

**Scrutiny Standing  
Panel Agenda**



**Constitution and Members Services Scrutiny Standing  
Panel  
Tuesday, 24th September, 2013**

You are invited to attend the next meeting of **Constitution and Members Services Scrutiny Standing Panel**, which will be held at:

**Committee Room 1  
on Tuesday, 24th September, 2013  
at 7.00 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

M Jenkins - The Office of the Chief Executive  
Tel: 01992 564607  
Email:democraticservices@eppingforestdc.gov.uk

**Members:**

Councillors J Philip (Chairman), A Watts (Vice-Chairman), R Cohen, Mrs R Gadsby, Mrs M McEwen, R Morgan, Mrs C Pond, Mrs M Sartin, D Stallan, Mrs J H Whitehouse and G Waller

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**SUBSTITUTE NOMINATION DEADLINE:**

**18:00**

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- 1. APOLOGIES FOR ABSENCE**
- 2. NOTES OF THE LAST MEETING (Pages 3 - 10)**  
  
To agree the notes of the last Panel meeting held on 25 June 2013. (Attached).
- 3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**  
  
(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.
- 4. DECLARATION OF INTERESTS**  
  
(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

**5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 11 - 16)**

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

The OSC is about to formulate next years OS work plan incorporating a programme for this Panel. In view of this, the Panel may wish to bring forward suggestions/ideas on topics for inclusion in its work programme for next year.

**6. PROCESS REVIEW ON APPOINTMENT OF VICE CHAIRMAN OF COUNCIL (Pages 17 - 62)**

(Assistant to the Chief Executive) To consider the attached report.

**7. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

**8. FUTURE MEETINGS**

The next programmed meeting of the Panel will be held on Tuesday 19 November 2013 at 7.00p.m. in Committee Room 1 and then on:

- Tuesday 14 January 2014 at 7.00p.m.; and
- Tuesday 18 March 2014 at 7.00p.m.

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY  
STANDING PANEL  
HELD ON TUESDAY, 25 JUNE 2013  
IN COMMITTEE ROOM 1  
AT 7.00 - 9.32 PM**

**Members Present:** J Philip (Chairman), A Watts (Vice-Chairman), R Cohen, R Morgan, Mrs C Pond, Mrs M Sartin, Mrs P Smith, D Stallan and Mrs J H Whitehouse

**Other members present:**

**Apologies for Absence:** G Waller

**Officers Present** I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), S G Hill (Senior Democratic Services Officer), W MacLeod (Elections Officer) and M Jenkins (Democratic Services Assistant)

## **1. NOTES OF THE LAST MEETING**

### **RESOLVED:**

That the notes of the last meeting of the Panel held on 26 March 2013 be agreed.

## **2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was noted that Councillor Mrs P Smith was substituting for Councillor G Waller.

## **3. DECLARATION OF INTERESTS**

No declarations of interests were made pursuant to the Member Code of Conduct.

## **4. TERMS OF REFERENCE / WORK PROGRAMME**

### **(a) Terms of Reference**

The Terms of Reference were noted.

### **(b) Work Programme**

It was advised that Item 7 (Officer Delegation) would be reviewed by the Audit and Governance Committee at the request of the Overview and Scrutiny Committee and they would report to this Panel.

## **5. ELECTIONS - 2 MAY 2013**

The Panel received a report regarding the County Council Elections and District Council By-Election of 2 May 2013, from the Deputy County Returning Officer/Returning Officer.

The following seven County Council Divisions were contested on 2 May 2013:

Buckhurst Hill and Loughton South  
Chigwell and Loughton Broadway  
Epping and Theydon Bois  
Loughton Central  
North Weald and Nazeing  
Ongar and Rural  
Waltham Abbey

There was a District Council by-election for a seat in the Waltham Abbey Honey Lane Ward to fill a vacancy arising from a resignation.

### **Turnout**

Overall turnout was 25.07% and turnout for the District Council by-election was 20.50%.

The level of turnout was disappointing, numerous complaints were received by the Council and at polling stations about the lack of available information on the candidates. Neither the Council nor the Returning Officer were able to publish candidates' manifestos.

### **Arrangements**

A Project Plan and a Risk register for the elections were prepared and updated on a regular basis from the beginning of the year.

The Electoral Commission issued a direction to Returning Officers to report their performance against set standards regarding planning and organisation, administering the poll, absent voting, verifying and counting the votes and action after the poll.

The Commission did not raise any significant queries in relation to the submitted material and had subsequently confirmed that based on their analysis of the information submitted, officers had met all the necessary standards.

### **Polling Stations**

80 established Polling Stations were provided in 72 different buildings on 2 May 2013. 72 Presiding Officers and around 120 Poll Clerks were appointed.

On election day, representations were made about some of the buildings.

At the Allnutts Institute, Allnuts Road, Epping, a farm type gate, which appeared solid but would not act as a handrail if grabbed after tripping. Discussions would take place with the owners of the building about remedial works.

An elector in a wheelchair found it difficult entering the polling station at the Hastingwood Village Hall. The doorframe had a raised sill at floor level, the doorway was quite narrow but could accommodate a wheelchair. The raised sill was a potential hazard. Discussions would take place with the owners of the building about potential improvements.

The Whitebridge Junior School, Loughton, had two entrances, one in Greensted Road, the other in Southern Drive. It was necessary for both entrances to be open as the distance between the two for pedestrians was significant. Representations were received on polling day that there was inadequate signage from the Southern Drive entrance resulting in some electors walking around the school looking for the polling station. The Presiding Officer provided additional signage and the need for this would be emphasised to Presiding Officers in the future.

A complaint was made to one Presiding Officer about the lack of a Notice of Poll inside a polling station. This had been the case for several elections since the Electoral Commission advised that this notice was not listed in the legislation as being one for display in a polling station.

### **Postal Votes**

The total number of postal vote packets issued was 8,115. Only 4 packs failed to reach the electors in the post and were re-issued. 71% were returned which equated well with previous elections. No arrangements were made for a final sweep of sorting offices to locate postal votes, 26 postal votes were handed in at polling stations. In the post immediately following polling day, 51 postal vote packages were received.

The issue and opening sessions for postal votes went smoothly, there was no evidence of any significant postal vote found although 145 postal votes were rejected for various reasons.

The Electoral Registration and Administration Act 2013 provided for regulations to be made which required from next year that Electoral Registration Officers inform electors, after a poll, that their postal vote identifiers had been rejected.

The Elections Office received a complaint from an elector that the Electoral Registration Officer had breached the elector's data protection rights by revealing that she was a postal voter to a candidate. Elected representatives, candidates, registered political parties and local constituency parties can request that the Electoral Registration Officer supply them with the current or final version of the absent voting lists for a particular election, for helping their campaigns. There was no question of a breach of data protection. However, it was the working of the candidate's literature to the elector which the elector took exception. The literature stated that the candidate was aware of the elector's postal vote status from the published list by the Electoral Registration Officer, and this had been interpreted by the elector as the list having been published for anyone to see details of the elector's mode of voting. Agents would be asked in future to be more sensitive with the wording of similar addresses to postal voters as misunderstandings of this nature could lead to a disincentive to vote.

### **Ballot Papers**

The proofs of all of the ballot papers were scrutinised carefully and all ballot papers were printed in the correct format.

### **Spoilt Papers**

There was little evidence of spoilt ballot papers at the count, the highest number of papers rejected was 18 in Waltham Abbey. The number rejected in the District Council Waltham Abbey Honey Lane by-election was 40, possibly due to there being only two candidates.

### **Verification and Counts**

Verification and counting of ballot papers took place at Theydon Bois Village Hall immediately following the close of poll. This did not follow the national scene where most counts occurred the following day, 3 May. Despite staff being tired after a long day, both processes went very smoothly and the count finished ahead of schedule.

### **Police Liaison**

Discussions were held with the police prior to the election and, as in previous years the police support was good. There were no instances requiring immediate police presence outside of the regular visits.

### **Complaints and Queries Received in the Elections Office**

There were very few telephone calls made to the Elections Office on 2 May by electors.

### **Tellers**

Tellers in a number of polling stations had left heaps of poll cards on the floor of the areas they had occupied during the day. At one polling station a teller left unattended a box, rosette and poll cards for the next teller. The Presiding Officer took the items into the polling station for safe keeping but was criticised for doing so by the next teller. It was advised that the information sheet sent to election agents and candidates was not to leave poll cards lying around, and not to put them in bins at the polling station.

At another polling station an elector complained about being asked by a teller for their details on their way into the station. The Electoral Commission guidance stated that tellers could ask electors for their details on their way in or out of a station. However following a local consultation in 2011, the resounding local opinion was that tellers should continue of only approaching electors after they had voted.

### **Feedback from Election Agents and Candidates**

Feedback had been very good. One agent advised that tellers for one polling station reported the need for better signage as there were other activities taking place at the venue. The agent had also said that more importance should be given at the count to the piles of 50 votes laid out in lines so that candidates and agents could better appreciate the build up to the final result. The distracting background noise during the announcement of results and the failure of winning candidates to be asked to identify themselves, was another issue.

### **Lessons Learned**

Broadly, there were no key issues arising from the elections. Generally all practices were completed successfully.

The Panel expressed its thanks for all the staff who worked on the elections.

**RECOMMENDED:**

That the report regarding the election of 2 May 2013 be recommended to the Overview and Scrutiny Committee.

**6. EMPLOYMENT PROCEDURE RULES**

The Panel received a report regarding Employment Procedure Rules from the Assistant to the Chief Executive.

On 14 February 2012 the Council adopted new procedures for top management officer appointments within the Council. This had followed a specially convened review by a Task and Finish Panel exploring concerns about the contractual arrangements for previous Chief Executives. As part of this process, Counsel was instructed to advise on the Council's Redundancy and Redeployment Policy and Procedure and carry out a review of the Constitutions Staff Employment Rules and Operational Standing Orders, ensuring that all processes were consistent.

**Staff Employment Procedure Rules**

The current rules derived from the Local Government Act 2000 and represented statutory advice from the Government. These rules covered matters such as recruitment and appointment of staff, redundancies, dismissals and disciplinary action for all posts, particularly those at top management level.

**Counsel's Opinion**

Counsel had advised that the Officer Employment Procedure Rules did not cover dismissal. He suggested that the Constitution's Operational Standing Orders – Staff should be integrated into the rules with clarification concerning dismissal by reason of redundancy. Counsel recommended as well that the position of certain key post holders must be clarified.

**Right of Objection to Appointments/Dismissal by the Executive**

The Local Authorities (Standing Orders) Regulations 2001 put in place certain procedures allowing the executive of a Council to object to a proposed appointment of a range of senior positions or for dismissal from those positions and required Council to determine whether or not any objection received was sound.

The Task and Finish Panel called for more clarity in the Staff Employment Procedure Rules regarding the process adopted in allowing the Executive to object where appropriate. Those procedures were set out in the Operational Standing Orders.

**RESOLVED:**

- (1) That the Assistant to the Chief Executive review the provision of Rule 9.1.2 regarding temporary suspension of a Chief Executive and who should be responsible for that decision; and
- (2) That Rule 9.1.3 be amended to include a timescale for convening a Panel to review/extend a temporary suspension within the initial suspension period of 10 days.

**RECOMMENDED:**

- (1) That a report be submitted to the Council recommending as follows:
  - (a) That, in accordance with the advice of Counsel, the Staff Employment Procedure Rules (including the Operational Standing Orders for Staff) be adopted as set out in the attached appendix and subject to the amendment of rules and as indicated above;
  - (b) that the Council appoint at this meeting 7 deputies for the present Restructuring Review Panel on the nomination of Group Leaders so as to ensure that the Council is able to comply with the requirements of the revised Employment Procedure Rules when adopted;
  - (c) that, when required, a second Panel be formed from among the seven members and deputies appointed to the Restructuring Panel to deal with any appeals under the Employment Procedure Rules subject to the seven members concerned not having been involved in the original decision;
  - (d) that all members and deputies serving on the Restructuring Review Panel be trained in the requirements of those rules and related legal requirements before the Directorate Restructuring process commences;
  - (e) that the Finance and Technology Portfolio Holder be asked to review whether there is sufficient budgetary provision for training for Panel members in the current year (d), that a similar pool of 14 Panel members and deputies be appointed at future Annual Council meetings so that the Council is able to respond promptly when the Employment Procedure rules are engaged and that all appointed members and deputies be trained in the relevant procedures when required; and
  - (f) that the Chairman and Vice Chairman of any Panel convened in future years for the purposes of the Employment Procedure Rules be appointed by Panel members at the meeting concerned.

**7. PROCESS REVIEW ON APPOINTMENT OF VICE CHAIRMAN OF COUNCIL**

The Panel received a report from the Senior Democratic Services Officer regarding the Vice Chairman of Council – Appointment Review.

At the annual meeting of the Council it had been agreed that the Overview and Scrutiny Committee should be asked to undertake a review of the process for the nomination to and appointment of the Vice Chairman of Council. The Committee had delegated the review to the Panel.

Members asked that officers research the policies of other councils regarding their appointment process and also provide further information on the Point System used by this Council in the past.

**RESOLVED:**

That a further report be submitted to this Panel with information regarding how other Local Authorities arranged their appointment process for the position of Vice Chairman of Council and including the Point System used previously by the District Council.



**8. CONVENTION ON THE RELATIONSHIP BETWEEN POLITICAL GROUPS AND COUNCILLORS WITH OFFICERS**

The Panel received a report from the Assistant to the Chief Executive regarding Convention on the Relationships between Political Groups and Councillors with Officers.

The Council's Constitution contained conventions regarding the management of relationships between political groups, Councillors and officers. The Management Board felt that these conventions should be reviewed in the light of current experience. This report and proposed changes were considered at the Panel's last meeting, but were deferred pending consultation with Councillors via the Bulletin.

**(a) Entitlement to Information**

The revised wording of these paragraphs remained.

**(b) Paragraph 2.1**

This paragraph had been amended to make reference to the Freedom of Information and Data Protection Acts.

**(c) Paragraphs 2.3, 2.4 and 2.5**

The current wording was submitted at the last Panel meeting and caused controversy about the position of Directors in relation to Portfolio Holders. Management Board had looked at this issue again, directors concluded that these paragraphs had attempted to put in place a system which may be unworkable. A more simple approach was that all requests for the supply of information should be treated as confidential, irrespective of political groups.

**(d) Paragraph 4.3 (Briefing of Political Groups)**

This was a new paragraph which reflected current practice in relation to Group Leader's meetings which had recently been revived.

**(e) Paragraph 5.2 (Casting Vote)**

This paragraph had been extended to provide more advice to Chairmen regarding the issue of the second or casting vote for the status quo. The new wording dealt with situations where effectively there was no status quo relating to regulatory decisions such as planning, licensing and appeals of various kinds. The advice was that in those circumstances chairmen must vote in accordance with their own judgement of the issues concerned.

**(f) Paragraph 6.2 (Relations with the media)**

There was a small addition to this paragraph clarifying the circumstances where members could speak directly to the media on any issue.

**(g) Paragraph 6.5 (Relations with the Media – Election Periods)**

This new paragraph drew attention to the special requirements for Council publicity during election periods.

**(h) Paragraph 8.1 (Facilities for Members)**

The wording of this paragraph had been slightly amended to refer to Democratic Services, it referred to securing typing services from the Council. Members suggested that this should be amended to an application to Democratic Services.

**Results of Consultation**

One representation had been received from a member of the Council dealing with email and staff/member interactions. The Panel supported the creation of a guide for Members identifying senior staff in the Council and providing guidance on email contacts.

**RESOLVED:**

That the issues raised in consultation with Councillors concerning new members and email correspondence be referred to officers for appropriate advice to be given.

**RECOMMENDED:**

That the report regarding the Convention on the Working Relationships between Political Groups and Councillors with Officers be recommended to the Overview and Scrutiny Committee for approval with the additional:

**9. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The following reports would be referred to the Overview and Scrutiny Committee:

- (a) Elections – 2 May 2013;
- (b) Employment Procedure Rules; and
- (c) Convention on the Relationship between Political Groups and Councillors with Officers.

**10. FUTURE MEETINGS**

The next meeting of the Panel would be held on 24 September 2013.

# Agenda Item 5

## TERMS OF REFERENCE - STANDING PANEL

<b>Title: Constitution and Member Services</b>
<b>Status:</b> Standing Panel
<b>Terms of Reference:</b>  1. To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee.  2. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.
<b>Chairman: Councillor J Philip</b>

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## Constitution and Member Services Standing Panel (Chairman – Cllr J Philip)

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Review of Essex County Council Elections 2 May 2013	25 June 2013	<b>COMPLETED</b>	25 June 2013; 24 September; 19 November; 14 January 2014; and 18 March
(2) Officer Employment Procedure Rules	25 June 2013	<b>COMPLETED</b>	
(3) Conventions regarding Relationships between Officers and Councillors	25 June 2013	<b>COMPLETED</b>	
(4) Process Review on Appointment of Vice Chairman of the Council	24 September 2013	The Panel requested that this item be deferred to a later date for more information	
(5) Review of Licensing	19 November 2013		
(6) Petitions Scheme	19 November 2013		





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## **Report to Constitution and Members Services Scrutiny Standing Panel**

**Date of meeting: 24 September 2013**

**Subject: Vice Chairman of Council – Appointment Review**

**Officer contact for further information: Simon Hill Ext 4249**

**Committee Secretary: Mark Jenkins Ext 4607**

# SCRUTINY



Epping Forest District Council

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### **Recommendations/Decisions Required:**

- (1) To consider methods for the Appointment of the Vice Chairman of Council; and
- (2) To make appropriate recommendations to enable either:
  - (i) a report to be consulted on with Group Leaders and members; or
  - (ii) further work to be undertaken by officers on elements of a desired future scheme.

### **Report:**

1. At the annual meeting of the Council it was agreed that the Overview and Scrutiny Committee be asked to undertake a review of the process for the nomination to and appointment of the Vice Chairman of Council. The Overview and Scrutiny Committee has delegated that review to this Panel. At the meeting held on 25 June 2013 members asked that a further report be submitted to this Panel with information regarding how other Local Authorities arranged their appointment process for the position of Vice Chairman of Council and including the Point System used previously by the District Council.

2. This report seeks to give members a number of 'pick and mix' options for future appointments, details of the points system previously employed and results of online research into how other authorities appoint to these positions.

### **Previous Points System**

3. The Points systems was operated by the Council during the period 2000-2007. The details of the system are set out in Appendix 1 attached. The premise of the system was that it created a rotational system linked to numbers of Councillors in any group. The system was suspended in 2004/05 and 2005/06 and was replaced by the current system by the May 2007 Annual Council meeting.

4. There are a couple of observations on this system. Firstly it took the control of the appointment process out of the hands of the members; and secondly meant that no independent members would ever have been made the Chairman as it was based on group strengths. Members could choose to revert back to this system as it did mean that Groups would all eventually be eligible to put forward an appointment.

### **Online Research**

5. During the summer the Council was fortunate to have help from a student intern, Roisin Perry who has undertaken online research with other authorities. The details of her research are at Appendix 2. Over 80 other local authorities have been looked at. Interestingly there seems to be a majority of other authorities that have not defined a process except the

Vice Chairman being appointed at the annual meeting. This wording is used as it is that which is stated in the Local Government Act 1972.

6. However Roisin has found some examples of other practices. These are detailed in Appendix 3 attached and are summarised below:

**(a) Birmingham City Council**

“Should a Member, due to take up the Deputy Lord Mayoralty, fail to be re-elected to the City Council, or an incumbent is unable to complete his or her term, owing to ill health or similar disposition, the Party Group of the outgoing Deputy Lord Mayor will be asked to make an alternative nomination. This will be the last Member of their Group to hold the position of Deputy Lord Mayor prior to the outgoing Deputy.”

“Should that Member be unwilling to take up the Office, previous Lord Mayors of that Party will be approached, in reverse chronological order, until a Member willing to take on the role can be found”

“Should the Party Group be unable to put forward an alternative name by this process, the Office shall then be offered to the previous Deputy Lord Mayor, regardless of their Party affiliation. If that individual is unwilling to assume the role, the previous Lord Mayors will be approached, again in reverse chronological order, until a Member, regardless of Party affiliation, willing to take on the role can be found.”

These are interesting approaches to the selection of candidates based on party lines, and though here applying to conditions of re-election or failure to take up the Deputy Lord Mayoralty post, could be used as inspiration for initial elections of a Chairman or Vice-Chairman.

**(b) Coventry City Council**

The office of Lord Mayor and Deputy Lord Mayor will be offered by the Leader of the Council to the Councillor who has the longest service and has not previously held the office. If that Councillor declines that offer, then it is offered to the next person in order of length of service. Any Councillor who declines the offer may take up the offer in subsequent years.”

This statement therefore offers a seniority approach, which could be applied to the election process at Epping Forest District Council.

**(c) Wolverhampton City Council**

The Annual Meeting of the Council in May each year will elect a Mayor and appoint a Deputy Mayor from different political groups so as to ensure a dignified rotation of these offices between Senior Councillors. For the first Municipal year of this protocol (commencing at the Annual Meeting on 23 May 2001) the Deputy Mayor was selected from Category B. For all succeeding years the following methodology will apply.

**Step 1**

After the municipal election in May and immediately before the Annual Meeting each year all Councillors will be placed into one of two categories -  
Category A - Controlling Group  
Category B - All other Councillors

## Step 2

Each category will list Councillors in order of seniority based on the number of years and part years service as a Councillor with Wolverhampton City Council or any of its predecessor authorities. Councillors with the same number of years and part years will be listed alphabetically. Councillors who have already held office as Mayor will be treated as if their years of service begin again.

## Step 3

1. The unopposed nomination for the post of Deputy Mayor for the next ensuing municipal year will be offered in strict order of seniority to Councillors within the same category as the sitting Mayor.

2. Where a Councillor is unable or unwilling to accept the nomination for whatever reason the offer will pass to the next most senior Councillor within that category and so on.

## Step 4

At the immediate following Annual Meeting the current Mayor will preside over the election of the current Deputy Mayor to the office of Mayor for the ensuing municipal year.

The newly elected Mayor will preside over the appointment of the new Deputy Mayor selected in accordance with steps 1 to 3.

This Constitution thus provides a useful and detailed step-by-step outline of a party-based rotation of office, which also uses seniority as a method of selection.

### **(d) Cheshire East Council**

The Deputy Mayor will normally succeed to the Mayoralty in the following year. Each year, the Deputy Mayor will be chosen by full Council at the recommendation of the political group which has the majority of Council Members, provided that in making such choice, another political group or groups may be invited to put forward a nomination for consideration by the majority group.

The Council has adopted a Mayoralty Code of Practice which is included in Part 5 of their Constitution.

The Deputy Mayor will normally succeed to the Mayoralty in the following year. The selection process should normally ensure that, upon election to office, the Mayor will have served at least one term of office as a local authority Councillor.

Cheshire East therefore provides a precedent for the use of a party based system of appointment, subject to the will of the majority of Council Members. This is a variation on other party based systems that could be adopted by the Council.

We are aware that York City Council also ask that the member appointed has served at least five years on the Council.

### **(e) Stockton-on-Tees Borough Council**

Each year the Councillor with the longest cumulative service on the Council will be nominated to serve as Deputy Mayor (unless that Councillor has previously served as Mayor).

When appointed by Council as Deputy Mayor, the Councillor concerned will then be agreed as the person nominated to serve as Mayor for the following Municipal Year.

Where, in any year, more than one Councillor satisfies the criterion as the Councillor with the longest cumulative service on the Council, and no one agreed nominee has been chosen, lots will be drawn to secure the nomination for Deputy Mayor for the forthcoming municipal year.

If in any year the Councillor with the longest cumulative service or chosen nominee, decides not to agree to their name being put forward as nominee to the annual meeting of the Council, this will not preclude that Councillor from being re-considered for nomination in future years.

Stockton-on-Tees Borough Council thus differs from other councils in its approach to the seniority rule; by way of drawing lots for the nomination of Deputy Mayor should more than one Councillor be eligible. Again, this approach could be adopted at Epping Forest District Council.

**(f) Chester West and Chester Council**

1. Each year, prior to the Annual Council (nominally about 10th May or after the elections early May, prior to the Annual Council), each Party will be allocated a point for each Member they have on the Council at that time.
2. The number of points, when added to the carry over number of points will give a total number of points per Group and the Group with the largest number of points will be entitled to put forward a name for the post of Duty Chairman CWaC and Deputy Lord Mayor of Chester who will in due course become the Chairman of CWaC and Lord Mayor of Chester.
3. If the Group with the largest number of points has no name to put forward then the Group with the next largest number of points will be entitled to nominate.
4. When a group nominates a name, 72 points (the current size of the Council) will be deducted from the Group's total.
5. It is expected that the Group Whips will liaise to ensure the process operates correctly
6. Democratic Services, independent of the Groups, will maintain a running list of the points system for both Civic appointments each year and which Group makes the nominations.

This is basically the same system as we applied in the period 2000-2007.

7. The above examples give a flavour of mechanisms that could be employed by the Council. We have been unable to find a similar system that requires cross party support. In essence most authorities try to avoid contested elections for the Chairmanship and Vice-Chairmanship of Council as the positions are regarded as Ceremonial.

**What should the Scheme look like?**

8. The Panel should consider what a scheme might look like. For example:
  - Should there be restrictions on applying?

Examples might be: a minimum length of service?, require a fixed number of supporters?, prior experience as a Chairman? Not in their last year before re-election? Should any new scheme remove any restriction on applying?

- Should the Council have the final say?

At present the Council is asked to make the appointment and is required in law to do so at its annual meeting<sup>1</sup>. Any scheme should not conflict with primary legislation. The decision must be made at the annual meeting. There is nothing in the current procedure rules that would prevent an alternative motion/amendment being made at the annual meeting either with or without the suspension of a procedure rule.

- Should it be open to all members to apply?

The previous points scheme made it impossible for non-affiliated members to become Chairman.

- Should nominations require cross party support?

If the new process has this requirement, does this preclude some groups from putting forward a valid nomination? Does this method ensure that a nomination has the broader support of the Council? Should the wording give non-affiliated members the right to be a valid supporter?

- Should any restrictions apply to chairman?

At present restrictions on the appointment of Vice Chairman don't apply to the election of the Chairman. Should they? Or is the progression automatic?

- What happens when vice chairman isn't a councillor at the time of appointment?

There have been occasions when the Vice Chairman hasn't taken up the position of Chairman, what rules should then apply to that election? Should they be the same as the appointment of the Vice Chairman in those instances?

- Should there be a person specification and job description? Or other Essential / desirable criteria?

The Council's Constitution already contains developed Accountability Statement's<sup>2</sup>. Should these be used to further develop job related documents and used in any assessment of suitability? Who would make the assessment?

9. Members should give guidance on the above in order that officers can frame what a procedure would look like. There follows some thoughts on potential methods of appointment.

### **How could you choose a vice chairman?**

10. There would seem to be a number of ways that the Council could seek to appoint a Vice Chairman. The list below is not exhaustive. Officers have attempted to give the pros and cons of each system:

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<sup>1</sup> Section 5 – Local Government Act 1972

<sup>2</sup> Pages W16-W19 EFDC Constitution

- A points system

Pros	Cons
It ensures that a rotational system is employed which links the political strengths of groups on the council to the number of Vice Chairman appointments over time.	It doesn't cater for non-affiliated members.  Rules may become complicated if one group cannot field a candidate.

- A rotational system (party based)

Pros	Cons
It enables Groups to plan ahead of time as they would know which years they would be required to nominate someone.	It doesn't cater for non-affiliated members.  Rules may become complicated if one group cannot field a candidate.

- A qualification system

Pros	Cons
Council could define the quality and requirements for the post of Vice Chairman.  This could be based upon a number of factors including experience, personal qualities and time served.	A balance of requirements may be needed to ensure that there is equality of treatment across the members

- A person mandate system (an application system)

Pros	Cons
Any member with the support of two members (ie a mover and seconder) could apply for the position knowing the criteria for appointment.  Assessment of candidates could follow a tried and tested path.	Who would decide on the appointment?  Full Council would need to have the final say in any event and may not have been privy to the process.

- A length of service system (call down)

Pros	Cons
A simple system to operate.  Members would need to decide if exclusions would apply – breaks in service, where a member had turned down the opportunity before.  Examples exist in other authorities.	Wishes of groups may not be followed.

- A drawing of lots

Pros	Cons
Does have a parallel in the elections procedures and could have a defined application.  It could be used in conjunction with other methods.	Makes the choice random.

- An equalities balanced approach?

Pros	Cons
Could be a way of ensuring that a mix of people are given the chance to be Chairman.	Its operation would need advice about approach.

- A straight vote at Council

Pros	Cons
Simple to operate.  Seems to be the way most council's elect to these types of positions.  Accords with the Acts requirements.	Could be a lack of certainty over who might be in the position at the point the Appointments Panel meets.  Would minority protections require thought?

## Conclusions

11. From research it seems that the majority of authorities do not operate a system comparable to this Council. If they do they are not codified in their constitutions. Some systems have been found. These are a mix of seniority and/or length of service. A similar points scheme to ours has been found.

12. Do members wish greater control over the mechanism for appointment? Is competition for the roles seen as a good thing? Who should decide which nomination should go forward as supported? There would seem to be a number of methods and combinations of practices that could be adopted.

13. The principle that the Council appoints to this position cannot be altered and there is nothing to prevent alternative nominations being made at the meeting regardless of any process. Would therefore a more informal approach give more scope for the right appointment to be made?

14. The Panel are asked to consider the elements of this report to enable further consultations (and in this case it may be appropriate for all members to be consulted); or to give advice to officers on the elements of a new scheme to enable further work. This could be based upon smaller changes to the current scheme or a completely new scheme.

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Previous version 2000 - 2006

## PROTOCOL FOR THE ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL

### Purpose of Protocol

1. To regulate the procedure for the election of the Vice-Chairman of the Council.
2. To establish the entitlement of each political group to nominate to the position of Vice-Chairman.
3. To facilitate a system whereby each group shall be able to nominate to the position of Vice-Chairman on a regular basis.

### Details of Protocol

4. The protocol shall operate by means of a points system. Each political group shall be allocated one point for each of its members. The total number of points to be allocated shall be the same as the number of Councillors overall.
5. In the first year of the operation of this protocol, the group with the highest points total (and hence number of Councillors) shall be entitled to nominate for the Vice-Chairmanship.
6. In subsequent years, the equivalent calculation shall be carried out but with the following variations:
  - (a) the number of points given in year one to each group shall be increased by the total number of members for year two;
  - (b) the group which last held the Vice-Chairmanship shall, in the following year have its points score reduced by the total number of members of the Council;
  - (c) after taking account of the calculations at (a) and (b), the political group with the highest total will be entitled to nominate for the Vice-Chairmanship.
7. In each year, the process outlined in 6(a) - (c) will be repeated. An example of the relevant calculations is attached as an appendix.

### Chairman of the Council

8. The person nominated under this protocol and appointed by the Council under the terms of this protocol as Vice-Chairman of the Council shall automatically become the Chairman of the following Council year.

### Suspension of Protocol

9. It shall be open to the Council to suspend the operation of this protocol at any Annual Council meeting if this is in the best interests of the Council. Such suspension shall, however, only be agreed if 65% of the Council membership support a motion to that effect.

## EXEMPLIFICATION OF PROTOCOL

### 2000/01

Con: 20 points                      VICE-CHAIR  
LD: 16 points  
Lab: 12  
LRA: 8  
Ind: 3

### 2001/02

Con:  $20 + 20 - 59 = -19$   
LD:  $16 + 16 = 32$                       VICE-CHAIR  
Lab:  $12 + 12 = 24$   
LRA:  $8 + 8 = 16$   
Ind:  $3 + 3 = 6$

### 2002/03

Con:  $-19 + 26 = 7$   
LD:  $32 + 13 - 58 = -13$   
Lab:  $24 + 9 = 33$                       VICE-CHAIR  
LRA:  $16 + 7 = 23$   
Ind:  $6 + 3 = 9$

### 2003/04

Con:  $7 + 24 = 31$                       VICE-CHAIR  
LD:  $-13 + 15 = 2$   
Lab:  $33 + 9 - 58 = -16$   
LRA:  $23 + 6 = 29$   
Ind:  $9 + 3 = 12$

### 2004/05

Con:	31 +	26	-58 =	-1	)	
LD:	2 +	14	=	16	)	
Lab:	-16 +	4	=	-12	)	
LRA:	29 +	6	=	35	)	<b>Protocol suspended</b>
Ind:	12 +	4	=	16	)	
BNP	3 +	0	=	3	)	

### 2005/06

Con:	31 +	26	-58 =	-1	)	
LD:	2 +	14	=	16	)	
Lab:	-16 +	4	=	-12	)	
LRA:	29 +	6	=	35	)	<b>Protocol suspended</b>
Ind:	12 +	4	=	16	)	
BNP:	3 +	0	=	3	)	

**2006/07**

Con:	31 +	29	- 58 =	2
LD:	2 +	13	=	15
Lab:	-16 +	1	=	-15
LRA:	29 +	5	=	34
Ind:	12 +	3	=	15
BNP	3 +	6	=	9

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# Findings Report- Chairman/Vice-Chairman Appointments

## Metropolitan boroughs

### Greater Manchester

1. Bolton Metropolitan Borough Council- reference to a Mayor

Role of the Mayor

The Mayor will be elected by the Council annually.

The person presiding at the Annual Meeting must give a casting vote in the event of any equality of votes for the election of a new Mayor. This is in addition to any other vote he or she may have cast. A candidate for Mayor should not, however, continue to preside at the meeting for exercise of the casting vote.

<http://www.bolton.gov.uk/sites/DocumentCentre/Documents/The%20Council%E2%80%99s%20Fifteen%20Articles%20Of%20Governance.pdf>

2. Bury

ARTICLE 5 - CHAIRING THE COUNCIL MEETING

5.01 Role and Function of the Chair of the Council

The Chair of the Council will be the Mayor and the Deputy Chair will be the Deputy Mayor and they will be elected by the Council annually.

<http://www.bury.gov.uk/CHttpHandler.ashx?id=2365&p=0>

3. Manchester City Council- reference to a Lord Mayor

Article 5

Chairing The Council

5.2 The Lord Mayor and Deputy Lord Mayor will be elected annually at the Annual Meeting of the Council.

5.3 Without prejudice to 5.2 above, the Leaders of the political groups represented on the Council may agree a protocol for determining which political group will provide the Lord Mayor and Deputy Lord Mayor in future years.

[http://www.manchester.gov.uk/downloads/download/4030/the\\_constitution](http://www.manchester.gov.uk/downloads/download/4030/the_constitution)

4. Oldham

ARTICLE 5 – The Mayor, Deputy Mayor, Youth Mayor and Deputy Youth Mayor

## 5.1 Role and function of the Mayor and Deputy Mayor

The Mayor and the Deputy will be elected by the Council annually.

<http://committees.oldham.gov.uk/documents/s36272/Part%20%20-%20Articles%20of%20the%20Constitution.pdf>

### 5. Rochdale

#### ARTICLE 5 – CHAIRING THE COUNCIL

##### 5.01 Role and function of the Mayor and Vice-Chairman of the Council

The Mayor and Vice-Chairman of the Council shall be elected by the Council annually.

[http://www.rochdale.gov.uk/pdf/2011-03-30 Part 2 Articles of the constitution v10.pdf](http://www.rochdale.gov.uk/pdf/2011-03-30%20Part%202%20Articles%20of%20the%20constitution%20v10.pdf)

### 6. Salford

#### Article 5: Chairing Meetings of the Council

##### 5.1 Role and Function of the Chair

The Chair of the Council shall be the Mayor and will be elected annually by the Council.

4) The Council by a simple majority may pass a vote of no confidence in the Chair of the meeting and upon this being carried by the Council, the Council may appoint from its membership, a Chair for either the remainder of the meeting, or for the remainder of the Municipal year.

<http://www.salford.gov.uk/constitution.htm>

### 7. Stockport

#### ARTICLE 5 - MAYOR AND DEPUTY MAYOR

##### 5.01 Role and Function

The Council Meeting will elect the Mayor and the Deputy Mayor annually.

<http://www.stockport.gov.uk/2013/2986/45681/62054/constitutionpart2?view=Standard>

### 8. Tameside

#### Article 5 - Chairing the Council

##### 5.1 Role and Function of the Civic Mayor

The Civic Mayor, and in his/her absence, the Deputy Mayor, will preside over the first and opening part of each Council meeting.

The Civic Mayor and Deputy Mayor will be appointed by the Council annually.

<http://www.tameside.gov.uk/constitution/article5>

#### 9. Trafford

##### ARTICLE 5 – CHAIRING THE COUNCIL

###### 5.01 Role and function of the Chairman

The Mayor and in his or her absence, the Deputy Mayor will have the following roles and functions:

###### (a) Chairing the Council Meeting

The Chairman of the Council shall be the Mayor, who will be a Member of the Council, and will be elected annually by the Council. The Mayor and Deputy Mayor will hold office as the Chairman and Vice-Chairman of the Council until:

(i) (s)he resigns from the office; or

(ii) (s)he is suspended from being a councillor under Part III of the Local Government Act 2000 (although (s)he may resume office at the end of the period of suspension; or

(iii) (s)he is no longer a councillor; or

(iv) the first Annual Meeting after their normal day of retirement as a councillor, save that the Council may by resolution remove the Chairman or Vice-Chairman from office at an earlier date.

[http://www.trafford.gov.uk/cme/live/dynamic/DocMan2Document.asp?document\\_id=EE211078-5002-448C-A346-38CB25C10806](http://www.trafford.gov.uk/cme/live/dynamic/DocMan2Document.asp?document_id=EE211078-5002-448C-A346-38CB25C10806)

#### 10. Wigan

##### Article 5 - Chairing the Council

###### 5.01 Role and function of the Mayor

The Mayor will be elected by the Council annually.

<http://previewwigan.wigan.gov.uk/MCMS-Migration/Wigan/Services/CouncilDemocracy/Constitution/Article5.aspx>

### Merseyside

#### 11. Knowsley

##### 4.02 Functions of the full Council

Only the Council will exercise the following functions:

(d) appointing the Mayor;

<http://councillors.knowsley.gov.uk/documents/s23948/PART2Articles.docx.pdf?StyleType=standard&StyleSize=none>

12. *Liverpool*- no reference to appointment or election of Chairman or Vice-Chairman in Constitution

13. *Sefton*

#### ELECTION OF LEADER

4 The Leader will be a Councillor elected to the position of Leader at a special meeting of the Council. The Leader will hold office for a four year period unless:

- (a) he/she resigns from the office; or
- (b) he/she is no longer a Councillor; or
- (c) he/she is removed from office by resolution of the Council.

5 If the serving Leader ceases to be Leader for one of the above reasons, the Council will elect a new Leader.

#### DEPUTY EXECUTIVE LEADER

7 The Leader will nominate one Member of the Cabinet as his/her deputy.

<http://modgov.sefton.gov.uk/moderngov/documents/s46714/Sefton%20MBC%20Constitution%20Full%20version.pdf>

14. *St Helens*

Article 5 - Chairing the Council

5.01 Role and Function of the Mayor

The Mayor and Deputy Mayor will be elected by the Council annually.

<http://moderngov.sthelens.gov.uk/documents/s24790/Article%205%20-%20Chairing%20the%20Council.pdf>

15. *Wirral*

Article 5 - Chairing the Council

#### THE MAYOR

5.1 Role and function of the Mayor

The Mayor and Deputy Mayor will be elected by the Council annually.



<http://democracy.wirral.gov.uk/documents/s50011326/Constitution%202013.pdf>

## South Yorkshire

### 16. Barnsley

Role and Function of the Mayor (Chairman of the Council)

1. The role and functions of the Mayor

1.4 As well as being civic leader, the Mayor of Barnsley is also Chairman of the council.

1.5 The Mayor is elected annually at the Annual Council meeting in May, along with the Deputy Mayor (who is usually the outgoing Mayor) and the Mayor Elect (who will usually serve as Mayor the following year).

[https://www.barnsley.gov.uk/media/2989201/role\\_and\\_functions\\_of\\_the\\_mayor\\_chairman\\_of\\_the\\_council.pdf](https://www.barnsley.gov.uk/media/2989201/role_and_functions_of_the_mayor_chairman_of_the_council.pdf)

### 17. Doncaster

Constitution link- <https://www.doncaster.gov.uk/Images/Part%2037-102170.pdf>. No apparent inclusion of process of appointment for Chairman or Vice-Chairman.

### 18. Rotherham

4 Chairing the full Council

Roles and functions of the Mayor

(1) The Mayor and in his or her absence the Deputy Mayor have the roles and functions set out in article 4 (2).

(2) The Mayor is elected by the Council annually

[http://www.rotherham.gov.uk/downloads/file/8149/rotherham\\_council\\_constitution-may\\_2013](http://www.rotherham.gov.uk/downloads/file/8149/rotherham_council_constitution-may_2013)

### 19. Sheffield

Article 5 – Chairing the Council

5.01 Role and Function of the Lord Mayor

The Lord Mayor and Deputy Lord Mayor will be elected by the Council annually at its Annual Meeting.

<http://meetings.sheffield.gov.uk/council-meetings/constitution#download>

## Tyne and Wear

### 1. Gateshead

## ARTICLE 5 – CHAIRING THE COUNCIL

### 5.01 Election of Mayor

At its annual meeting the Council will elect from among its councillors a chair and deputy chair, who will have the titles of mayor and deputy mayor respectively. By law, the mayor and deputy mayor may not then be nominated to the Cabinet.

<http://www.gateshead.gov.uk/DocumentLibrary/council/strategy/Constitution/Constitution.pdf>

#### 2. Newcastle upon Tyne

## ARTICLE 5 – THE LORD MAYOR, DEPUTY LORD MAYOR, SHERIFF AND RECORDER

### 5.01 Election of the Lord Mayor, Deputy Lord Mayor

(a)

At the Annual Meeting, the Council will elect from among its members a chair and deputy chair, who will have the titles of Lord Mayor and Deputy Lord Mayor respectively.

(b)

Neither the Leader nor a Cabinet Member may be elected as chair or deputy chair of the Council.

[http://www.newcastle.gov.uk/sites/drupalncc.newcastle.gov.uk/files/wwwfileroot/your-council/how\\_the\\_council\\_works/part\\_2.pdf](http://www.newcastle.gov.uk/sites/drupalncc.newcastle.gov.uk/files/wwwfileroot/your-council/how_the_council_works/part_2.pdf)

#### 3. North Tyneside

## Article 5 - Chairing the Council

### 1. Role and function of the Chair

At its Annual Meeting the Council will elect a Chair and appoint a Deputy Chair.

[http://www.northtyneside.gov.uk/pls/portal/NTC\\_PSCM.PSCM\\_Web.download?p\\_ID=517796](http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=517796)

#### 4. South Tyneside

## ARTICLE 5

### 5 CHAIRING THE COUNCIL

The Mayor will be elected by the Council annually from among the Councillors

<http://www.southtyneside.info/CHttpHandler.ashx?id=3226&p=0>

#### 5. Sunderland

## Article 5 – Chairing the Council

### 5.01 Role and function of the Mayor

The Mayor and Deputy Mayor will be elected by the Council annually.

<http://www.sunderland.gov.uk/CHttpHandler.ashx?id=9815&p=0&fsize=15kb&ftype=Part 2 Article 5 - Role and function of the Mayor.PDF>

## West Midlands

### 1. Birmingham

#### 5.1 Role and function of the Lord Mayor]

##### (b) Chairing The Council Meeting

The Lord Mayor (and in his/her absence the Deputy Lord Mayor) will chair Council meetings. The Lord Mayor will be elected annually by the Council.

#### 5.2 Consorts To The Lord Mayor And The Deputy Lord Mayor

Whilst accompanying the Lord Mayor (or the Deputy Lord Mayor), the consort must support the work of the Lord Mayor (or the Deputy Lord Mayor) during his / her term of Office and uphold and preserve the dignity and honour bestowed upon the Lord Mayor (or the Deputy Lord Mayor) and the political impartiality of the Office.

#### 5.3 Deputy Lord Mayor

(a) Members who are nominated and elected to the Office of Lord Mayor do so on the understanding that they will serve a full term as Deputy Lord Mayor for the following Municipal Year; (b) should a Member, due to take up the Deputy Lord Mayoralty, fail to be reelected to the City Council, or an incumbent is unable to complete his or her term, owing to ill health or similar disposition, the Party Group of the outgoing Deputy Lord Mayor will be asked to make an alternative nomination. This will be the last Member of their Group to hold the position of Deputy Lord Mayor prior to the outgoing Deputy. Should that Member be unwilling to take up the Office, previous Lord Mayors of that Party will be approached, in reverse chronological order, until a Member willing to take on the role can be found; and

(c) should the Party Group be unable to put forward an alternative name by this process, the Office shall then be offered to the previous Deputy Lord Mayor, regardless of their Party affiliation. If that individual is unwilling to assume the role, the previous Lord Mayors will be approached, again in reverse chronological order, until a Member, regardless of Party affiliation, willing to take on the role can be found.

<http://www.birmingham.gov.uk/constitution>

### 2. Coventry

#### 2.5 Article 5 – The Lord Mayor

The Lord Mayor is a Councillor who is elected as Lord Mayor by the Council at its annual meeting.

2.5.1.1 The office of Lord Mayor and Deputy Lord Mayor will be offered by the Leader of the Council to the Councillor who has the longest service and has not previously held the office. If that Councillor declines that offer, then it is offered to the next person in order of length of service. Any Councillor who declines the offer may take up the offer in subsequent years.

The Deputy Lord Mayor

2.5.3 The Deputy Lord Mayor will also be elected at the annual meeting of the Council.

<http://modern.gov.coventry.gov.uk/documents/s10250/Part%202.pdf>

### 3. Dudley

ARTICLE 5- CHAIRING THE COUNCIL

5.01 Role and function of the Mayor

The Mayor and Deputy Mayor will be elected by the Council annually.

[www.dudley.gov.uk/EasysiteWeb/getresource.axd?AssetID=270](http://www.dudley.gov.uk/EasysiteWeb/getresource.axd?AssetID=270)

### 4. Sandwell

Article 5 – The Mayor of the Council

5.01 Role and Function of the Mayor

The Mayor and the Deputy Mayor will be elected annually by the Council.

<http://cmis.sandwell.gov.uk/cmis5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=5fJ2wGtukyQr7u33k1B%2bvK%2fxrwYlxGlyDUvHE9COqT8oLqrZIH%2fUaA%3d%3d&mCTIbCubSFfxSDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9QjjOag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmoAfeNR9xqBuxOr1Q8Za60lavYmz=ctNJff55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJff55vVA%3d>

### 5. Solihull

Article 5 Chairing The Council

5.01

Role and function of the mayor

The Mayor will be elected by the Council annually.

[http://www.solihull.gov.uk/Attachments/Constitution\\_July\\_2011.pdf](http://www.solihull.gov.uk/Attachments/Constitution_July_2011.pdf)

### 6. Walsall

5.01 Role and function of the Mayor

The Mayor and Deputy Mayor will be elected by the Council at the Annual Council Meeting.

## 7. Wolverhampton

### Article 5 - THE MAYOR AND DEPUTY MAYOR

#### 5.1 Role and Function of the Mayor

a. The Mayor will be elected and the Deputy Mayor will be appointed at the Annual Council meeting. The methodology for the rotation of the office of Mayor and Deputy Mayor is contained in Appendix 2 to this Constitution.

#### Appendix 2: METHODOLOGY FOR ROTATING THE OFFICE OF MAYOR AND DEPUTY MAYOR

The Annual Meeting of the Council in May each year will elect a Mayor and appoint a Deputy Mayor from different political groups so as to ensure a dignified rotation of these offices between Senior Councillors. For the first Municipal year of this protocol (commencing at the Annual Meeting on 23 May 2001) the Deputy Mayor was selected from Category B. For all succeeding years the following methodology will apply.

##### Step 1

After the municipal election in May and immediately before the Annual Meeting each year all Councillors will be placed into one of two categories -

Category A - Controlling Group

Category B - All other Councillors

##### Step 2

Each category will list Councillors in order of seniority based on the number of years and part years service as a Councillor with Wolverhampton City Council or any of its predecessor authorities. Councillors with the same number of years and part years will be listed alphabetically. Councillors who have already held office as Mayor will be treated as if their years of service begin again.

##### Step 3

1. The unopposed nomination for the post of Deputy Mayor for the next ensuing municipal year will be offered in strict order of seniority to Councillors within the same category as the sitting Mayor.
2. Where a Councillor is unable or unwilling to accept the nomination for whatever reason the offer will pass to the next most senior Councillor within that category and so on.

##### Step 4

At the immediate following Annual Meeting the current Mayor will preside over the election of the current Deputy Mayor to the office of Mayor for the ensuing municipal year.

The newly elected Mayor will preside over the appointment of the new Deputy Mayor selected in accordance with steps 1 to 3.

NOTE: For the purpose of this procedure -

“Group” means a political group duly constituted in accordance with the provisions of the Local Government and Housing Act 1989.

“Controlling Group” means -

(a) Any Group with 31 or more Members

(b) If there is no such Group then the Group with the largest individual membership.

<http://wolverhampton.cmis.uk.com/DecisionMaking/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=rDIYorWSsmw08xO2YS88tGKh1V14nvikGa4BjZ4oQJp7n9JEzEbWJw%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWcTPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSffXsDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHDURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7XOCSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d>

## West Yorkshire

### 1. Bradford

Article 5 The Lord Mayor

Role and Function of the Lord Mayor

Charing Meetings of the Council

5.1.2 The Lord Mayor shall be elected by the Council at the Annual Meeting

<http://www.bradford.gov.uk/NR/rdonlyres/1AC7A905-A2C8-47A9-847F-69B0AE65B4B9/0/CBMDCCConstitution.pdf>

### 2. Calderdale

Article 5- Charing the Council

5.1 Role and function of the Mayor

The Mayor will be elected by the Council annually.

<http://www.calderdale.gov.uk/council/democracy/local/constitution/index.html>

### 3. Kirklees

ARTICLE 5 - ROLE OF THE MAYOR

5.1 Role and Function

The Mayor and Deputy Mayor will be elected by the council annually.

<http://www.kirklees.gov.uk/you-kmc/constitution/articles/art5.pdf>

#### 4. Leeds

##### ARTICLE 5 - CHAIRING THE COUNCIL

###### 4.1 ROLE AND FUNCTION OF THE LORD MAYOR

The Lord Mayor, elected at the Annual Meeting of the Council, acts as Chair of the Council

###### 5.2 ROLE AND FUNCTION OF DEPUTY LORD MAYOR

The Deputy Lord Mayor, elected at the Annual Meeting of the Council

<http://democracy.leeds.gov.uk/documents/s95416/Article%205%20-%20Chairing%20the%20Council%20-%20Issue%201%2016th%20December%202010.pdf>

#### 5. Wakefield

Article 5 – Role and Function of the Mayor

##### 1. Chairing the Council Meeting

The Mayor will be elected by the Council annually.

<http://www.wakefield.gov.uk/NR/rdonlyres/71433D32-18E8-4FDC-8AD8-0B82A05CC3EC/0/Constitution201314.pdf>

### **Unitary authorities**

#### 1. Bath and North East Somerset

##### 5.3 Election of the Chair of the Council

The Council will, at its Annual Meeting, elect a councillor to be its Chairman for the Council Year i.e. until the next Annual Meeting. The Council will also appoint a Councillor to be the Vice Chair (person).

<http://democracy.bathnes.gov.uk/documents/s26613/Article%205%20Chairing%20the%20Council.pdf>

#### 2. Bedford - none found - Constitution could not be retrieved

#### 3. Blackburn with Darwen - Constitution retrieved, but no mention of Chairman or Vice-Chairman - Mayor and Deputy Mayor mentioned, but no explanation as to election process

#### 4. Blackpool

##### 5.01

Role and function of the Mayor

The Mayor and Deputy Mayor will be elected by the Council annually. The Mayor and Deputy Mayor can also undertake the roles of Chairman and Vice Chairman. The Council may also appoint a separate Vice Chairman, as well as the Deputy Mayor.

If the Council does appoint a separate Vice Chairman then the Deputy Mayor will undertake the ceremonial role and the Vice Chairman, the chairing the Council meeting role, in the absence of the Mayor.

<http://www.blackpool.gov.uk/NR/rdonlyres/22880267-29C1-4F52-827F-907232726C93/0/Part2ArticlesandConstitution.pdf>

5. *Bournemouth*- reference to “The Mayor as Chair of the Council and in the Mayor’s absence, the Deputy Mayor as Vice-Chair”

#### 4.4 The Mayor as Chair of the Council

The Mayor has an important position as the non political representative of the Council on civic, ceremonial and other occasions. The Mayor also acts as Chair of the Full Council meetings.

##### a. Appointment as Mayor

Each year the Full Council meeting will elect a Councillor to be the Mayor and a Councillor to be the Deputy Mayor.

<http://www.bournemouth.gov.uk/CouncilDemocracy/AllaboutyourCouncil/Documents/New-Constitution-modified-31-05-2013---combined-Adobe-doc.pdf>

6. *Bracknell Forest*- reference to a Mayor and Deputy Mayor

#### 3.3 Chairman of the Council Meeting

The Mayor will be elected by the Council annually

#### 3.4 Deputy Mayor

The Deputy Mayor will be appointed by the Council annually

<http://democratic.bracknell-forest.gov.uk/documents/g5022/Public%20reports%20pack%20Monday%2022-Apr-2013%20Constitution.pdf?T=10&Info=1>

7. *Brighton and Hove*

#### ARTICLE 4 – THE MAYOR

##### 4.01 Role and function of the Mayor

The Mayor will be elected by Council annually.

<http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/PART%202%20Articles%20of%20the%20Constitution%2023.05.13.pdf>



## 8. Bristol

### Article 5 – The Mayor and the Executive

#### A5.02

##### Election of a Mayor

The Mayor will be a person elected to that position by the electors of the City in the Mayoral Election. In the event that a serving Councillor of the Council is elected as Mayor, a vacancy shall be declared in that person's council seat and a by-election shall be held (if required) in accordance with the relevant legislation.

The term of office of the Mayor will normally be four years. S/he will take office on the fourth day after his/her election and will continue in office until the fourth day after his/her successor is elected, unless s/he dies, is disqualified or resigns.

#### A5.03

##### Appointment of Deputy Mayor and Executive Members

The Mayor shall appoint a Deputy Mayor and between one and eight Executive Members - who will be councillors.

The Mayor may replace Executive Members and the Deputy Mayor at any time but otherwise the Deputy Mayor shall remain in post for the duration of the Mayor's term of office unless:

- a) s/he resigns from office;
- or
- b) s/he is no longer a Councillor.

[http://www.bristol.gov.uk/sites/default/files/documents/council\\_and\\_democracy/about\\_bristol\\_city\\_council/cs-constitution-part2-articles-of-constitution\\_0.pdf](http://www.bristol.gov.uk/sites/default/files/documents/council_and_democracy/about_bristol_city_council/cs-constitution-part2-articles-of-constitution_0.pdf)

## 9. Central Bedfordshire

### B4 CHAIRING THE COUNCIL

1. The Chairman of the Council will be elected by the Council annually.

<http://www.centralbedfordshire.gov.uk/modgov/documents/s44091/Part%20B4%20-%20Chairing%20the%20Council.pdf>

## 10. Cheshire East

### Mayor and Deputy Mayor of the Council

At each Annual Council meeting in May of each year, the Council elects a Councillor to serve as the Council's Mayor. It also appoints a Deputy Mayor.

Where either office becomes vacant, the Council will elect/appoint a successor at its next meeting.

A Member of the Cabinet cannot be elected/appointed to either office.

The Deputy Mayor will normally succeed to the Mayoralty in the following year.

Each year, the Deputy Mayor will be chosen by full Council at the recommendation of the political group which has the majority of Council Members, provided that in making such choice, another political group or groups may be invited to put forward a nomination for consideration by the majority group.

The Council has adopted a Mayoralty Code of Practice which is included in Part 5 of the Constitution.

Mayoralty Code of Practice:

#### 7. Selection of Mayor

The Deputy Mayor will normally succeed to the Mayoralty in the following year. The selection process should normally ensure that, upon election to office, the Mayor will have served at least one term of office as a local authority Councillor.

#### 13. The Deputy Mayor

Each year, the Deputy Mayor will be chosen for appointment by Council by the political group which has the majority of Council Members, provided that in making such choice, another political group or groups may be invited to put forward a nomination for consideration by the majority group.

[http://www.cheshireeast.gov.uk/council\\_and\\_democracy/your\\_council/constitution.aspx](http://www.cheshireeast.gov.uk/council_and_democracy/your_council/constitution.aspx)

#### 11. *Cheshire West and Chester*

[http://www.cheshirewestandchester.gov.uk/your\\_council/policies\\_and\\_performance/council\\_plans\\_and\\_strategies/constitution.aspx](http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/constitution.aspx) - link to Constitution. No apparent protocol for election or appointment of Chairman or Vice-Chairman.

#### 12. *Cornwall*

Article 5 Chairing the Council

5.1 Role and Function of the Chairman

The Chairman shall be elected by the Council annually or upon the office being vacated.

<https://democracy.cornwall.gov.uk/documents/s58873/3Articles.pdf.pdf>

#### 13. *County Durham*

Article 5 – Chairing The Council

The Chairman and Vice-Chairman of the Council will be elected by the Council annually.

[http://content.durham.gov.uk/PDFRepository/Constitution2013\\_AprilRev\\_4.pdf](http://content.durham.gov.uk/PDFRepository/Constitution2013_AprilRev_4.pdf)

#### 14. Derby

Article 5 - Chairing Council - The Mayor

5.1 Role and function of the mayor

The Mayor will be elected by Council annually.

<http://cmis.derby.gov.uk/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=QdSrhENA1fq3HEBc0O4DL7ttGrow00MwmQbHICIn4sntkKdUE1syg%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNIh225F5QMaQWctPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%3d>

#### 15. Darlington

The Mayor

The Mayor is appointed annually

<http://www.darlington.gov.uk/Democracy/democraticinvolvement/Constitution.htm>

#### 16. East Riding of Yorkshire

ARTICLE 5 - CHAIRING THE COUNCIL

5.01 Role and Function of the Chairman

The Chairman will be elected by the Council annually.

[www2.eastriding.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=97696](http://www2.eastriding.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=97696)

#### 17. Halton

Article 5 – Chairing The Council

CHAIRING THE COUNCIL MEETING

The Mayor will be elected by the Council annually.

[http://www3.halton.gov.uk/lgnl/pages/86821/Council\\_Constitution.pdf](http://www3.halton.gov.uk/lgnl/pages/86821/Council_Constitution.pdf)

#### 18. Hartlepool

ARTICLE 5

THE CEREMONIAL MAYOR

5.01 Role and Function of the Ceremonial Mayor

At its Annual meeting the Council will appoint a Ceremonial Mayor and a Deputy Ceremonial Mayor. The Ceremonial Mayor will also act as the Chair of Council and the Deputy Ceremonial Mayor will act as the Vice Chair of Council.

[http://www.hartlepool.gov.uk/site/scripts/download\\_info.php?fileID=3954](http://www.hartlepool.gov.uk/site/scripts/download_info.php?fileID=3954)

#### 19. Herefordshire

Article 4 - The Council Meeting

2.4.4 Chairman of Council Election

2.4.4.1 The Chairman of the Council and the Vice-Chairman are elected by the Council annually.

[https://www.herefordshire.gov.uk/media/6447825/06\\_Part\\_2\\_Articles\\_12Dec12.pdf](https://www.herefordshire.gov.uk/media/6447825/06_Part_2_Articles_12Dec12.pdf)

#### 20. Isle of Wight

D. Chairman of the Council

It is the duty of the annual meeting of the Full Council to elect one of its Members to be Chairman of the Council. No Member can hold the post of Chairman or Vice Chairman of the Council for more than one year unless the Council, by resolution, decides to appoint a member for a second year.

[www.iwight.com/documentlibrary/download/council-constitution](http://www.iwight.com/documentlibrary/download/council-constitution)

#### 21. Kingston upon Hull

Could not access Constitution.

#### 22. Leicester

5.02 Election of a City Mayor

The City Mayor will be a person elected to that position by the electors of the City in the Mayoral Election. In the event that a serving Councillor of the Council is elected as City Mayor, a vacancy shall be declared in that person's council seat and a by-election shall be held (if required) in accordance with the relevant legislation.

The term of office of the City Mayor will normally be four years. S/he will take office on the fourth day after his/her election and will continue in office until the fourth day after his/her successor is elected, unless s/he dies, is disqualified or resigns.

The City Mayor is a Member of the Council and is to be treated as a Member of the Council or a Councillor for the purposes of such laws as are specified by the Secretary of State in regulations and orders.

5.03 Appointment of Deputy City Mayor and Assistant City Mayors

The Deputy City Mayor and Assistant City Mayors will be Councillors appointed to that position by the City Mayor.

The City Mayor may replace Assistant City Mayors and the Deputy City Mayor at any time but otherwise the Deputy City Mayor shall remain in post for the duration of the City Mayor's term of office unless:

- a) s/he resigns from office;
- b) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or
- c) s/he is no longer a Councillor.

<http://www.leicester.gov.uk/councillors-democracy-and-elections/our-constitution/>

### 23. Luton

5.2 The Mayor, and the Deputy Mayor, will be elected annually by the Council at the Annual Meeting of the Council.

[http://www.luton.gov.uk/Council\\_government\\_and\\_democracy/Lists/LutonDocuments/PDF/Legal\\_Services\\_Division/Council\\_Constitution/Part%202%20Articles%20of%20the%20Constitution.pdf](http://www.luton.gov.uk/Council_government_and_democracy/Lists/LutonDocuments/PDF/Legal_Services_Division/Council_Constitution/Part%202%20Articles%20of%20the%20Constitution.pdf)

### 24. Medway

#### 5. ARTICLE 5 – CHAIRING THE COUNCIL

##### 5.1 Role and function of the mayor

The Council will elect the Mayor annually.

[http://www.medway.gov.uk/pdf/2.05\\_-\\_chairing\\_the\\_council-7.pdf](http://www.medway.gov.uk/pdf/2.05_-_chairing_the_council-7.pdf)

### 25. Middlesbrough

#### Article 5 – Chairing The Council

##### CEREMONIAL ROLE

The Chair will be elected by the Council annually.

<http://www.middlesbrough.gov.uk/CHttpHandler.ashx?id=2289&p=0>

### 26. Milton Keynes

#### ARTICLE 5 - CHAIRING THE COUNCIL

##### 5.1 Role and function of the Mayor

The Mayor will be elected by the Council annually. The Council will also elect a Deputy Mayor.

<http://cmis.milton-keynes.gov.uk/CmisWebPublic/Binary.ashx?Document=37321>

27. North East Lincolnshire

ARTICLE 5 - CHAIRING THE COUNCIL

This Article sets out the role and functions of the Mayor of the Council.

TITLE OF PERSON CHAIRING COUNCIL MEETINGS

5.01

Role and Function of The Mayor

The Mayor is a councillor who will be elected by the Council to the position of mayor annually.

<http://www.nelincs.gov.uk/council/councillors-democracy-elections/decision-making/constitution/>

28. North Lincolnshire

PART B ARTICLE 5 - CHAIRING THE COUNCIL

Chairing the Council Meeting

The Mayor will be elected by the Council annually.

<http://www.northlincs.gov.uk/councilanddemocracy/decisionmaking/constitution/>

29. North Somerset

ARTICLE 5 - CHAIRING THE COUNCIL

5. Role and function of the Chairman

5.1 The Chairman will be elected by the Council annually.

[http://www.n-somerset.gov.uk/Your\\_Council/The%20Council/Documents/constitution%20\(pdf\).pdf](http://www.n-somerset.gov.uk/Your_Council/The%20Council/Documents/constitution%20(pdf).pdf)

30. Northumberland

Article 5 – Chairing the Council

5.01 Role and function of the Chair

The Chair will be elected by the Council annually.

<http://www.northumberland.gov.uk/pdf/Constitution%20-%20July%2011.pdf>

31. Nottingham

No apparent protocol for elections of Chairman or Vice-Chairman in the Constitution.

32. Peterborough

Article 5 - The Mayor

The Mayor will be elected by the Council each year.

<http://democracy.peterborough.gov.uk/documents/s16114/Part%20%20-%20Articles%20of%20the%20Constitution%20-%20version%20010.pdf>

33. Plymouth

Webpage not accessible.

34. Poole

The Mayor and Deputy Mayor will be elected by the Council annually.

<http://boroughofpoole.com/your-council/how-the-council-works/the-constitution/>

35. Portsmouth

Article 5 — Chairing the city council

5.1 The Lord Mayor and Deputy Lord Mayor

The Lord Mayor and the Deputy Lord Mayor of the city council will be elected by the council at the annual meeting.

[http://www.portsmouth.gov.uk/media/Constitution\\_Part\\_1\\_Article\\_05.pdf](http://www.portsmouth.gov.uk/media/Constitution_Part_1_Article_05.pdf)

36. Reading

b) Chairing the Council meeting

The Mayor will be elected by the Council annually

<http://www.reading.gov.uk/council/constitution-of-reading-borough-council/>

37. Redcar and Cleveland

No mention in Constitution as to process of election for Chairman or Vice-Chairman.

38. Rutland

2) The Council will elect the Chairman annually.

<http://www.rutland.gov.uk/pdf/Part%20%20-%20Articles.pdf>

39. Slough

ARTICLE 5 – CHAIRING THE COUNCIL

Chairing the Council Meeting

The Mayor will be elected by the Council annually

<http://www.slough.gov.uk/moderngov/documents/s29435/Article%205%20Chairing%20the%20Council%202013.pdf>

40. Southampton

5.02 The Mayor

The position of Mayor was established by virtue of a Royal Charter and will be elected by the Council annually.

[http://www.southampton.gov.uk/Images/02%20Part%202%20\(Articles\)\\_tcm46-262438.pdf](http://www.southampton.gov.uk/Images/02%20Part%202%20(Articles)_tcm46-262438.pdf)

41. Southend-on-Sea

The Mayor will be elected by the Council annually from among the Councillors

[http://www.southend.gov.uk/downloads/download/438/the\\_councils\\_constitution\\_part\\_2-articles\\_of\\_the\\_constitution](http://www.southend.gov.uk/downloads/download/438/the_councils_constitution_part_2-articles_of_the_constitution)

42. South Gloucestershire

20) CHAIR OF THE COUNCIL AND VICE-CHAIR OF THE COUNCIL

The first business at the Annual Meeting of the Council is to elect a Councillor to be Chair of the Council for the council year. The Annual Meeting will also elect a Vice-Chair of the Council.

<http://www.southglos.gov.uk/Pages/Article%20Pages/Chief%20Executive%20-%20Corporate%20Resources/Legal%20-%20Democratic%20Services/Council-constitution.aspx?resource=http%3a%2f%2fwww.southglos.gov.uk%2fDocuments%2fCEX120045.pdf>

43. Stockton-on-Tees

Electing the Deputy Mayor/Mayor

Each year the Councillor with the longest cumulative service on the Council will be nominated to serve as Deputy Mayor (unless that Councillor has previously served as Mayor). When appointed by Council as Deputy Mayor, the Councillor concerned will then be agreed as the person nominated to serve as Mayor for the following Municipal Year.

Where, in any year, more than one Councillor satisfies the criterion as the Councillor with the longest cumulative service on the Council, and no one agreed nominee has been chosen, lots will be drawn to secure the nomination for Deputy Mayor for the forthcoming municipal year. If in any year the Councillor with the longest cumulative service or chosen nominee, decides not to agree to their name being put forward as nominee to the annual meeting of the Council, this will not preclude that Councillor from being re-considered for nomination in future years.

<http://www.stockton.gov.uk/documents/stocktoncouncil/832215/constitutionarticles.pdf>



44. Stoke-on-Trent

No mention in Constitution as to process of election for Chairman or Vice-Chairman.

45. Shropshire

Article 5 – Chairing the Council

Title of the Person Chairing Council Meetings

5.1 Role and Function of the Chairman

The Chairman will be elected by the Council.

Term of Office

The term of office of the Chairman will be for a one year period at the end of which the Vice Chairman shall have the opportunity to take the Office of Chairman.

<http://shropshire.gov.uk/media/492767/02-part-2-articles-of-the-constitution.pdf>

46. Swindon

Chairing the Council Meeting

The Mayor will be elected by the Council annually.

<http://ww5.swindon.gov.uk/moderngov/documents/s56681/Articles%20of%20the%20Constitution.pdf>

47. Telford and Wrekin

5. The role of the Speaker

5.1. The person elected at Annual Council to chair meetings of the Council is referred to as the Speaker. A Deputy Speaker is also appointed at Annual Council

[http://www.telford.gov.uk/site/scripts/download\\_info.aspx?downloadID=122&fileID=2137](http://www.telford.gov.uk/site/scripts/download_info.aspx?downloadID=122&fileID=2137)

48. Thurrock

Article 5 – The Mayor and the Chair of the Council

1.

Election

1.1

The Council will elect the Mayor annually at its Annual Meeting

[http://www.thurrock.gov.uk/democracy/constitution/pdf/chap02\\_part01\\_art05.pdf](http://www.thurrock.gov.uk/democracy/constitution/pdf/chap02_part01_art05.pdf)

49. Torbay

No mention in Constitution as to process of election for Chairman or Vice-Chairman of the Council.

50. Warrington

No mention in Constitution as to process of election for Chairman or Vice-Chairman of the Council.

51. West Berkshire

2.5.1 Role and Function of the Chairman

The Chairman and Vice-Chairman will be elected by the Council on an annual basis.

<http://decisionmaking.westberks.gov.uk/documents/s25308/Part%2002%20-%20Articles%20of%20the%20Constitution.pdf>

52. Wiltshire

5. Article 5 – Chairing the council

5.1 Role and function of the chairman

The chairman will be elected by the council annually.

<https://cms.wiltshire.gov.uk/documents/s59237/Part02Constitution.docx.pdf>

53. Windsor and Maidenhead

Article 5 – Chairing the Council

5.1 Role and function of the Mayor

Ceremonial role

The Royal Borough's Mayor is elected each year at the Annual Meeting as the first citizen of the Royal Borough.

[http://www.rbwm.gov.uk/public/members\\_part1B\\_articles\\_constitution.pdf](http://www.rbwm.gov.uk/public/members_part1B_articles_constitution.pdf)

54. Wokingham

4.2.1. Annual Meeting of The Council

t) to appoint the Chairmen and Vice Chairmen for the following Municipal Year of those Committees etc, appointed under r) above from the names put forward by the Groups

<http://www.wokingham.gov.uk/council/decisions/constitution/?assetdet5200463=2287>

55. York

1 Role and Function of the Lord Mayor

The Lord Mayor will be elected by the Council at its Annual Meeting, from amongst serving Councillors. The Lord Mayor must have 5 years service as a City of York elected Councillor.

<http://democracy.york.gov.uk/documents/s50906/part%202.doc.pdf>

## **County councils**

### *56. Buckinghamshire County Council*

#### 5.2 Chairing the Council

The Chairman and the Vice Chairman will be elected by the Council annually.

[http://www.buckscc.gov.uk/media/746482/constitution\\_constitution.pdf](http://www.buckscc.gov.uk/media/746482/constitution_constitution.pdf)

### *57. Cambridgeshire County Council*

#### 5.01 Role and Function of the Chairman of the Council

The Chairman of the Council will be elected by the Council annually.

<http://www.cambridgeshire.gov.uk/NR/rdonlyres/D836CAAC-AFE8-4228-AFF3-8701DF2D4F41/0/p25.pdf>

### *58. Cumbria County Council*

3.12 The Chair of the Council is elected by the full Council

<http://www.cumbria.gov.uk/elibrary/Content/Internet/536/647/3847691439.pdf>

### *59. Derbyshire County Council*

No mention in Constitution as to process of election for Chairman or Vice-Chairman.

### *60. Devon County Council*

The Chairman is elected annually by the Council

<http://new.devon.gov.uk/democracy/guide/constitutionparta/part-2-article-5-chairing-the-council/>

### *61. Dorset County Council*

Article 5: Chairing the County Council

May 13 15

5.1 The Chairman will be elected by the County Council annually

<http://www.dorsetforyou.com/constitution/county>

### *62. East Sussex County Council*

5.01 Role and function of the Chairman and Vice- Chairman

The Chairman and Vice-Chairman will be elected by the Council annually.

<http://www.eastsussex.gov.uk/yourcouncil/about/keydocuments/constitution/constitutionpart2article5.htm>

63. Essex County Council

The Council elects the Chairman and Vice-Chairman annually at the annual meeting of the Council.

<http://www.essex.gov.uk/Your-Council/Local-Government-Essex/Pages/ECC-Constitution.aspx>

64. Gloucestershire County Council

Article 5 – Chairperson of the Council

5.01 The Chairperson and Vice-Chairperson will be elected by the full Council annually.

<http://glostext.gloucestershire.gov.uk/documents/s17230/Constitution%20Document.pdf>

65. Hampshire County Council

5.1 Election of the Chairman and Vice Chairman of the County Council

The Chairman and the Vice Chairman of the County Council will be elected by the County Council at the Annual meeting.

<http://documents.hants.gov.uk/constitution/2013-04-16TheConstitution-Part1-Chapter5-ChairingoftheCountyCouncilHF000003930312.pdf>

66. Hertfordshire County Council

SECTION 5 - CHAIRING THE COUNCIL

5.1 The Chairman of the Council is elected by the Council at the Annual Meeting and holds office until the election of his or her successor.

<http://www.hertsdirect.org/docs/pdf/c/constitutionsections1-14May20132.pdf>

67. Kent County Council

The Council elects its Chairman and Vice-Chairman each year

[http://www.kent.gov.uk/your\\_council/how\\_the\\_council\\_works/constitution.aspx](http://www.kent.gov.uk/your_council/how_the_council_works/constitution.aspx)

68. Lancashire County Council

The Role of the Chair of the Council

The Chair and Deputy-Chair will be elected by the Full Council annually.

<http://www.lancashire.gov.uk/corporate/web/?Constitution/34193>

69. Leicestershire County Council

5.01 Role and function of the Chairman

The Chairman and Vice-chairman will be elected by the County Council annually.

[http://www.leics.gov.uk/index/your\\_council/local\\_democracy/aboutthecountycouncil/decisionmakingsummary/constitution/2\\_articles\\_of\\_constitution.htm#a05\\_chairing\\_council](http://www.leics.gov.uk/index/your_council/local_democracy/aboutthecountycouncil/decisionmakingsummary/constitution/2_articles_of_constitution.htm#a05_chairing_council)

70. Lincolnshire County Council

4.06 Role and function of the Chairman of the Council

(a) The Chairman will be elected by the Council annually.

<http://www.lincolnshire.gov.uk/local-democracy/how-the-council-works/the-constitution/part-2-articles-of-the-constitution/73385.article>

71. Norfolk County Council

5.1 Role and function of the Chairman

The Chairman and Vice-Chairman will be elected by the Council annually.

<http://www.norfolk.gov.uk/view/NCC006890>

72. North Yorkshire County Council

5.01 Role and function of the Chairman

The Chairman will be elected by the Council at its annual meeting.

<http://www.northyorks.gov.uk/CHttpHandler.ashx?id=1990&p=0>

73. Northamptonshire County Council

Constitution could not be found on website.

74. Nottinghamshire County Council

13. The Council elects a Chairman and Vice-Chairman of the Council annually.

<http://www.nottinghamshire.gov.uk/DMS/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=7LYrha%2fgG%2f%2bPBnRRjgwnBqQpOZRyOHE1sOc1uNLe5IFLaDjZEBzPRw%3d%3d&mCTIbCubSffXsDGW9IXnlG%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHd>

[URQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJff55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJff55vVA%3d](http://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/aboutyourcouncil/corporategovernance/constitution/Part2Article5Chairman_of_the_Council.pdf)

75. Oxfordshire County Council

(b) Chairing the Council Meeting

The Chairman will be elected by the Council annually.

[http://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/aboutyourcouncil/corporategovernance/constitution/Part2Article5Chairman\\_of\\_the\\_Council.pdf](http://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/aboutyourcouncil/corporategovernance/constitution/Part2Article5Chairman_of_the_Council.pdf)

76. Rutland County Council

2) The Council will elect the Chairman annually.

<http://www.rutland.gov.uk/pdf/Part%20-%20Articles.pdf>

77. Somerset County Council

No mention in Constitution as to process of election for Chairman or Vice-Chairman of the Council.

78. Staffordshire County Council

5. Chairing County Council Meetings.

5.1 The Chairman and Vice-Chairman of the County Council will be elected by the Council at its annual meeting

<http://moderngov.staffordshire.gov.uk/documents/s38418/Section%205%20-%20Full%20Council.pdf>

79. Suffolk County Council

7.

Chairman and Vice Chairman

7.1

The Chairman will be elected by the Council at the annual Council meeting

<http://www.suffolk.gov.uk/assets/suffolk.gov.uk/Your%20Council/Councillors/Constitution/2013-03-27%20Constitution%20PART%201.pdf>

80. Surrey County Council

4.03 Chairing the Council

The Chairman and Vice-Chairman of the Council will be elected by the Council annually.

<http://mycouncil.surreycc.gov.uk/documents/s5935/Article%204%20-%20The%20Council.pdf>

81. *Warwickshire County Council*

4.3 Role and Function of the Chair

The Chair will be elected by the Council annually.

<http://www.warwickshire.gov.uk/wp-content/uploads/2011/04/Part-1-ARTICLES-Rev-20.06.13-3882-KB.pdf>

82. *West Sussex County Council*

No mention in Constitution as to process of election for Chairman or Vice-Chairman of the Council.

83. *Worcestershire County Council*

ARTICLE 5 - CHAIRING THE COUNCIL

TITLE OF THE PERSON CHAIRING COUNCIL MEETINGS

5.1 Role and function of the Mayor

The Mayor will be elected by the Council annually.

<http://committee.cityofworcester.gov.uk/documents/s20368/Part2ConstitutionArticlesoftheConstitution.doc.pdf>

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**Narrative report of findings for Chairman and Vice-Chairman Election protocol**

1. Manchester City Council
2. Birmingham City Council
3. Coventry City Council
4. Wolverhampton City Council
5. Cheshire East Council
6. Stockton-on-Tees Borough Council
7. Chester West and Chester Council

1. Manchester City Council

As with the precedent for other councils researched, the Manchester City Council Constitution states “5.2 The Lord Mayor and Deputy Lord Mayor will be elected annually at the Annual Meeting of the Council.”

However, the Constitution additionally states:

“Without prejudice to 5.2 above, the Leaders of the political groups represented on the Council may agree a protocol for determining which political group will provide the Lord Mayor and Deputy Lord Mayor in future years.”

This suggests the possibility of an agreed political rotation system, whereby the Lord Mayor and Deputy Lord Mayor are selected from different political groups in turn.

Action taken: The Democratic Services department at Manchester City Council has been contacted via email, enquiring as to whether such a protocol has been agreed, in the past or present, and the details of this protocol.

Source: [http://www.manchester.gov.uk/downloads/download/4030/the\\_constitution](http://www.manchester.gov.uk/downloads/download/4030/the_constitution)

2. Birmingham City Council

As with the precedent for all other councils researched, the Birmingham City Council Constitution states “The Lord Mayor will be elected annually by the Council.”

However, in respect of the Deputy Lord Mayoralty, the Constitution additionally states:

“Should a Member, due to take up the Deputy Lord Mayoralty, fail to be re-elected to the City Council, or an incumbent is unable to complete his or her term, owing to ill health or similar disposition, the Party Group of the outgoing Deputy Lord Mayor will be asked to make an alternative nomination. This will be the last Member of their Group to hold the position of Deputy Lord Mayor prior to the outgoing Deputy.”

“Should that Member be unwilling to take up the Office, previous Lord Mayors of that Party will be approached, in reverse chronological order, until a Member willing to take on the role can be found”

“Should the Party Group be unable to put forward an alternative name by this process, the Office shall then be offered to the previous Deputy Lord Mayor, regardless of their Party affiliation. If that individual is unwilling to assume the role, the previous Lord Mayors will be approached, again in reverse chronological order, until a Member, regardless of Party affiliation, willing to take on the role can be found.”

*These are interesting approaches to the selection of candidates based on party lines, and though here applying to conditions of re-election or failure to take up the Deputy Lord Mayoralty post, could be used as inspiration for initial elections of a Chairman or Vice-Chairman.*

Source: <http://www.birmingham.gov.uk/constitution>

### 3. Coventry City Council

As with the precedent for other councils researched, the Coventry City Council Constitution states “The Lord Mayor is a Councillor who is elected as Lord Mayor by the Council at its annual meeting” and “The Deputy Lord Mayor will also be elected at the annual meeting of the Council.”

However, the Constitution additionally states:

“2.5.1.1 The office of Lord Mayor and Deputy Lord Mayor will be offered by the Leader of the Council to the Councillor who has the longest service and has not previously held the office. If that Councillor declines that offer, then it is offered to the next person in order of length of service. Any Councillor who declines the offer may take up the offer in subsequent years.”

*This statement therefore offers a seniority approach, which could be applied to the election process at Epping Forest District Council.*

<http://moderngov.coventry.gov.uk/documents/s10250/Part%202.pdf>

### 4. **Wolverhampton City Council**

As with the precedent for other councils researched, the Wolverhampton City Council Constitution states “The Mayor will be elected...at the Annual Council meeting.”

However, the Constitution contains a unique approach to the position of Deputy Mayor:

“The Deputy Mayor will be appointed at the Annual Council meeting. The methodology for the rotation of the office of Mayor and Deputy Mayor is contained in Appendix 2 to this Constitution.”

#### Appendix 2: METHODOLOGY FOR ROTATING THE OFFICE OF MAYOR AND DEPUTY MAYOR

The Annual Meeting of the Council in May each year will elect a Mayor and appoint a Deputy Mayor from different political groups so as to ensure a dignified rotation of these offices between Senior Councillors. For the first Municipal year of this protocol (commencing at the Annual Meeting on 23 May 2001) the Deputy Mayor was

selected from Category B. For all succeeding years the following methodology will apply.

#### Step 1

After the municipal election in May and immediately before the Annual Meeting each year all Councillors will be placed into one of two categories -

Category A - Controlling Group

Category B - All other Councillors

#### Step 2

Each category will list Councillors in order of seniority based on the number of years and part years service as a Councillor with Wolverhampton City Council or any of its predecessor authorities. Councillors with the same number of years and part years will be listed alphabetically. Councillors who have already held office as Mayor will be treated as if their years of service begin again.

#### Step 3

1. The unopposed nomination for the post of Deputy Mayor for the next ensuing municipal year will be offered in strict order of seniority to Councillors within the same category as the sitting Mayor.

2. Where a Councillor is unable or unwilling to accept the nomination for whatever reason the offer will pass to the next most senior Councillor within that category and so on.

#### Step 4

At the immediate following Annual Meeting the current Mayor will preside over the election of the current Deputy Mayor to the office of Mayor for the ensuing municipal year.

The newly elected Mayor will preside over the appointment of the new Deputy Mayor selected in accordance with steps 1 to 3.

NOTE: For the purpose of this procedure -

“Group” means a political group duly constituted in accordance with the provisions of the Local Government and Housing Act 1989.

“Controlling Group” means -

(a) Any Group with 31 or more Members

(b) If there is no such Group then the Group with the largest individual membership.

*This Constitution thus provides a useful and detailed step-by-step outline of a party-based rotation of office, which also uses seniority as a method of selection.*

Source:

<http://wolverhampton.cmis.uk.com/DecisionMaking/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=rDIYorWSsmw08xO2YS88tGKh1V14nvikGa4BjZ4oQJp7n9JEzEbWJw%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNIh225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9lXnlq%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bA.JvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993isyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%3d>

## 5. Cheshire East Council

As with the precedent for other councils researched, the Wolverhampton City Council Constitution states “At each Annual Council meeting in May of each year, the Council elects a Councillor to serve as the Council’s Mayor. It also appoints a Deputy Mayor.” It also states “Where either office becomes vacant, the Council will elect/appoint a successor at its next meeting.”

However, the Constitution also contains an interesting protocol with regards to the Deputy Mayor:

The Deputy Mayor will normally succeed to the Mayoralty in the following year. Each year, the Deputy Mayor will be chosen by full Council at the recommendation of the political group which has the majority of Council Members, provided that in making such choice, another political group or groups may be invited to put forward a nomination for consideration by the majority group.

The Council has adopted a Mayoralty Code of Practice which is included in Part 5 of the Constitution.

Mayoralty Code of Practice:

#### 7. Selection of Mayor:

The Deputy Mayor will normally succeed to the Mayoralty in the following year. The selection process should normally ensure that, upon election to office, the Mayor will have served at least one term of office as a local authority Councillor.

*Cheshire East therefore provides a precedent for the use of a party based system of appointment, subject to the will of the majority of Council Members. This is a variation on other party based systems that could be adopted by Epping Forest District Council.*

Source:

[http://www.cheshireeast.gov.uk/council\\_and\\_democracy/your\\_council/constitution.aspx](http://www.cheshireeast.gov.uk/council_and_democracy/your_council/constitution.aspx)

#### **6. Stockton-on-Tees Borough Council**

*The Constitution adopts a seniority approach with regards to the election of Deputy Mayor:*

Electing the Deputy Mayor/Mayor

Each year the Councillor with the longest cumulative service on the Council will be nominated to serve as Deputy Mayor (unless that Councillor has previously served as Mayor).

When appointed by Council as Deputy Mayor, the Councillor concerned will then be agreed as the person nominated to serve as Mayor for the following Municipal Year. Where, in any year, more than one Councillor satisfies the criterion as the Councillor with the longest cumulative service on the Council, and no one agreed nominee has been chosen, lots will be drawn to secure the nomination for Deputy Mayor for the forthcoming municipal year.

If in any year the Councillor with the longest cumulative service or chosen nominee, decides not to agree to their name being put forward as nominee to the annual meeting of the Council, this will not preclude that Councillor from being re-considered for nomination in future years.

*Stockton-on-Tees Borough Council thus differs from other councils in its approach to the seniority rule, by way of drawing lots for the nomination of Deputy Mayor should more than one Councillor be eligible. Again, this approach could be adopted at Epping Forest District Council.*

Source:

<http://www.stockton.gov.uk/documents/stocktoncouncil/832215/constitutionarticles.pdf>

## **7. Chester West and Chester Council**

*This Council has introduced the following system, which could be implemented at Epping Forest District Council:*

1. Each year, prior to the Annual Council (nominally about 10<sup>th</sup> May or after the elections early May, prior to the Annual Council), each Party will be allocated a point for each Member they have on the Council at that time.
2. The number of points, when added to the carry over number of points will give a total number of points per Group and the Group with the largest number of points will be entitled to put forward a name for the post of Duty Chairman CWaC and Deputy Lord Mayor of Chester who will in due course become the Chairman of CWaC and Lord Mayor of Chester.
3. If the Group with the largest number of points has no name to put forward then the Group with the next largest number of points will be entitled to nominate.
4. When a group nominates a name, 72 points (the current size of the Council) will be deducted from the Group's total.
5. It is expected that the Group Whips will liaise to ensure the process operates correctly
6. Democratic Services, independent of the Groups, will maintain a running list of the points system for both Civic appointments each year and which Group makes the nominations.

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