

Civic Sub-Committee

Agenda

Date:	Tuesday, 9th February, 2010
Time:	10.30 am
Venue:	The Board Room, Town Hall, Macclesfield, SK10 1DX

The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman of the Sub-Committee.

2. **Apologies for Absence**

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

4. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide three clear working days' notice, in writing, in order for an informed answer to be given.

5. **Election of Mayor and Deputy Mayor (Pages 1 - 12)**

To consider alternative approaches to the election of the Mayor and Deputy Mayor and to consider the adoption of a Mayoral Code of Practice.

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6. **Honorary Aldermen and Freeman** (Pages 13 - 16)

To make recommendations upon several matters relating to the Honorary Aldermen and Freeman of the Council.

(There are no Part 2 items)

CHESHIRE EAST COUNCIL

Civic Sub-Committee

Date of Meeting:	9 th February 2010
Report of:	Democratic Services Manager
Subject/Title:	Election of Mayor and Deputy Mayor

1.0 Report Summary

- 1.1 At the meeting of the Governance and Constitution Committee held on 19th November 2009 it was resolved that a Civic Sub-Committee be established to consider alternative approaches to the election of the Mayor and Deputy Mayor and to consider the adoption of a Mayoral Code of Practice. This report provides alternative approaches which may be considered by the Council.

2.0 Recommendations

- 2.1 That the Civic Sub-Committee make recommendations to the Governance and Constitution Committee on
- (1) the approach to be used in respect of the election of the Mayor and appointment of a Deputy Mayor and utilise the adopted approach in respect of proposed election of a Mayor and Deputy Mayor for the Municipal Year 2010/11; and
 - (2) the adoption of a Mayoral Code of Practice.

3.0 Reasons for Recommendations

- 3.1 In order for the Council to have an agreed and understood approach to the election of the Mayor and the appointment of a Deputy Mayor, and the operation of the Civic Office.

4.0 Wards Affected

- 4.1 All wards are affected

5.0 Local Ward Members

- 5.1 All Local Ward Members are affected

6.0 Policy Implications

- 6.1 Once adopted, the Mayoral Code of Practice, and the agreed approach to the election of the Mayor and Deputy Mayor, would become Council policy and would need to be referred to in the Council's Constitution.

7.0 Financial Implications for Transition Costs

7.1 There are no implications for Transition Costs

8.0 Financial Implications 2009/10 and beyond

8.1 There are no specific financial implications for 2009/10 and beyond.

9.0 Legal Implications

9.1.1 Council elects the Mayor and appoints the Deputy Mayor but may be assisted in doing so by recommendations of a Committee and Sub-Committee.

10.0 Risk Management

10.1 The adoption of an agreed approach to the election of the Mayor and appointment of a Deputy Mayor reduces risk, as does the adoption of a Mayoral Code of Practice.

11.0 Background

11.1 Annual Council elects a Mayor and appoints a Deputy Mayor each year. There are clear benefits in having an agreed mechanism to assist in this task. Members of the Council, officers and the public will have greater clarity as to the process when such a mechanism is in place.

11.2 Varying approaches can be used to the election and appointment. In many cases, the current year's Deputy Mayor automatically becomes the Mayor for the following year. This is sometimes regarded as an ideal way in which the incoming Deputy Mayor can gain experience of the office of Mayor prior to election.

11.3 Where the Deputy Mayor automatically becomes Mayor for the following year, the focus shifts to the way in which the proposed Deputy Mayor is selected.

11.4 Some local authorities have an informal approach to the selection of the proposed Deputy Mayor. Others have more formal mechanisms. See Appendix 1 for some examples of approaches used by North West authorities.

11.5 Appendix 2 contains a draft Mayoral Code of Practice which could be adopted by the Council. This document could be updated to reflect the Council's decision upon the election and appointments process. Members will see that a number of civic issues are referred to in the draft document.

12.0 Options for the Selection of the Proposed Deputy Mayor

12.1 The following are some options which may be considered for the selection of the proposed Deputy Mayor:

(A) A process based on political proportionality

Appointments to be made as closely as possible to political proportionality, on a rolling programme. As the Council is currently constituted therefore, over a rolling 7 year period, this would result in the Mayoralty being allocated to Members of the Council's political groups as follows:

- Conservatives-5 out of 7 years
- Liberal Democrats-1 out of 7 years
- Labour and others-1 out of 7 years

The Sub-Committee would need to make recommendations upon the identity of the political group that would nominate the Deputy Mayor each year over the 7 year rolling programme.

Variations in the political balance of the authority would be considered each year in deciding the identity of the political group that would nominate the Deputy Mayor in the next year to be added to the rolling programme.

(B) A process based on seniority alone

The position of Deputy Mayor could be allocated on the basis of length of service as a councillor.

If a member did not wish to take up the position they would retain their position on the seniority list, but the next most senior member would then be approached. The Sub-Committee would confirm the formal nomination.

In the event of there being more than one eligible senior member and both being willing to stand there would need to be a process for deciding between the two candidates. The decision would be for the Sub-Committee using additional criteria, such as suitability to represent the Council, personal character, experience as a chairman, broad base of support among Councillors, number and type of outside bodies served on etc. If the Sub-Committee could not distinguish between two candidates, the choice could be made by a simple drawing of lots. The member not nominated would then retain their position on the list for the following year.

(C) A process based on both seniority and political party membership

The process based on that set out above at (A) above could be used but selecting the most senior member from each political group in turn. There would be a minimum length of service required, for example 4 years by the time of the Annual Meeting at which they would be elected Deputy Mayor, with the member not being eligible for the position again before the expiry of a specified period, for example 10 years.

(D) A process based on the invitation of the Council's ruling political group

As can be seen from Appendix 1, some authorities adopt an approach based on the wishes of the ruling political group. If this approach were to be adopted, the ruling group would have freedom to decide whether to identify a proposed Deputy Mayor from within its own group, or whether to invite another group or groups to put forward a nomination. In doing this, the ruling group could have regard to political proportionality, but would not be obliged to do so.

13.0 Decisions to be made

13.1 The Sub-Committee is invited to give consideration to

13.1.1 Whether the Council should adopt an approach of appointing a Deputy Mayor who, in usual circumstances, would automatically become Mayor for the following Municipal Year.

13.1.2 The process which should be used in deciding upon who should become Deputy Mayor assuming that 13.1.1 is agreed.

13.1.3 The draft Mayoral Code of Practice.

14.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Appendix 1

Authority	How the Mayor is Chosen
Blackburn with Darwen	Every five years the Council will resolve the rotation of the Mayor between political parties based on the proportionality of the Council at that time. Mayors are chosen on length of service. If a Mayor who is entitled to the position does not want to take it then it is passed to the next and the next etc. The Mayor elect must serve as the Deputy Mayor and must therefore have at least two years of the term of office to complete
Bolton	Mayors are chosen on length of service. If a Mayor who is entitled to the position does not want to take it then it is passed to the next and the next etc. Each group has to agree to the nomination.
Chorley	Mayor is chosen according to how long they have served as a Councillor.
Halton	Mayor is chosen on length of service. If the person with the most years doesn't want to be Mayor then it goes to the next one down and so on.
St Helens	<p>Selection of the Deputy Mayor</p> <ol style="list-style-type: none"> 1. The position of deputy mayor is offered to the Member with the most service on the Council (whether the continuous or not) who has not previously held the office of Mayor, in the largest Group or other Groups, as appropriate, provided that the Member has at least 5 years service by the time of the Annual Meeting of the Council at which they will be elected Deputy Mayor 2. At the Beginning of January each year the Assistant Chief Executive (Legal and Administrative Services) will write to the most Senior Member, as appropriate, requesting them to confirm in writing if they are willing to accept the office, within one month. 3. If, for any reason, they do not accept the office, they still retain their position on the Seniority List. 4. The next most senior Member of the Group(s) is then approached 5. In the event of there being more than one most Senior Member, all such Members will be written to, and in the event that more than one indicates a willingness to accept the office, then the Members concerned shall be invited into the Town Hall and the office will be decided by the cutting of cards. 6. In the event of the Deputy Mayor being defeated in an election prior to that Member becoming Mayor, then the next most Senior Member in the Groups(s) as appropriate shall be approached.

Salford	Mayor is chosen on seniority. In early December, secretary will start to contact the Councillors in order of their seniority to establish who would like to take up the Deputy Mayor position. Some have declined.
Tameside	Mayor is chosen by the controlling group.
Trafford	Mayor is chosen on seniority.
Wigan	Mayor is chosen by the controlling group.
West Lincs	Chairman is chosen on length of service, the Vice Chairman will be the Chairman the following year, depending on elections. There is a vote at the annual council meeting in May.

The former Cheshire authorities

The former Cheshire authorities adopted the following approaches:

- Congleton Borough Council had informal arrangements in which the groups reached agreement upon the proposed civic offices.
- Macclesfield Borough Council appointed a panel to make recommendations based upon nominations.
- Crewe and Nantwich Borough Council appointed the Mayor, based upon length of service.

THE MAYORALTY - CODE OF (MAYOR AND DEPUTY MAYOR) PRACTICE

1. General

The Mayoralty (or Chairmanship of the Council) is the most exalted position within the gift of the Council. Officers and staff must, at all times, respect the Mayor and show deference to his office. Throughout this Code of Practice the word 'his' is not gender specific. As Chairman of the Council his authority is derived from the Local Government Act of 1972, Section 3, and his construction or application of any of the Council's Constitution, or as to the proceedings of the Council, should not be challenged.

2. Policy Developments

The Mayor throughout his term of office should remain impartial in all matters of policy and should not be involved in the direction of affairs or get involved in any campaigns. But should matters be raised with him, he should take no action and instead raise the matter in the first instance with the Leader of the Council or the appropriate Cabinet Member or Department for action.

Where there are matters of Policy, all press enquiries should be made via the Council's Communications Team.

3. Controversial Activities

The Mayor should not become involved in Council Policy or activities of a controversial nature. Where the Mayor is confronted with a controversy or enquiries on matters of policy he should refer the matter to the appropriate Cabinet Member.

Where there are matters of a controversial nature, all press enquiries should be made via the Council's Communications Team.

4. Political Events

The Mayor should take no active involvement in political events, particularly formal meetings, and should not attend group meetings during his year of office.

It would be a matter for the Mayor's discretion as to whether he attended social functions arranged by political parties, but if so attending should not attend as Mayor of the Borough but as a private individual.

5. Relationship with Cabinet Members

The Mayor should not normally become involved in any matter, which is within the role of a Cabinet Member, but if an occasion arises, as indicated in (2) above, then the Mayor should receive the fullest support of the appropriate Cabinet Member, or the appropriate Director.

As the Chairman of the Council, the Mayor should be regularly briefed by officers, via regular diarised meetings, as to current policy.

6. Other Appointments

The Mayor should not be appointed as Chairman or Vice-Chairman of any Committee or Sub-Committee of the Council. He may accept ex officio positions with an outside organisation or body where his membership stems from his position as Mayor for the time being. He may attend the annual meeting or other special meetings of an outside organisation or body and may accept the position of patron or president, but should not become actively involved during his term of office.

7. Selection of Mayor

[Subject to confirmation]

Subject to confirmation by the full Council the Deputy Mayor will succeed to the Mayoralty in the following year.

[Add details of the selection criteria]

8. Civic Services

The venue for the Civic Service will be chosen by the Mayor. It is often the case that the Mayor will be invited to visit his own church during the term in office, however, this is not a Civic Service as such, it is a 'civic presence'.

9. Civic Duties

In his capacity as the Civic Head, or First Citizen, the Mayor represents the Sovereign in the Borough, ranking in precedence only after the Lord Lieutenant (if attending in his official capacity representing the Queen) and members of the Royal Family. He should, therefore, officiate at all formal civic events involving the Council, the public and press. In his absence the Deputy Mayor should officiate, or at the Mayor's discretion, the appropriate Portfolio Holder- but always subject to the Mayor's ruling.

10. Mayoral Regalia

The Mayor and Deputy Mayor should wear their robes, chains and badges of office on all formal occasions within the Borough. At meetings of the Council the Mayor and Deputy Mayor should be discreetly dressed and their robes,

chains and badges of office are to be worn at the commencement of the meeting and thereafter, at the discretion of the Mayor, the chain and badge only could be worn.

The Mayor and Deputy Mayor should wear their chains and badges of office when attending functions unless, at their discretion, the badges of office on a ribbon would be more appropriate.

11. Use of Mace

The mace should be used on all Borough Ceremonial occasions and will be carried before the Mayor.

12. Chief Executive

The wearing of regalia on royal occasions, at Council meetings, and on other special occasions will be at the discretion of the Chief Executive.

13. The Deputy Mayor

[Add details of selection criteria]

The role of the Deputy Mayor should be one of support to the Mayor in fulfilment of civic engagements and to take the Chair in the absence of the Mayor at Council Meetings.

14. Mayoress or Consort and Deputy Mayoress or Consort

There is no legal status for these offices, appointments being made on the invitation of the Mayor and Deputy Mayor respectively, subject, in the case of persons other than relatives being proposed, to appointments being at the discretion of the Sub-Committee.

15. Mayor's Chaplain

The Mayor's Chaplain is his spiritual adviser and is appointed by the Mayor.

16. Administrative/Secretarial Support

Administrative/secretarial, civic and administrative support is provided by staff of and under the control of the Democratic Services Manager.

The administrative/secretarial support will be responsible for making all arrangements for the attendance of the Mayor and Deputy Mayor at any event. (Note - The Communications Team will give such assistance as required to the Mayor and Deputy Mayor, see also paragraphs 2 and 3.)

17. Official Car

The following rules will apply for the use of the official car:

(a) The Mayor will have first claim on the car, subject to (b) and (c) below, and the car bookings will be the responsibility of the personal assistant allotted to the Mayor. He/she will draw up the weekly list of engagements for the Mayor.

(b) The Deputy Mayor will be entitled to use the car when performing a duty at the request of, or on behalf of, the Mayor, provided it is not required by the Mayor.

(c) The Mayoress/Consort and Deputy Mayoress/Consort will be entitled to use the car when performing a duty at the request of, or on behalf of the Mayor.

(d) The Deputy Mayor may drive himself to engagements, but where considered appropriate, the administrative/secretarial support will arrange suitable alternative transport.

(e) For the avoidance of doubt, the official car may only be used for journeys directly associated with the performance of duties on behalf of the Borough Council arising from the office held by the user and will not be used for attendance at private functions unless prior arrangements have been made to reimburse the costs of driver and vehicle. The Mayor and/or Deputy Mayor will use the official car to convey them to and from meetings of the Council but will not use it for meetings of a Committee, Sub-Committee, etc. or of an outside body, which they are attending as an ordinary member, unless they are subsequently attending a public engagement.

(f) Because of the need to give the chauffeur/civic attendant time off in lieu of hours worked or to arrange a substitute driver when he is not available, the maximum notice should be given of any engagements for the official car.

18. Accommodation

The Mayor has the use of Parlours at Macclesfield Town Hall, the Municipal Buildings, Crewe and the Members Room at Westfields. These premises will be used for civic and social occasions only.

19. Indisposition of the Mayor/Deputy Mayor

In the event that, due to the indisposition for whatever reason, the Mayor could not reasonably be asked to fulfil the normally accepted duties of his post, the Deputy Mayor will be requested, for that period of time, to assume the full duties of the post of Mayor, but will not take the title.

In the event that, due to indisposition for whatever reason, the Deputy Mayor could not reasonably be asked to fulfil the duties of his post, the Deputy

Mayor Elect or the Leader of Council, will, for that period of time, assume the civic and social duties of the post of Deputy Mayor, but will not take the title.

20. Financial

The allowances for the Mayor, Deputy Mayor and Civic Hospitality should be reviewed annually and increased by an appropriate amount to cover inflation.

When the Deputy Mayor is called upon to carry out the full duties of the Mayor for a period of two weeks or more, then an allowance of the difference between the Mayor's allowance and the Deputy Mayor's allowance will be paid for the period he so acts. Similar arrangements will apply in the case of the Deputy Mayor Elect.

The Civic Hospitality allowance is controlled by the Democratic Services Manager, and expenditure is subject to the approval of the Mayor and the Democratic Services Manager.

21. Civic Ceremonial and Procedure

[Subject to further consideration of cost etc]

The former Mayors will be presented with a medallion as a memento of their office which should be worn only:-

- (a) at Annual Meetings of the Council;
- (b) at meetings of the Council when the Mayor is robed;
- (c) at all ceremonies or processions when robes are worn;
- (d) at civic dinners or receptions or other social functions of a civic character within the Borough;
- (e) at other civic functions within the Borough at the request of the Mayor;
- (f) at civic functions in another Authority's area only at the express invitation of the Mayor or Chairman concerned.

Preferential arrangements should be made at the Annual Council Meeting and on Civic Sunday for former Mayors.

22. Civic Events

The list of invitations to the Civic Service will be examined and extended as necessary and invitations should be sent in the name of the Mayor.

23. Christmas Cards

The persons to whom the Mayor sends Christmas cards, of his own choice, is a matter for his discretion. Only the cost of official cards and postage is borne by the Council.

24. Civic Hospitality - Mayor's At Home

Light refreshments will be provided and arrangements will be reviewed regularly.

25. Acceptance of Invitations

It is the wish of the Council that the Mayor should accept as many invitations as possible to attend events and functions to which he has been invited and that the services of the Deputy Mayor should also be used in the event of competing invitations being received.

Normally the Mayor is expected to accept the first invitation received for a particular time and date.

26. Mayor's Charity

It should be borne in mind that any fundraising activities undertaken for the Mayor's Charity are the sole responsibility of the Mayor, the Mayoress and 'friends', because, unfortunately, there is no capacity within the support system/workload for any assistance to be given. Fund raising is discretionary and does not form part of the Mayor's duties.

CHESHIRE EAST COUNCIL

Civic Sub-Committee

Date of Meeting:	9 th February 2010
Report of:	Democratic Services Manager
Subject/Title:	Honorary Aldermen and Freeman

1.0 Report Summary

- 1.1 To make recommendations upon several matters relating to the Honorary Aldermen and Freeman of this Council who were admitted under the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008. This includes the benefits, rights and privileges to which they should be entitled.

2.0 Recommendations

That the Civic Sub-Committee make recommendations to the Governance and Constitution Committee upon the benefits, rights and privileges to which Honorary Aldermen and Freeman should be entitled.

3.0 Financial Implications for Transition Costs

- 3.1 There are no implications for Transition Costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are no identifiable financial implications for 2009/10. As and when the Sub-Committee identifies the benefits, rights and privileges to which Honorary Aldermen and Freeman should be entitled, such implications will be considered and reported to Members.

5.0 Legal Implications

- 5.1 With regard to Freeman, and inhabitants of existing boroughs, under the provisions of Section 248 of the Local Government Act 1972, pre-existing rights and privileges conferred on such persons were unaffected, and after March 1974, Freeman and persons related to or associated with them by marriage, descent, employment or otherwise were entitled to the same rights as them.
- 5.2 With regard to honorary aldermen and freemen, under the provisions of Section 249 of the Local Government Act 1972, "a principal council may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, confer the title of Honorary Aldermen

on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are not then members of that council”.

- 5.3 Sections 32 and 33 of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 confirm that a person who has been admitted as an Honorary Alderman or Freeman of a local government area that has been abolished shall be treated as being admitted as an Honorary Alderman and Freeman of the new reorganised area.

6.0 Risk Management

- 6.1 N/A

7.0 Background

- 7.1 A list of Honorary Aldermen and Freeman who were admitted by the demised East Cheshire authorities is being researched and will be circulated to the Sub-Committee.
- 7.2 An Honorary Alderman may attend and take part in such civic ceremonies as the Council may from time to time decide but shall not have the right to:
- Attend meetings of the Council, Cabinet or a committee of the Council other than as a member of the public (including a joint committee upon which the Council is represented)
 - Receive any of the allowances or other payments to which councillors are entitled.
- 7.3 The admission of a person to be an Honorary Freeman does not confer the rights granted to be an Honorary Alderman.
- 7.4 Every Council should have its own criteria for the appointment of Honorary Aldermen, a list of rights and duties and its own ceremony for their Admission. Section 249 (6) of the Act allows Councils to spend ‘such reasonable sum as they think fit’ on presenting an address or casket containing the address to the Honorary Alderman. The rights and privileges conferred by the demised authorities are being researched and will be circulated to the Sub-Committee.
- 7.5 The Council now needs to consider its own arrangements.
- 7.6 Part 1, Chapter 5 – of the Local Democracy, Economic Development and Construction Act 2009 makes new provisions on Local Freedoms and Honorary titles and amends Section 248 of the 1972 Act. These measures extend existing privileges to include the daughters as well as for sons of a Freeman of a city or town, and provide for women to have

the right to be admitted and to use the title of 'Freewoman'. A civil partner will be in the same position as a spouse or surviving spouse of a person admitted to the freedom of a city or town. The honorary titles of Honorary Alderman or Alderwoman may also be awarded. This legislation comes into force on 1st April 2010.

8.0 Proposals for the Sub-Committee to Consider

- the criteria for the appointment of Honorary Aldermen
- a list of rights and duties
- the ceremony for their Admission
- Arrangements for their attendance at meetings and events and notification of events

9.0 Access to Information

- 9.1 The background papers relating to this report can be inspected by contacting the report writer:

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