

Constitution Committee

Date of Meeting: 6 April 2021

Report Title: Cheshire East Mayoralty

Senior Officer: Jane Burns, Executive Director of Corporate Services

1. Report Summary

1.1. This report summarises the work of the Mayoral Working Group that was established by the Constitution Committee late in 2019, and which met on four occasions.

2. Recommendations

2.1 That the Committee, recommends to Council that:

- (i) A revised Mayoral Code of Practice be adopted, as contained in Appendix II to this report.
- (ii) The Council recognises the valuable civic role undertaken by Town Mayors, and agrees, if requested, that local Memorandums of Understanding be entered into with Town Councils in respect of civic relationships.
- (iii) The Mayor of Cheshire East should flexibly apply the rules of precedence, as outlined in the draft Mayoral Code of Practice, as set out in Appendix II to this report.
- (iv) Cheshire East cease the appointment of a Mayor's Chaplain, and discontinue the practice of holding an annual civic service, and the holding of prayers at the start of Council meetings.
- (v) The Head of Democratic Services and Governance be authorised to procure a Mayoral vehicle, being mindful of the Council's commitment to reducing CO2 emissions.
- (vi) Cheshire East Council discontinue the practice of hosting social events to which Mayors of other Boroughs are invited (Mayor's "At Homes").

(vii) The Constitution Committee review the arrangements for the Mayoralty during the 2023/24 Municipal year, or sooner, if it wishes to do so.

3. Reasons for Recommendations

3.1. The Working Group had detailed discussions on the future of the Cheshire East Mayoralty. Members of the Group expressed a range of views on the issue discussed, but there was general agreement about the desirability of modernising the Mayoralty and for recognising the role played by Town Mayors across the Borough.

4. Background

4.1 The Mayoralty has existed since the creation of the Council in 2009, and few changes have been made to the way in which it operates. As indicated above, whilst Working Group members expressed a variety of views, there was a general agreement that the Mayor should continue to be politically impartial in all matters of policy and should not be involved in campaigns or controversial matters, other than as they relate to Ward issues.

4.2 The Working Group focussed its discussion on the civic elements of the role of Mayor. There was agreement that the Mayor should continue to Chair Council meetings.

4.3 The necessity for the Mayor to be politically neutral remains a central theme of the draft Code of Practice. However, on the advice of the Monitoring Officer, reference to the Mayor not being able to be a member of any Council Committee or a Director of an Alternative Service Delivery Vehicle (ASDV) has been removed. Nevertheless, it should be remembered that successfully fulfilling the role of Mayor can be very time consuming, which could compromise the ability of a Mayor to serve on a Committee or discharge the role of a Director of an ASDV.

4.4 The draft Code of Practice also differentiates between the role of a Councillor holding the position of Mayor from that Councillor's Ward responsibilities. In addition, the draft Code of Practice specifically permits a Councillor who is serving as Mayor to campaign for re-election to the Council should they choose to be a candidate.

4.5 The amended draft Code of Practice puts forward a number of suggestions in respect of how the Cheshire East Mayoralty could be modernised; these areas include:

- A clearer focus on civic leadership and community representation. (Paragraph 4.1)

- Removal of unnecessary formality, including less frequent use of Mayoral robes, and the Mace only being used on very formal occasions. (Paragraphs 5.1 and 5.2).
 - Removal of references to the standards of dress expected from Members at Council meetings, recognising that dress styles and standards change over time. Members of the Working Group hoped that whilst not making specific reference to dress in the Mayoral Code of Practice, Members would continue to dress appropriately for meetings and when representing the Council.
 - Removal of the requirement for Members to stand when the Mayor enters a room, unless the Mayor is wearing his or her robes. With a change of emphasis over the way the Mayoralty operates the Working Group anticipated that robes would be worn relatively infrequently. (Paragraph 1.1).
- 4.6 The draft Code of Practice clarifies the types of roles that it would be appropriate for the Mayor to undertake during their term of office. (Paragraph 2.2).
- 4.7 The draft Code of Practice removes reference to the Deputy Mayor being selected by the Administration or majority political Group, (Paragraph 3.1), simply stating that any Member can be nominated for the positions of Mayor and Deputy Mayor. The Working Group did feel that the Cheshire East custom and practice of a Member (in normal circumstances) only serving one term of office as Mayor should be included as guidance in the Code of Practice.
- 4.8 Across Cheshire East Borough there are 13 Town Councils, 10 of which currently have a Town Mayor. The current Mayoral Code of Practice makes no reference to Town Mayors. The existence of a Borough Mayor alongside Town Mayors can, on occasion, cause confusion. Over 95 per cent of invitations received by the Mayor of Cheshire East (typically in excess of 300 a year) are received electronically via the online invitation page of the Cheshire East website. The draft Mayoral Code of Practice suggests that information is placed on this page outlining the respective roles of the Borough and Town Mayors and providing contact information for Town Mayors. It should be noted that it is quite common for both Borough and Town Mayors to be invited to the same event. (Paragraph 6.1).
- 4.9 Section 22 (4) of the Local Government Act 1972 says “The chairman of a principal council shall have precedence in the area of that council....”. The Mayor is Chairman of the Council and therefore has precedence over Town Mayors. However, it is suggested that irrespective of the formal legal position there is nothing to stop the Mayor of Cheshire East from inviting a Town Mayor to take precedence over him / her at events hosted by the Town Council, or

share precedence at events to which they have both been invited to by a third party. There will be occasions where this will not be possible, including for example, a royal visit, but such occasions are likely to be few and far between. Such an approach has been detailed in the draft Code of Practice and in many ways formalises existing practice.

- 4.10 There may on occasions be civic issues where it would be helpful for the Council to formalise an arrangement with a Town Council. The draft Code of practice suggests that this could be done by means of a mutually agreed Memorandum of Understanding.
- 4.11 Traditionally the Mayor has been driven in a vehicle leased from Bentley Motors, recognising the status of the Mayoralty and the importance of Bentley Motors to the Borough and Council. The contract with Bentley expired in early 2020 and the vehicle was returned just before the Coronavirus lockdown in spring last year. At the time of writing this report, the Council has no Mayoral vehicle. Such a vehicle has not been needed due to the pandemic.
- 4.12 The Working Group discussed options for Mayoral transport. There was a general consensus that the default position was that it was appropriate for the Mayor to be driven to events, although recognising that there may be occasions when it was quite appropriate for the Mayor to drive themselves. Should the Council adopt the approach suggested in the draft Code of Practice (Paragraph 9.2), the overall mileage covered each year driving the Mayor to events is likely to slightly reduce.
- 4.13 There was less consensus over the type of vehicle that should be used to transport the Mayor. Gratitude was expressed for the support shown to the Council over many years by Bentley Motors, and an acknowledgement that this had been a superb showcase for the skills and creativity of the Cheshire East workforce.
- 4.14 It is suggested that further research is undertaken into the viability and cost effectiveness of procuring an electric vehicle (EV) for Mayoral use. The market for EVs is developing quickly and there are significantly more cost-effective options available than there were twelve months ago. There are a number of such vehicles (with zero emissions) which are likely to be able to provide effective Mayoral transport. (Paragraph 9.3).
- 4.15 There are a number of references in the current Code of Practice (Appendix I) which it is suggested are removed. These are:
- Ceasing to host Mayoral “At Home” events (events to which fellow Borough Mayors are invited).

- Ceasing the practice of appointing a Chaplain, the holding of an annual civic service and prayers at the start of Council meetings. Comment was made by Working Group members that rather than prayers, the Mayor may wish to make a few reflective comments at the start of a Council meeting, asking that Members treat each other with respect. It is suggested that Mayors be encouraged to do this, but that a requirement is not formally included in the draft Code of Practice.
- 4.16 There is one additional reference in the current Code of Practice that has not been included in the revised draft, that relates to the Mayor being the sovereign's representative in the Borough. Such statements are included in similar documents from a number of Borough Councils, but no legal authority can be found for such claims. The Lord Lieutenant is the sovereign's representative in Cheshire; as such they always take precedence over the Mayor (paragraph 7.4 of the draft Code of Practice). Including the statement made in the current Code of Practice could be seen by some as confusing the role of Mayor with that of the Lord Lieutenant.
- 4.17 Should the approaches suggested in this report be adopted there is scope for modest financial savings; these would be achieved by reduced costs for a Mayoral vehicle (lease costs and fuel), not holding a civic service and not hosting a Mayor's "At Home". In total it is estimated that savings of £10,000 a year could be achieved.
- 4.18 It is suggested that the Constitution Committee review the operation of a modernised Mayoralty once it has been in operation for two years, i.e. during the 2023/24 Municipal year.

5. Implications of the Recommendations

5.1. Legal Implications

5.1.1. There are no specific legal implications to the recommendations made in this report.

5.2. Finance Implications

5.2.1. Modest financial savings of £10,000 a year will be made if the recommendations made are adopted.

5.3. Policy Implications

5.3.1. There are no policy implications.

5.4. Equality Implications

5.4.1. There are no equality implications.

5.5. Human Resources Implications

5.5.1. There are no HR implications.

5.6. Risk Management Implications

5.6.1. There are no risk management implications.

5.7. Rural Communities Implications

5.7.1. There are no direct implications for rural communities.

5.8. Implications for Children & Young People/Cared for Children

5.8.1. There are no direct implications for children and young people.

5.9. Public Health Implications

5.9.1. There are no direct implications for public health.

5.10. Climate Change Implications

5.10.1 Moving to a zero emissions Mayoral vehicle will help reaffirm the Council's commitment to addressing the ongoing climate emergency.

6. Ward Members Affected

7.1 All Wards would be affected by the recommendations.

7. Consultation & Engagement

7.1. No consultation has been undertaken.

8. Access to Information

8.1. There is no supporting information.

9. Appendices

9.1 Appendix One-Current Mayoralty Code of Practice

9.2 Appendix Two-Suggested amended Mayoral Code of Practice

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Martin Smith

Job Title: Registration and Civic Services Manager

Email: martin.smith@cheshireeast.gov.uk