

**Joint Report of the Presiding Member, Monitoring Officer and
Head of Democratic Services**

Council – 25 February 2016

**NOMINATION OF LORD MAYOR ELECT AND DEPUTY LORD MAYOR
ELECT 2016-2017**

Purpose:	To nominate the Lord Mayor elect and Deputy Lord Mayor elect for 2016-2017 to enable the arrangements for the Inauguration of the Lord Mayor and Deputy Lord Mayor event to proceed.
Policy Framework:	Lord Mayor and Deputy Lord Mayor Protocol.
Consultation:	Constitution Working Group, Political Group Leader and their Deputies, Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) Councillor David H Hopkins be nominated as Lord Mayor Elect 2016-2017; 2) Councillor Phil Downing be nominated as Deputy Lord Mayor Elect 2016-2017; 3) The Constitution Working Group conduct a review of the Lord Mayor and Deputy Lord Mayor Protocol and report back to a future Council meeting within 6 months.
Report Author:	Huw Evans
Finance Officer:	Carl Billingsley
Legal Officer:	Patrick Arran
Access to Services Officer:	Phil Couch

1. Introduction

1.1 The Lord Mayor and Deputy Lord Mayor Protocol, set out within the Council Constitution, was initially approved by Council on 28 February 2008. The latest version was amended by Council on 18 March 2014. The Protocol is attached as **Appendix 1**.

2. Nominations

2.1 In line with the Protocol, the Head of Democratic Services sent an e-mail to the Political Group Leaders and their Deputies on 12 November 2015 asking them to determine whether the candidates outlined met the criteria set out in the Protocol and the candidate's appropriateness for the role of Lord Mayor and Deputy Lord Mayor.

2.2 As there was not unanimous agreement regarding the appropriateness of the candidates, the matter was discussed at a meeting of the Constitution Working Group on 25 November 2015.

2.3 The Constitution Working Group voted that the candidates were appropriate for the role of Lord Mayor and Deputy Lord Mayor.

3. Deferment of Term of Office

3.1 Since, the meeting of the Constitution Working Group on 25 November 2015, Councillor D Phillips approached the Leader of the Council asking that his term of office be deferred for a period of one year. Paragraph 8 of the Lord Mayor and Deputy Lord Mayor Protocol deals with the issue of deferral stating:

“8.1 If a Councillor chooses to defer their term of office, then it would only be allowed in exceptional circumstances and subject to approval from all Political Group Leaders e.g. in the case of illness of the Councillor or close member of their family.”

3.2 In line with the Protocol, the Head of Democratic Services sent an e-mail to the Political Group Leaders on 12 February 2016 asking whether they supported Councillor D Phillips’ request to defer his term of Office for a period of one year. The Political Group Leader’s indicated unanimously that they supported the request.

3.3 The e-mail also asking them to determine whether the next candidate (Councillor P Downing) met the criteria set out in the Protocol and the candidate’s appropriateness for the role of Lord Mayor and Deputy Lord Mayor. The Political Group Leader’s indicated unanimously that Councillor P Downing met the criteria and was appropriate for the role.

4. Review of the Lord Mayor and Deputy Lord Mayor Protocol

4.1 Since the last review of the Protocol in 2014, a few issues have come to light regarding the Protocol. It is therefore proposed that the Constitution Working Group be tasked with conducting a review of the Protocol and reporting back to Council within a period of 6 months.

5. Equality and Engagement Implications

5.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

6. Financial Implications

6.1 There are no financial implications associated with this report.

7. Legal Implications

7.1 There are no legal implications associated with this report.

Background Papers: Equality Impact Assessment (EIA) Screening Form.

Appendices:

Appendix 1	Lord Mayor and Deputy Lord Mayor Protocol
-------------------	---

Lord Mayor and Deputy Lord Mayor Protocol

1. Introduction

1.1 On 22 March 1982, HM Queen Elizabeth II graciously granted to the City of Swansea letters patent which elevated the status of the Mayor to that of Lord Mayor. The Unitary Authority of the City and County of Swansea which came into being on 1 April 1996 was successful in having both the City and Lord Mayor status re-bestowed on 29 March 1996.

1.2 The actual wording of the letters patent is shown below:

“Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith To all to whom these presents shall come, Greeting. Know ye that our will and pleasure is and We do hereby declare and ordain that from and after the date of these presents the Mayor of the City of Swansea and his successors in office shall be styled entitled and called LORD MAYOR OF SWANSEA And we do hereby authorise and empower the Mayor of the City of Swansea and his successors in office henceforth at all times to assume and use and to be called and to be named by the style title and appellation of Lord Mayor of Swansea and to enjoy and use all and singular the rights privileges and advantages to the degree of a Lord Mayor in all things duly and or right belonging. In witness whereof we have caused these our letters to be made patent. Witness Ourself at Westminster the twenty second day of March in the thirty first year of our reign”.

1.3 The Lord Mayor and Deputy Lord Mayor Protocol aims to cover all aspects relating to the eligibility, nomination and behaviour of the Lord Mayor / Deputy Lord Mayor.

2. Eligibility to be Lord Mayor / Deputy Lord Mayor

2.1 For the period that a person is elected as Lord Mayor / Deputy Lord Mayor, they must remain a Councillor of the City and County of Swansea.

2.2 From the moment that the person ceases to be a Councillor of the City and County of Swansea, they automatically also cease to be the Lord Mayor / Deputy Lord Mayor.

3. Formal Procedure and Criteria for the Nomination of Lord Mayor and Deputy Lord Mayor

3.1 Councillors must satisfy the following criteria prior to being nominated as Deputy Lord Mayor / Lord Mayor.

i) Candidates for the position of Lord Mayor and Deputy Lord Mayor must be members of the Council.

ii) Councillors shall be elected to the position of Deputy Lord Mayor and Lord Mayor based on their total length of service with the City and County of Swansea Council and its predecessor Authorities. **Appendix D** (The List) highlights the “Councillors Total Length of Service with the City and County of Swansea and each of its predecessor Authorities” (As at Date Printed on **Appendix D**).

iii) Simultaneous service on more than one of the City and County of Swansea Council’s predecessor Authorities will count as one period of service i.e. If a Councillor was an Elected Member with Lliw Valley Borough Council and West Glamorgan County Council during 1990-1994, only 4 years would be counted towards the Councillors total length of service during that time.

iv) If a Councillor has broken service with the City and County of Swansea Council or any of its predecessor Authorities, then the time of each of the periods of service will be added together in order to establish the total length of service. For details of a Councillors Period(s) of Service with the City and County of Swansea and its predecessor Authorities, please refer to www.swansea.gov.uk/councillors

v) If a Councillor has accrued service with another Authority, then that time will not be counted, as the time has not been spent representing the people of the City and County of Swansea Council.

vi) A Councillor would only be honoured with the title Deputy Lord Mayor and Lord Mayor once.

3.2 If there are more than 1 Councillors with exactly the same length of service, then the nomination will be determined as follows:

i) Between the Councillors involved;

ii) The drawing of lots between the Councillors involved.

4. Consultation with Political Group Leaders and their Deputies

4.1 The Head of Democratic Services shall consult with the Political Group Leaders and their Deputies via e-mail asking them to:

- i) Determine whether candidates meet the criteria set out in Paragraph 3 above;
- ii) Discuss the appropriateness of the candidates nominated for the role of Deputy Lord Mayor and Lord Mayor.

4.2 If the Head of Democratic Services receives:

- i) A unanimous decision that the Candidates meet the criteria set out in Paragraph 3 above and that the Candidates are suitable for the role of Lord Mayor or Deputy Lord Mayor then the Head of Democratic Services shall present a report to Council outlining this view recommending their Election as Lord Mayor Elect and Deputy Lord Mayor Elect accordingly;
- ii) A split decision that one or both Candidates do not meet the criteria set out in Paragraphs 3 above and / or that one or both Candidates are not suitable for the role of Lord Mayor or Deputy Lord Mayor then a meeting of the Constitution Working Group be arranged to consider the issue. This only applies to the Candidate found not to meet the criteria or found not to be appropriate for the role of Lord Mayor Elect and Deputy Lord Mayor Elect.”

5. The Constitution Working Group subject to Paragraph 4 above will:

5.1 Determine whether candidates meet the criteria set out in Paragraph 3 above;

5.2 Discuss the appropriateness of the candidates nominated for the role of Deputy Lord Mayor and Lord Mayor.

5.3 If a candidate is deemed appropriate for the role of Deputy Lord Mayor / Lord Mayor then the Constitution Working Group shall present a report to Council recommending one candidate for the role of Deputy Lord Mayor and one candidate for the role of Lord Mayor based on the total length of time served by a Councillor.

5.4 If a candidate is deemed inappropriate for the role of Deputy Lord Mayor / Lord Mayor, the Constitution Working Group shall discuss what (if any) sanctions that will be imposed based on the following questions:

- a) Was the Councillor found in serious breach of the Councillors Code of Conduct?

If yes, then the exclusion from holding the office of Deputy Lord Mayor / Lord Mayor will be for a minimum mandatory period of 5 years or permanent removal from “the list”. The Constitution Working Group may extend this period if it deems the severity of the breach such. The period cannot be shortened.

- b) Was the Councillor found in minor breach of the Councillors Code of Conduct or carried out general inappropriate action(s) not involving a breach of the Councillors Code of Conduct?

If yes, the Constitution Working Group will decide on the severity and relevance of the breach of the Councillors Code of Conduct or the degree of inappropriate action.

It shall apply such deferral of office as it, in its absolute discretion, considers appropriate. As a guide such deferral of office may include exclusion from holding the office of Deputy Lord Mayor / Lord Mayor for any period up to 4 years.

- c) Was the Councillor found to have carried out inappropriate actions or other serious misbehaviour regarding the office of Lord Mayor / Deputy Lord Mayor not involving a breach of the Councillors Code of Conduct?

If yes, then the exclusion from holding the office of Deputy Lord Mayor / Lord Mayor will be for a suggested period of 4 years. The Constitution Working Group may increase or decrease this period if it deems appropriate.

- 5.5 What is a serious or minor breach of the Councillors Code of Conduct will be a matter to be determined by the Constitution Working Group on the facts of each particular case.

- 5.6 The exclusion period will be for the period starting with the final determination of the breach of the Councillors Code of Conduct for paragraphs 5.4 a) and 5.4 b) and the determination of the Constitution Working Group for paragraph 5.4. c).

- 5.7 If a Councillor has acted in the role of Deputy Lord Mayor and is deemed to be inappropriate prior to commencing the role of Lord Mayor, then s/he shall serve the exclusion period outlined above and at the end of the period undertake the role of Lord Mayor.

- 5.8 Once a Councillor has completed a period of suspension they will be placed on “the list” in accordance with their seniority.

- 5.9 In the year of a Local Government Election, it is possible that the next Councillor in line for the role of Lord Mayor / Deputy Lord Mayor either chooses not to stand for re-election or fails to get re-elected. In order to attempt to overcome this, the Constitution Working Group shall apply the appropriateness test to the next 5 Councillors in the list (**Appendix D**) who have confirmed that they intend standing in order to seek re-election.
- 5.10 The appropriateness test for these other Councillors will only be a measure of their appropriateness at this current point in time. They will be the subject of a further appropriateness test if they are not elected to the role of Lord Mayor / Deputy Lord Mayor.

6. Constitution Working Group Report to Council

- 6.1 Council shall receive the report of the Constitution Working Group regarding nominations for the Deputy Lord Mayor and Lord Mayor. The report shall nominate one Councillor for the role of Deputy Lord Mayor and one Councillor for the role of Lord Mayor.
- 6.2 In the year of a **Local Government Election**, there will be a third and fourth recommendation seeking a resolution to name the next 5 Councillors as being eligible should the initial nominations fail to be re-elected. These additional 5 Councillors shall be appointed in line with the Protocol.
- 6.3 When a Councillor is elected to the position of Deputy Lord Mayor, then that person would become Lord Mayor the following municipal year, subject to Paragraph 5.4 b) and 5.4 c) above.

7 Role of Council

- 7.1 Council will receive the report of the Constitution Working Group regarding nominations for the Deputy Lord Mayor and Lord Mayor. It shall consider whether to accept the recommendations of the Constitution Working Group or not.
- 7.2 In the year of a **Local Government Election**, Council shall also be asked to accept the nominations of the next 5 Councillors under the Protocol in order to have an automatic fall-back position should the initial nominations fail to be re-elected. The automatic fall-back would mean that the next eligible Councillor who had been subjected to and passed the appropriateness test by the Constitution Working Group would be elected to the position of Lord Mayor / Deputy Lord Mayor as necessary.

7.3 Should Council not accept the recommendations of the Constitution Working Group, then the matter should be deferred to either the next Ordinary meeting of Council or to an Extraordinary meeting of Council in order for the appropriateness test to be considered for the next Councillor in line based on length of service by the Constitution Working Group.

8. Deferment of Term of Office

8.1 If a Councillor chooses to defer their term of office, then it would only be allowed in exceptional circumstances and subject to approval from all Political Group Leaders e.g. in the case of illness of the Councillor or close member of their family.

8.2 If the Leader of the Council is scheduled to be Lord Mayor then the Leader of the Council shall have the opportunity to defer his / her term of office for as long as they deem necessary.

9. Behaviour of Lord Mayor / Deputy Lord Mayor during their Term of Office

9.1 Should the behaviour of the Lord Mayor / Deputy Lord Mayor be brought into question during their term of office, then the behaviour should be reported to the Chief Executive, the Monitoring Officer, the Head of Democratic Services and to the relevant Political Group Leader.

9.2 However, if the alleged behaviour is considered to be a breach or potential breach of the Councillors Code of Conduct then the complainant should refer the matter to the Public Services Ombudsman for Wales or Police as appropriate.

9.3 The allegation will be passed to the Constitution Working Group for them to consider whether it requires any immediate action to be taken. The Group may also determine any sanction to be imposed (if any) pending the outcome of the Ombudsman's or Police investigation (if any).

10. Suspension from Office as a Councillor

10.1 Should a Councillor be suspended from the Office of Councillor for a period of time following a breach of the Councillors Code of Conduct, the following actions are to be followed:

10.1.1 Suspension is for a period **Less** than the remaining term of office of the Lord Mayor / Deputy Lord Mayor

i) The issue shall be automatically referred to the Constitution Working Group for it to consider what action, if any should be taken.

10.1.2 Suspension is for a period **Longer** than the remaining term of office of the Lord Mayor / Deputy Lord Mayor

i) The Councillor will cease to serve as Lord Mayor / Deputy Lord Mayor with immediate effect.

10.2 The Constitution Working Group reserves the right to amend the sanction as it sees fit.

11. Behaviour of Lord Mayor's Consort, / Deputy Lord Mayor's Consort, Lady Mayoress / Deputy Lady Mayoress during their Term of Office

11.1 Should the behaviour of the Lord Mayor's Consort, / Deputy Lord Mayor's Consort, Lady Mayoress / Deputy Lady Mayoress be brought into question during their term of office, then the behaviour should be reported to the Chief Executive, the Monitoring Officer, the Head of Democratic Services and to the relevant Political Group Leader.

11.2 The allegation(s) will be passed to the Constitution Working Group for them to consider whether it requires any immediate action to be taken. Action could include suspending the individual for a period of time or seeking a Council resolution to remove the individual from Office.

Appendix D

Councillors Total Length of Service with the City and County of Swansea and each of its predecessor Authorities” (12.11.2015).

Last Name	First Name(s)	Total Time Served	Municipal Year served as LM
Lewis	Richard	42 years, 6 months, 2 days	2010-2011
Thomas	Des	40 years, 0 months, 12 days	1996-1997
Owen	Byron	32 years, 7 months, 18 days	1991-1992
Burtonshaw	June	32 years, 6 months, 7 days	2002-2003
Francis-Davies	Robert	32 years, 6 months, 7 days	2001-2002
Black	Peter	31 years, 6 months, 9 days	Declined: 08.03.2007
Holley	Christopher	30 years, 6 months, 10 days	2006-2007
Richard	Ioan	30 years, 0 months, 5 days	2011-2012
Sullivan	Gareth	28 years, 6 months, 5 days	2008-2009
Stanton	June	27 years, 6 months, 7 days	2013-2014
Thomas	Ceinwen	25 years, 6 months, 9 days	2014-2015
Newbury	John	25 years, 5 months, 6 days	Current Lord Mayor Current Deputy Lord Mayor
Hopkins	David	24 years, 6 months, 10 days	
Phillips	David	22 years, 6 months, 6 days	
Downing	Philip	19 years, 5 months, 11 days	
Lloyd	Paul	18 years, 7 months, 15 days	
Marsh	Keith	17 years, 5 months, 8 days	
Child	Mark	16 years, 6 months, 6 days	
Day	Mike	16 years, 6 months, 6 days	
Jones	Mary	16 years, 6 months, 6 days	
Rees	Huw	16 years, 6 months, 6 days	
Thomas	Graham	16 years, 6 months, 6 days	
Stewart	Robert	12 years, 6 months, 11 days	
Fitzgerald	Wendy	11 years, 5 months, 2 days	
Hood-Williams	Paxton	11 years, 5 months, 2 days	
Kirchner	Erika	11 years, 5 months, 2 days	
Philpott	Cheryl	11 years, 5 months, 2 days	
May	Peter	8 years, 10 months, 22 days	
Matthews	Penny	8 years, 3 months, 24 days	
Colburn	Tony	7 years, 6 months, 11 days	
Doyle	Ryland	7 years, 6 months, 11 days	
Evans	William	7 years, 6 months, 11 days	
Jones	Jeff	7 years, 6 months, 11 days	
Jones	Sue	7 years, 6 months, 11 days	
Meara	Paul	7 years, 6 months, 11 days	
Morris	Hazel	7 years, 6 months, 11 days	
Richards	Christine	7 years, 6 months, 11 days	
Smith	Paulette	7 years, 6 months, 11 days	
Jardine	Yvonne	7 years, 5 months, 6 days	
Thomas	Miles	5 years, 0 months, 22 days	
Bayliss	John	3 years, 6 months, 9 days	
Clay	Uta	3 years, 6 months, 9 days	
Cole	David	3 years, 6 months, 9 days	
Cook	Ann	3 years, 6 months, 9 days	

Crouch	Sybil	3 years, 6 months, 9 days	
Curtice	Jan	3 years, 6 months, 9 days	
Davies	Nick	3 years, 6 months, 9 days	
Evans	Mandy	3 years, 6 months, 9 days	
Gordon	Fiona	3 years, 6 months, 9 days	
Hale	Joe	3 years, 6 months, 9 days	
Harris	Jane	3 years, 6 months, 9 days	
Hennegan	Terry	3 years, 6 months, 9 days	
Hopkins	Beverley	3 years, 6 months, 9 days	
James	Lynda	3 years, 6 months, 9 days	
Jones	Andrew	3 years, 6 months, 9 days	
Lewis	Andrea	3 years, 6 months, 9 days	
Lewis	David	3 years, 6 months, 9 days	
Lloyd	Clive	3 years, 6 months, 9 days	
Owens	Geraint	3 years, 6 months, 9 days	
Raynor	Jennifer	3 years, 6 months, 9 days	
Ronconi- Woollard	Neil	3 years, 6 months, 9 days	
Smith	Robert	3 years, 6 months, 9 days	
Tanner	Gloria	3 years, 6 months, 9 days	
Thomas	Mark	3 years, 6 months, 9 days	
Tyler-Lloyd	Linda	3 years, 6 months, 9 days	
Walker	Gordon	3 years, 6 months, 9 days	
Walton	Lesley	3 years, 6 months, 9 days	
White	Mike	3 years, 6 months, 9 days	
Clay	Bob	2 years, 4 months, 8 days	
Anderson	Cyril	0 years, 6 months, 5 days	
Evans	Ceri	0 years, 6 months, 5 days	
King	Elliot	0 years, 6 months, 5 days	