

**Agenda Item No.  
26th March, 2001**

**To the Chair and Members of the**

**DEMOCRATIC STRUCTURES WORKING GROUP**

**POSITION OF THE CHAIR OF THE COUNCIL AND THE MAYOR**

**Purpose**

1. A report to examine the options in relation to the appointment of Chair of the Council, the Mayor and a "Speaker".

**Background**

2. Sections 3 and 5 of the Local Government Act 1972 provide that a Chair and Vice-Chair will be elected annually by the Council. The Chair shall have precedence in the district (and consequently be considered first citizen).
3. Paragraph 5 of Schedule 12 of the 1972 Act provides that the Chair shall preside at the Council meeting if present (and indeed this is referred to as a duty in supplementary notes to the Act).
4. Section 245(1)(b) of the 1972 Act provides that in a Council with borough status the Chair and Vice-Chair of Council shall respectively be entitled to the style of Mayor and Deputy Mayor of the borough.
5. These provisions are amended by the Local Government Act 2000 with regard to the elected Mayor model. If the Council operates executive arrangements including an elected Mayor the entitlement of the Chair and Vice-Chair to be called Mayor and Deputy Mayor is removed and the elected Mayor of the Council is to have precedence in the district unless the executive arrangements provide that this provision should not apply.
6. The consequences of the above provisions:-
  - (i) Under current arrangements the Chair of Council is the only Councillor who may be entitled the Mayor and likewise the Vice-Chair entitled Deputy Mayor.

The Chair of Council shall preside at the meeting if present. In the absence of the Chair the Vice-Chair shall preside if present. In the absence of both the Chair and Vice-Chair the meeting may choose a Chair to preside.

If a separation of roles is desirable regarding the chairing of meetings and a ceremonial role the most straightforward option would be that the Chair primarily acted as Speaker and the Deputy Mayor undertook the ceremonial role.

The Deputy Mayor could undertake a "Speaker" role, and Chair the Council meeting in the absence of the Mayor. This may present practical difficulties.

(ii) Leader and Cabinet Model

The circumstances of the Leader and Cabinet model is much the same as at present, the appointment of Chair entitled Mayor and the Vice-Chair entitled Deputy Mayor. The above comments would apply.

(iii) Elected Mayor Model

Under the elected Mayor model, the Chair and Vice-Chair of Council are not entitled Mayor and Deputy Mayor. Council may determine in executive arrangements whether or not the elected Mayor is considered the borough's first citizen and may reserve this role to the Chair or Vice-Chair of Council.

This gives some degree of flexibility in the Chair of Council can carry out the role of Speaker and the Vice-Chair could concentrate on discharging the ceremonial duties.

Some thought will be required with regard to the title of the Chair and Vice-Chair and First Citizen is one suggestion.

In a very few number of Local Authorities the title Mayor or Lord Mayor is derived from ancient custom and practice or charter and may still be applied with regard to the ceremonial role, however consideration is required to properly separate the description of the Mayor or Lord Mayor and the elected Mayor.

John Pitt  
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Background Papers:

Reference: L/PJE

2. **POSITION OF THE CHAIR OF THE COUNCIL AND  
THE MAYOR**

A preliminary report was presented to the Working Group examining the options in relation to the appointment of Chair of the Council, the Mayor and a "Speaker". The report detailed provisions of the Local Government Act 1972 and amendments to those provisions by the Local Government Act 2000 with regard to the Elected Mayor Model. The consequences of the provisions of the two Acts, were considered by the Working Group and it was felt that further information was required.

**AGREED** that a further report be considered on this issue at the next meeting.

Paul Evans

**To the Chair and Members of the**

**DEMOCRATIC STRUCTURES WORKING GROUP**

**CHAIR OF COUNCIL AND CIVIC MAYOR POST MAY 2002**

**Purpose**

1. This report requests the Democratic Structures Working Group to consider and recommend the title for the Civic Mayor from 6th May 2002 and to determine a default position on the Civic Mayor's engagements from that same date.

**Background**

2. Ss22 Local Government Act 1972 requires the election of a chair and vice-chair, by the Full Council from amongst it's members. Under the 1972 Act. Only the chair of the Council is entitled to the title of mayor and the vice-chair is entitled to the title of deputy mayor. Under the twin role only the Mayor chairs council meetings and undertakes civic and ceremonial functions.
3. The Elected Mayor will take up appointment on 6th May 2002. Under the new arrangements there will still be a requirement (under the 1972 Act) for the Full Council to elect a chair. The chair will no longer be entitled to the title of mayor.
4. Paragraphs 4.33-4.34 of the Statutory Guidance reads as follows:  
  
"4.33 An elected mayor is not permitted to be chairman of the local authority. It is a matter for local choice whether the [elected] mayor or the chairman of the local authority discharge the ceremonial functions of the council.  
  
4.34. However, in a constitution which involves the mayor and cabinet form of executive in particular, it is unlikely that the elected mayor will have enough time to discharge the many ceremonial duties and therefore the Secretary of State considers it would be appropriate for these duties to remain with the chairman of the local authority."  
  
5. The previous draft constitution, for a leader and cabinet model, provided for the chair/ceremonial mayor to carry on undertaking

ceremonial and civic functions, but to consult with the leader as to which functions they wished to attend.

6. Members of the Democratic Structures Working Group are asked to consider the extent to which the chair of the council should undertake civic and ceremonial duties, and if so, an appropriate title for the chair of the council to be used from 6th May 2002.
7. The role and duties of the current Civic Mayor post 6th May 2002 depend to an extent on the determination of the Elected Mayor. However the constitution can establish a default position, which can only be changed by resolution of the full council.
8. Requests for the current Civic Mayor to carry out duties post 6th May 2002 are being received daily. It is proposed that, as a default position, requests for the Civic Mayor to undertake engagements post 6th May 2002 are dealt with and agreed as though the current arrangements will remain unchanged. The chair of the Council (whatever title they assume) will accept invitations and attend civic and ceremonial functions.
9. The Democratic Structures Working Group is asked to support this default arrangement.
10. A number of possible titles for the chair of the council have been suggested:  
  
First Citizen  
Speaker  
Chair of the Council  
  
DSWG is asked to reach a consensus as to which title should be adopted by the Chair of the Council.
11. The title of ceremonial mayor has some attraction, although it has been criticised as having the potential to confuse. The legislation presents two circumstances when an individual can assume the title of mayor. Firstly the chair of the Council under the 1972 Acts or secondly an elected mayor. The two systems are mutually exclusive and a mayoral system cannot also include a "ceremonial mayor".

### **Legal Implications**

12. The requirements of the 1972 and 2000 Local Government Acts and the relevant statutory guidance are identified in the body of the report.

### **Financial Implications**

13. There are no significant financial implications.

**Recommendation**

14. It is recommended that the Democratic Structures Working Group:-
- (i) Give its views on the appropriate designation for the existing Civic Mayor for use on 6th May and thereafter; and
  - (ii) Support a default position for inclusion in the draft Consultation with requests for the Civic Mayor's engagements post 6th May 2002 as though current arrangements will remain unchanged.

**John Pitt**  
**Executive Director of Corporate Services**

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**Background Papers :** **None**

5. CHAIR OF COUNCIL AND CIVIC MAYOR POST MAY, 2002

Paul Evans presented a Paper seeking views on the title for the Civic Mayor from 6th May, 2002 and to determine a default

position of the Civic Mayor's engagement from the same date. It was noted that when the Elected Mayor takes up appointment on 6th May, 2002 under the new arrangements the Chair of the Council will no longer be entitled to the title of Mayor.

The Group was reminded that an Elected Mayor was not permitted to be Chairman of the Local Authority. It was a matter for local choice whether the Elected Mayor or the Chairman of the Local Authority would discharge ceremonial functions of the Council.

The previous draft Constitution for a Leader and Cabinet Model provided for the Chair, Ceremonial Mayor to carry on undertaking ceremonial and civic functions but to consult with the Leader as to which functions they wished to attend.

Whilst the role and duties of the current Civic Mayor post 6th May, 2002 would depend to an extent on the determination of the Elected Mayor, the Constitution could establish a default position which could only be changed by resolution of the Council. The Group was informed that requests for the current Civic Mayor to carry out duties post 6th May were being received daily. It was therefore proposed that as a default position the Civic Mayor continue to undertake ceremonial and civic functions but consult the Elected Mayor as to which functions they wished to attend.

The Group then considered a number of possible titles for the Chair of the Council. It was noted that it was not possible for the existing Mayor to be known as a Ceremonial Mayor in the absence of any other title the default position would be Chair of the Council.

**AGREED**

- (i) post 6th May, 2002 the current title of Mayor be re-designated Chair of the Council; and
- (ii) the Group support a default position for inclusion in the draft Constitution that post 6th May, 2002 the Chair of the Council will undertake civic and ceremonial functions in consultation with the Elected Mayor as to which functions they wished to attend.

All to note  
Paul Evans