

DONCASTER METROPOLITAN BOROUGH COUNCIL

ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

17TH MARCH, 2009

A MEETING of the ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE was held at the MANSION HOUSE, DONCASTER on TUESDAY 17TH MARCH, 2009 at 10.00 a.m.

PRESENT:

Chair – Councillor Moira Hood  
Vice-Chair – Councillor Ken Knight

Councillors Kevin Abell, Paul Bissett, Marilyn Green, Beryl Harrison, David Hughes, J.P., Ray Mullis, Mark Thompson, Jonathan Wood and Yvonne Woodcock.

ALSO IN ATTENDANCE:

Councillors Joe Blackham and Patricia Schofield.

APOLOGIES

Apologies for absence were received from Councillors Stuart Exelby, Norah Troops and Martin Williams.

21. ACCEPTANCE OF URGENT ITEM OF BUSINESS

In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair agreed to accept an urgent item of business (Review of the Protocol on the Differing Functions of the Elected Mayor and Civic Mayor and the Use of the Title Civic Mayor) as contained in Minute No. 29 below, on the grounds that in order to fulfil the Council's request to consider and report back on its recommendations on this matter, this was the last meeting of the Committee in the current municipal year to be able to do so in order that improvements could be proposed for implementation at the start of the new 2009/10 municipal year.

22. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTEREST

There were no declarations made at the meeting.

23. MINUTES OF THE ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE MEETING HELD ON 20TH JANUARY, 2009

RESOLVED that the Minutes of the Elections and Democratic Structures Committee meeting held on 20th January, 2009 be approved as a correct record and signed by the Chair.

24. MAYORAL AND EUROPEAN PARLIAMENTARY ELECTIONS –  
4TH JUNE, 2009: SECOND PROGRESS REPORT

Members considered a report which gave an update on progress made in the preparations for the Mayoral and European Elections to be held on 4th June, 2009. It was reported that since the last update, amendments to the European Parliamentary Election Regulations had now received affirmative ratification by both Houses of Parliament and, as a consequence, regulations covering both the European and Mayoral Elections were now in place. However, Members noted that the finalisation of the Returning Officers Fees and Charges Order had still not been completed, although ongoing negotiations by Regional Returning Officers and submissions by Local Returning Officers had resulted in an improved level of funding being included in the proposed order, the detailed content of which was still to be made available.

Discussion followed, during which the Electoral and Democratic Renewal Consultant answered a range of questions by Members concerning preparations for the Elections. With regard to the costs of the European Elections, he confirmed that these were met by the Government and that funds would be shared across all of the local authorities in the region, subject to being adjusted according to local factors such as the number of postal votes issued and number of polling stations used within the authority's area. In answer to a further question, the Consultant advised that this year's fees for elections staff would be set at least to the same level as those for the last Elections, but the fine detail would be worked up nearer the time.

In response to a comment by a Member, the Acting Director of Resources confirmed that the allocation of sufficient funds to ensure that the elections were properly financed would be regarded as a priority, and he pointed out that Officers were not expecting any potential shortfall in funds to be significant. The Electoral and Democratic Renewal Consultant added that there might be some benefits from an 'economy of scale' perspective with the European and Mayoral Elections being combined, and he also explained that under the Government's proposed new charging regime, where there would no longer be fixed budgets, it would be possible in future to use savings made on one particular budget to help make-up any shortfalls on another budget area.

After the officers had answered further questions and Members had commented on various issues including the costs of publicising the elections, progress in finalising nomination packs for prospective candidates, and advice to candidates with regard to activities such as the handing out of campaign leaflets, it was

RESOLVED to note the contents of the report.

25. REVIEW OF THE APPLICATION OF POLITICAL PROPORTIONALITY TO  
SEATS ON COMMITTEES AND SUB-COMMITTEES

Members considered a report which reviewed the methodology for the proportional allocation of seats on Committees and Sub-Committees and presented options to enable the Committee to make recommendations to the Council to identify its preferred option in readiness for the next allocation of

seats to each political group at the Annual Council meeting on 19th June, 2009. In presenting the report, the Democratic Services and Member Support Manager outlined the key issues and options for Members' consideration, including:-

- The scope for varying the size of Committees/Sub-Committees;
- Whether political proportionality should be applied to the Scrutiny Panels and continue to be disapplied to the Standards Committee and its Sub-Committees; and
- Whether the Licensing Committee should remain at 14 Members on a politically proportionate basis and the existing arrangements for the Licensing Sub-Committees of 7 Members each on a non-proportionate basis should be continued.

The Committee then discussed the various options at length, during which there was an exchange of views as to whether the Overview and Scrutiny Panels should be subject to proportionality and included in the overall seat calculation/allocations. On this issue, the Officers pointed out that if proportionality was applied to the Panels, this option could prove to be less inclusive for smaller sized political groups as they may not be represented on a Scrutiny Panel following the overall balancing to the control total. It was noted that the respective Scrutiny Panel Chairs were of the view that proportionality should not be applied to the Panels.

During further discussion, Members supported the recommendation in the report that the Licensing Committee should remain at 14 Members on a politically proportionate basis and that existing arrangements for the Licensing Sub-Committees of 7 Members each on a non-proportionate basis, be continued.

At this point, the Chair, Councillor Moira Hood, then invited Councillors Joe Blackham and Patricia Schofield to outline their views on the options set out in the report in their capacity as Labour and Conservative Group Leaders respectively. Councillor Blackham stated that, with regard to the options for varying Committee sizes, the Leaders of the Council's 4 largest political groups were in agreement that a standardized size of 11 seats should be adopted for all Committees and Sub-Committees, with the exception of the Licensing Committee and its Sub-Committees, and that this should include Scrutiny Panels being appointed proportionately. This was to be on the basis that the 4 largest political groups should be broadly entitled to an initial allocation of 5, 2, 2, 2 seats on Committees with 11 seats, with the necessary adjustments being made to ensure that the rules of proportionality were met. Speaking in support of the proposals outlined by Councillor Blackham, Councillor Schofield stated that she was pleased that this Committee was minded to recommend leaving the current arrangements as they were in respect of the Licensing Committee and its Sub-Committees.

After further discussion on the illustrative examples set out in Appendix A to the report relating to the options for varying Committee sizes, during which a number of Members supported the proposals put forward by the Group Leaders and agreed that proportionality should continue to be disapplied to the Standards Committee and its Sub-Committees in accordance with the

legislative provisions, it was

RESOLVED to recommend to the Council that:-

- (1) support be given to standardizing seats on all Committees and Sub-Committees at a size of 11 with the 4 Scrutiny Panels being included in this proportional allocation (there being 15 proportionate Committees/Sub-Committees with a total of 165 seats overall, available for allocation);
- (2) proportionality should continue to be disapplied to the Standards Committee and its Sub-Committees in accordance with the legislative provisions; and
- (3) the Licensing Committee remain at 14 Members on a politically proportionate basis, to be treated in isolation and that the existing arrangements for the Licensing Sub-Committees of 7 Members each on a non-proportionate basis, be continued.

26. SUCCESSION ARRANGEMENTS FOR SELECTION OF THE CHAIR AND VICE-CHAIR OF THE COUNCIL

Members considered a report which examined existing practice with regard to the selection of the Chair and Vice-Chair of the Council each year and outlined options for improvement to attempt to identify an agreed successor sufficiently in advance of the Council Annual Meeting to enable a dignified inauguration ceremony and invitation of guests as well as ensuring full induction and training can be provided prior to the Chair-Elect assuming the role. In presenting the report, the Democratic Services and Member Support Manager pointed out that all of the options set out in the report for agreeing a mechanism for nominations for the positions of Chair and Vice-Chair of the Council in future were on the basis that the Vice-Chair would automatically become Chair of Council in the following year, as was common practice amongst other local authorities.

The Committee discussed at length the options outlined in the report for determining the selection of the Chair and Vice-Chair of the Council each year. Several Members expressed the view that whilst they agreed that the Vice-Chair should automatically assume the position of Chair of Council the following year, the selection of nominees should be done on the basis of Groups putting forward the most competent and able person for the role each year, as opposed to other criteria such as a Councillor's length of service. A number of Members indicated that they would support, in principle, a points based form of proportional allocation, identified as Option 3 in the report, whilst others felt that the current arrangements should continue, as detailed in Option 1 of the report – no prior agreement (Status Quo).

The Chair, Councillor Moira Hood, then read out to the Committee the following comments submitted by the current Chair of Council, Councillor Paul Coddington on this matter: -

“I would suggest that the model operated by Barnsley Metropolitan Borough Council might be worth consideration:

- This would allow for a Vice-Chair of Council (who would become the Civic Mayor/Chair of Council the following year) to gain experience in the role shadowing the Chair whenever possible. This would suit the purpose of the suggestions in paragraph 4 of the report.
- The Civic Mayor/Chair of Council becomes the Deputy Mayor/Chair of Council following their year of office as Chair who would then be in a much better position of knowing how to fulfil the role in supporting the Chair. Having been Chair I realise how important it is to be well supported by a good Deputy who should be expected to personally support the Chair at any function and be prepared to stand-in for the Chair at a moment's notice.

Under this system the support for the Mayor of Barnsley has been outstanding. I hope these comments will be of assistance.”

At the invitation of the Chair, Councillors Joe Blackham and Patricia Schofield then gave their views on this matter as Leaders of the Labour and Conservative Groups respectively. Speaking on behalf of the Leaders of the Council's 4 largest political groups, Councillor Blackham stated that they supported the principle that the Vice-Chair should assume the role of Civic Mayor/Chair of Council in the following year. He advised that the Leaders wished to propose that the selection of the Vice-Chair of Council in 2009/10 and for the 10 subsequent years be allocated to political groups on a ratio of 5 occasions to the Labour Group and on 2 occasions to each of the Alliance of Independent Members, Liberal Democrat and Conservative Groups on a rolling programme basis, to be reviewed annually and automatically adjusted to take into account Election results. Councillor Schofield stated that she felt that proportional allocation was the right way forward for determining the selection of the Chair and Vice-Chair of the Council in the future as opposed to the other options such as a Councillor's length of service.

The Civic Office Manager informed Members that she had recently attended a training event held at Bradford, which had provided an opportunity for Chairs of Councils to discuss and address concerns they might have over what the role entailed and stressed that by agreeing the overarching principle that the Vice-Chair of Council in the current year should automatically become Chair of the Council in the following municipal year, this would allow sufficient time for an induction process to be put in place for the Chair-Elect, and enable the Civic Office to offer the appropriate level of support to that person in preparing for their new role.

After further discussion, during which several Members indicated that they would support the approach outlined by Councillor Blackham in the hope that such an arrangement would help to foster greater co-operation between the political groups in future, and assist in demonstrating effective governance arrangements and improving the Council's public perception, it was

RESOLVED to recommend to the Council that:-

- (1) the overarching principle that the Vice-Chair of Council in the current year should automatically become Chair of the Council in the following municipal year, be supported;
- (2) the selection of the Vice-Chair of Council in 2009/10 and for the 10 subsequent years be allocated to political groups on a ratio of 5 occasions to the Labour Group and on 2 occasions to each of the Alliance of Independent Members, Liberal Democrat and Conservative Groups;
- (3) this eleven year forward projection be subject to an annual review in February each year between Group Leaders to take account of any fluctuating composition of the Council; and
- (4) the political group holding the Vice Chair-Elect nomination for each municipal year should choose its own nominee from within the Group and submit the named nominee for notification at the March meeting of the Council to enable preparations to be made for the annual Council meeting in May so that full induction and training can be provided prior to the new Chair assuming the role.

(Note: In accordance with Council Procedure Rule 20.5, Councillors Jonathan Wood and Yvonne Woodcock requested that their objections to the above resolutions be recorded.)

27. PROPOSED REVISIONS TO THE COUNCIL'S CONSTITUTION – AMENDMENTS TO FINANCIAL PROCEDURE RULES

The Committee considered a report which gave details of minor revisions made to the Council's Financial Regulations to reflect changes arising from the Managing Director's senior management restructure carried out in 2008. In presenting the report, the Acting Director of Resources explained that the proposed changes to the Financial Procedure Rules would help to ensure that the Constitution reflected the Council's current operating arrangements.

RESOLVED to recommend the Council to note the revisions made to the Financial Regulations as a result of changes in structures in recent years, as set out in Appendix A to the report.

28. REVIEW OF COMMITTEES' AND SUB-COMMITTEES' TERMS OF REFERENCE FOR 2009/10

The Committee considered a report which sought views on proposed revisions to the Terms of Reference of Committees and Sub-Committees for the 2009/10 Municipal Year for recommendation to the Council for adoption at its Annual Meeting on 19th June, 2009, for the discharge of Council functions.

After a brief discussion, arising from a Member's comments, on the question of whether there was a need for Member representation on the Joint Safety Committee, it was

RESOLVED to:-

- (1) recommend to Full Council revisions to the existing Terms of Reference for the Committees and Sub-Committees of the Council as set out in Appendix A to the report and note the Terms of Reference for non-decision making bodies which are functions of the Council, as detailed in Appendix B to the report; and
- (2) note that the Mayor will determine how decisions in respect of Executive functions are to be taken.

29. REVIEW OF THE PROTOCOL ON THE DIFFERING FUNCTIONS OF THE ELECTED MAYOR AND CIVIC MAYOR AND THE USE OF THE TITLE CIVIC MAYOR

The Committee considered a report on the review of the protocol on the differing functions of the Elected Mayor and Civic Mayor and the use of the title 'Civic Mayor' following the referral back of this matter by Full Council on 10th March, 2009 in light of the long traditions of the Civic and Ceremonial Mayor. In particular, the report focused on the use of the title 'Civic Mayor' in the context of previous considerations by the former Democratic Structures Working Group prior to the introduction of Executive arrangements in May 2002 and gave details, for comparative purposes, of the titles used by the eleven other Mayoral authorities and indicated whether or not their Chairs were designated 'First Citizen' under their respective constitutional executive arrangements, as was the case in Doncaster.

Speaking on this issue at the invitation of the Chair, Councillor Joe Blackham stated that there was a widely held view that the title of 'Civic Mayor' should be reinstated immediately in recognition of the long and proud tradition of having a Civic Mayor in Doncaster and he felt that the Elected Mayor model should not undermine this long-established custom.

General discussion followed, during which Members discussed the operation of the protocol on the differing functions of the Elected Mayor and Civic Mayor/Chair of Council, including the criteria for wearing the Civic Insignia and when the title of 'Civic Mayor' should be used. There was broad agreement that the title of 'Chair of Council' should be used when the role of chairing meetings of the Full Council was being carried out, but that at all other times the title of 'Civic Mayor' should be used. Members also felt that it should be left to the discretion of the Civic Mayor to decide which items of insignia should be worn when attending a function.

After the Civic Office Manager had confirmed that no issues or difficulties had arisen since the new consultation arrangements between the Civic and Executive Offices had been introduced, it was

RESOLVED to recommend to the Council that:-

- (1) the title 'Chair of Council' be used at all times when performing the role of chairing Council meetings; and

- (2) at all other times when attending or hosting civic or ceremonial engagements, the title 'Civic Mayor' be used and for he/she to have absolute discretion in deciding to wear Civic regalia in the circumstances dependent upon the nature and custom/practice of the individual engagement.