

REPORT TO CONSTITUTION WORKING PARTY

Report of the Strategic Head of Service & Monitoring Officer (Legal and Democratic Governance)

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 Following the last meeting of the committee on 4 November 2021 the Monitoring Officer was requested to prepare a more detailed report on two areas of the constitution that she had outlined for amendment in the report that was considered at the meeting on 23 September 2021, namely informal council and mayoralty.

2. COUNCIL MEETING PROCEDURE RULE – PR 1 regarding Informal Council

- 2.1. Further to request that the Monitoring Officer obtain confirmation as to how other local authorities deal with their AGM, the following information can be provided:-
- 2.1.1. Bury - Split the 'Mayor-Making' from the rest of the AGM – Mayor-making at 2pm and AGM commences at 4pm.
 - 2.1.2. Bolton - Split the 'Mayor-Making' from the rest of the AGM – Mayor-making at 11.15 am on a Wednesday, then adjourn to 7pm Wednesday on the following week for the rest of the AGM.
 - 2.1.3. Manchester - AGM as one meeting like Stockport – however, as they effectively have one party control acknowledge the issues we have are highly unlikely to arise.
 - 2.1.4. Oldham - Split the 'Mayor-Making' from the rest of the AGM – Meeting adjourns after election of Mayor, has lunch and returns for AGM.
 - 2.1.5. Wigan - AGM as one meeting like Stockport – however, as they effectively have one party control acknowledge the issues we have are highly unlikely to arise.
- 2.2. If a councillor attended either of the two halves of the adjourned meeting, it would be counted as full attendance for the meeting.
- 2.3. Below are the options discussed at the meeting on 4 November 2021:-
- 2.3.1. Retain status-quo (i.e. keep informal council as a private meeting and keep AGM as a single meeting);
 - 2.3.2. Retain informal Council (as non-statutory meeting), but as a publicly webcast meeting and keep AGM as a single meeting (as we did it this year) – constitution will need amending;

- 2.3.3. Abolish Informal Council and keep AGM as a single meeting (risk for disruption of mayor-making) – constitution will need amending;
- 2.3.4. Abolish Informal Council and change AGM to include an adjournment after mayor-making (i.e. a Mayor-making and then an adjournment to allow a separate AGM for the rest of the business).

3. MAYORALTY – CP10 – regarding nominations of Mayor and Deputy Mayor

- 3.1. Further to request that the Monitoring Officer obtain confirmation as to how other local authorities deal with their nominations of Mayor and Deputy Mayor, the following information can be provided:-
 - 3.1.1. **Blackpool** - The longest serving councillor, but with informal 'agreement' between the groups before they take anything to Council. It's not always taken up so they move to the next on the list.
 - 3.1.2. **Bury** – Executive decides.
 - 3.1.3. **Bolton** - The longest serving councillor gets asked by the leader, and if that person declines, it goes to the next in line. You have to have served at least 16 years' service before being asked. As regards the Deputy Mayor, Bolton are one of the few that do it back to front; their retiring Mayor then becomes Deputy Mayor and not the other way around.
 - 3.1.4. **Manchester** - determined through an internal labour group meeting as to who will be Lord Mayor from within their group, given the large majority they hold.
 - 3.1.5. **Wigan** - Wigan is the same as Manchester, the lead group choose the next Mayor and it is then taken to council meeting for ratification.
 - 3.1.6. **Royal Borough of Windsor and Maidenhead** - rotate the role around their three parties.
 - 3.1.7. **Royal Borough of Kensington and Chelsea** - Both the Majority (Cons) and Minority (Lab) Groups put forward their candidates for Mayor. However, it is always the Majority Group nominee who is elected. But, by party agreement there have been a few occasions over the last decade when the Deputy Mayor role has been 'given' to the Minority Group.
 - 3.1.8. **Warrington** – They try and forecast which political party will be eligible to nominate over a five year period based on the make-up of the council i.e. if Labour have 3/5 of the seats on the council they get three years and so on for the other groups. They meet in March to see if the parties want to amend the proposal.
 - 3.1.9. **Cheltenham** - They maintain an order of precedence and the member with the longest service is asked if they would like to be Mayor. If they decline they go to the next member on the list. The order of precedence is reported to Council in February and they appoint a Mayor elect and a deputy Mayor elect who are then appointed at Annual Council.

3.2. Knowles on Local Authority Meetings states as follows (emphasis added):-

The chairman or chair – Knowles on Local Authority Meetings

Procedure on election

- 7.14 *No procedure for the election is prescribed by statute and it is rare for standing orders to do so. In practice, councillors often agree upon a nominee beforehand (in the majority party group where the authority is run on party political lines with or without informal agreement with minority parties) so that at the annual meeting there is usually only one nomination proposed and seconded: a prior arrangement of this kind enables someone other than the nominee to preside at their election. Most standing orders provide for appointments, and an elimination vote can be used where there are more than two nominees (which does not often occur). A succession of votes are taken, on each of which the nominee receiving the fewest votes is excluded from the next vote. This position, as with the leader in leader and cabinet executive forms, is rare in specifying it is an election and a direct ballot is the means by which the election is held, unless standing orders specify otherwise.*
- 7.15 *Voting at the election proceeds in the normal way, i.e. the election is decided by a majority of the councillors present and voting. The person presiding at the meeting must give a casting vote in the case of an equality of votes; but where the person presiding only remains a member because of the saving provisions for chairman and vice-chairman, they are not entitled to any other vote. Most authorities try to avoid contested elections for the chair or mayor, particularly in the case of boroughs where mayor-making is regarded as an important civic and ceremonial event and lack of unanimity is hardly conducive to the dignity of the occasion. **One authority claims to have avoided the repetition of an earlier disaster where the chairman-elect failed to be elected to the annoyance of the majority group and the embarrassment of relatives who were present to see him installed: it holds what is in effect a 'shadow' annual meeting, which recommends a nominee for election and although there still remains the possibility of unexpected challenge, this has not occurred.***

4. CONCLUSIONS AND RECOMMENDATIONS

- 4.1 That the committee review the above proposals and agree the way forward in relation to the proposed amendments as regards taking them forward through the governance process.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Vicki Bates on telephone number Tel: 0161 474 3219 or alternatively email vicki.bates@stockport.gov.uk