]
 - “The Deputy Mayor will normally succeed the Mayor (subject to review in election year)”
 - “There 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”

7. The Constitution also sets out the process for Mayor and Deputy Mayor nominations. This includes recommendations by Group Leaders to this Committee immediately preceding the Annual Meeting. This does not preclude other nominations being made at the Annual Meeting itself although the protocol states this “should be avoided where possible”.

Conclusion

8. Whilst it is not legally possible to elect a Mayor (Chairman) for a term exceeding one year in advance, there is nothing in the law or the Council’s Constitution which prevents the Council from electing a Mayor or Deputy Mayor for a second successive term.

Terry Mortimer
Solicitor to the Council & Monitoring Officer
November 2023