



## Report of the Head of Democratic Services

Council – 30 March 2023

# Nomination of Lord Mayor and Deputy Lord Mayor Elect 2023-2024

<b>Purpose:</b>	To nominate the Lord Mayor, elect and Deputy Lord Mayor elect to enable the arrangements for the Inauguration of the Lord Mayor and Deputy Lord Mayor event to proceed.
<b>Policy Framework:</b>	Lord Mayor and Deputy Lord Mayor Protocol.
<b>Consultation:</b>	Political Group Leaders and their Deputies, Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) Councillor Graham Thomas be nominated Lord Mayor Elect 2023-2024.  2) Councillor Paxton Hood-Williams be nominated Deputy Lord Mayor Elect 2023-2024.
<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

## 1. Introduction

- 1.1 The Lord Mayor and Deputy Lord Mayor Protocol (adopted by Council on 20 April 2017) sets out the procedure when nominating a Lord Mayor and Deputy Lord Mayor. The Protocol is attached as **Appendix 1**.

## 2. Deferment of Term of Office

- 2.1 Councillor R C Stewart was scheduled to be considered for the role of Deputy Lord Mayor 2023-2024 in line with the Seniority List; however, he has asked for his Term of Office to be deferred for an unspecified length of time. In line with the Protocol, this was agreed by the Political Group Leaders on 26 January 2023.

- 2.2 Councillor E T Kirchner is one of four Councillors with equal length of service to become Deputy Lord Mayor 2023-2024; however, she asked for her Term of Office to be Deferred for an unspecified length of time. In line with the Protocol, this was agreed by the Political Group Leaders on 26 January 2023.
- 2.3 Councillor R C Stewart & E T Kirchner shall join Councillor P Lloyd on the list of Councillors that have deferred their Term of Office. They will be readded to the seniority list in line with the Paragraph 9.2 of the Protocol:

*“9.2 Once a Councillor has completed their deferment they will be replaced back on the Seniority List in accordance with their seniority. They shall follow the next person in line to be Deputy Lord Mayor but shall not be permitted to replace the next person in line if the period until the next selection is less than 6 months.”*

### **3. Two or more Councillors have Exactly the Same Length of Service**

- 3.1 Section 4 of the Protocol sets out the Councillors Total Length of Service and includes a paragraph on the process to be followed if 2 or more Councillors have exactly the same length of service.
- 3.2 Councillors E W Fitzgerald, P R Hood-Williams and C L Philpott, all have exactly the same length of service. The Head of Democratic Services confirmed that each of the 3 candidates meet the criteria and that the Political Group Leaders and their Deputies have unanimously agreed that all 3 candidates are appropriate to hold the Office of Lord Mayor / Deputy Lord Mayor.
- 3.3 On 25 January 2023, the Head of Democratic Services drew lots to establish the order that each of the aforementioned Councillors will be considered for the role of Lord Mayor / Deputy Lord Mayor. The outcome of the draw being:
- i) Councillor P R Hood-Williams.
  - ii) Councillor E W Fitzgerald.
  - iii) Councillor C L Philpott.

### **4. Nominations**

- 4.1 In line with the Protocol, the Head of Democratic Services e-mailed the Political Group Leaders and their Deputies on 22 December 2021 informing them that the candidates for the posts of Lord Mayor and Deputy Lord Mayor Elect 2023-2024 met the criteria for nomination. The candidates being:
- Councillor Graham Thomas (To become Lord Mayor 2023-2024).
  - Councillor Paxton Hood-Williams (To become Deputy Lord Mayor 2023-2024).
- 4.2 The e-mail asked the Political Group Leaders and their Deputies to consider whether these candidates are considered appropriate for the roles. The Appropriateness Test is set out within the Protocol. There was a unanimous decision that both candidates met the appropriateness test and were therefore appropriate to undertake the roles.

## **5. Integrated Assessment Implications**

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
  - Deliver better outcomes for those people who experience socio-economic disadvantage.
  - Consider opportunities for people to use the Welsh language.
  - Treat the Welsh language no less favourably than English.
  - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 5.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 5.4 An IIA Screening Form has been completed and no adverse implications have been noted.

## **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:** None.

### **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 Ourselves 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.

1.4 A “Civic Protocols and Guidance” document is provided to each Lord Mayor / Deputy Lord Mayor. The document is provided by the Lord Mayor’s Office and is maintained by the Civic and Corporate Marketing Manager.

### 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.

2.3 If the existing Lord Mayor / Deputy Lord Mayor is suspended or partially suspended from being a Councillor by the Standards Committee, Public Services Ombudsman for Wales and / or Adjudication Panel for Wales they shall not conduct any Lord Mayor / Deputy Lord Mayor duties.

### **3. 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 serving members of the Council and have the longest total length of service (**Appendix A1**).

**Note:** If the Candidate is suspended or partially suspended from being a Councillor then they do not meet the criteria at that point in time.

3.2 The Head of Democratic Services shall inform the Political Group Leaders and their Deputies via e-mail whether the candidate(s) meet the criteria.

### **4. Councillors Total Length of Service**

4.1 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 A1** (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 A1**).

4.2 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.

4.3 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](http://www.swansea.gov.uk/councillors)

4.4 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.

4.5 A Councillor shall be honoured with the title Deputy Lord Mayor / Lord Mayor once.

4.6 If two or more Councillors have 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.

## 5. Procedure for the Nomination of Lord Mayor and Deputy Lord Mayor

5.1 Once a Councillor has been deemed to meet the criteria to be nominated Lord Mayor / Deputy Lord Mayor; the procedure is as follows:

- i) Head of Democratic Services to consult with Political Group Leaders and their Deputies (all of whom have a vote) via email to determine whether the candidate(s) are appropriate. Whether a candidate is appropriate is to be decided on an individual basis. Considerations may include whether a candidate has been found in breach of the Code of Conduct, whether the breach was a serious breach and what sanction, if any, was imposed. Other considerations include whether the Councillor has been found guilty or pleaded guilty to a serious criminal offence;
- ii) If **unanimous decision** that the candidate(s) are appropriate, and a report be presented to Council;
- iii) If there is **not a unanimous decision** then a meeting of the Constitution Working Group (CWG) shall be convened. CWG will consider the appropriateness of the candidate(s) and decide what action to take based on the Protocol.

## 6. Appropriateness Test

6.1 The Appropriateness Test seeks to determine the appropriateness of candidate(s) nominated for the role of Deputy Lord Mayor and Lord Mayor. It is a measure of their appropriateness at a current point in time. Questions by the Constitution Working Group may include whether the candidate(s) is subject to any investigation by the Public Services Ombudsman for Wales in relation to any breach of the Code of Conduct, any sanctions imposed, any court proceedings or any other matter they consider relevant.

6.2 Depending on outcome of paragraph 6.1 above, the Constitution Working Group may hear representations from the candidate prior to making any final decision.

6.3 The powers of the Public Services Ombudsman for Wales and the Adjudication Panel for Wales are outlined in **Appendix B1** to this report.

6.4 If a candidate is considered not appropriate for the role of either Lord Mayor or Deputy Lord Mayor they will be replaced on “the list” in accordance with their seniority and will be subject to the Appropriateness Test at the following round of Lord Mayor / Deputy Lord Mayor nominations.

## 7. Constitution Working Group Report to Council

7.1 The Constitution Working Group shall present a report to Council recommending the appropriate candidate(s) for the role of Deputy Lord Mayor / Lord Mayor to Council. The report shall nominate one Councillor for the role of Deputy Lord Mayor and one Councillor for the role of Lord Mayor.

7.2 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.

- 7.3 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 the Appropriateness Test.

## **8. Role of Council**

- 8.1 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.

- 8.2 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.

- 8.3 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.

## **9. Deferment of Term of Office**

- 9.1 A Councillor may request that their term of Office be deferred for any length of time or even an unspecified length of time. However, such a request must gain the support of the majority of the Political Group Leaders. In the event of a tie, then the Constitution Working Group will consider the matter.

- 9.2 Once a Councillor has completed their deferment they will be replaced back on the Seniority List in accordance with their seniority. They shall follow the next person in line to be Deputy Lord Mayor but shall not be permitted to replace the next person in line if the period until the next selection is less than 6 months.

## **10. Title and Chain of Office of Lady Mayoress / Lord Mayor's consort / Deputy Lady Mayoress / Deputy Lord Mayor's Consort**

- 10.1 The Title and Chain of Office of Lady Mayoress / Lord Mayor's consort / Deputy Lady Mayoress / Deputy Lord Mayor's Consort is conferred at the Ceremonial Meeting of Council on an annual basis.

- 10.2 Any other person may accompany the Lord Mayor / Deputy Lord Mayor to any civic engagement to which the same courtesies and precedence would be extended, however, the Chain of Office may not be worn.

## **11. Behaviour of Lord Mayor / Deputy Lord Mayor during their Term of Office**

- 11.1 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 the relevant Political Group Leader.
- 11.2 However, if the alleged behaviour may lead to any investigation by the Public Services Ombudsman for Wales in relation to any breach of the Code of Conduct, any sanctions imposed, any court proceedings or any other matter considered relevant then the complainant should refer the matter to the Public Services Ombudsman for Wales or Police as appropriate.
- 11.3 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 should consider the point that people are presumed innocent and should not make any decision to impede that basis of law. However, the CWG may determine any appropriate sanction based on the Appropriateness Test following the outcome of the Ombudsman's or Police investigation (if any).

## **12. Suspension from Office as a Councillor**

- 12.1 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:
- i) A suspended, partially suspended or disqualified Councillor would no longer meet the criteria to be Lord Mayor / Deputy Lord Mayor and would therefore automatically relinquish that Office.
  - ii) The issue shall also be automatically referred to the Constitution Working Group for it to consider whether to appoint a new Lord Mayor, Deputy Lord Mayor etc.

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

- 13.1 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 the relevant Political Group Leader.
- 13.2 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 A1

**Councillors Total Length of Service with the City and County of Swansea and each of its predecessor Authorities (20/01/2023).**

Last Name	First Name(s)	Total Time Served	Municipal Year served as LM
Lewis	Richard	49 years, 8 months, 10 days	2010-2011
Francis-Davies	Robert	39 years, 8 months, 15 days	2001-2002
Black	Peter	38 years, 8 months, 17 days	2019-2020
Holley	Christopher	37 years, 8 months, 18 days	2006-2007
Hopkins	David	31 years, 8 months, 18 days	2016-2017
Phillips	David	29 years, 8 months, 14 days	2018-2019
Downing	Philip	26 years, 7 months, 19 days	2017-2018
Lloyd	Paul	25 years, 9 months, 23 days	Deferred
Jones	Mary	23 years, 8 months, 14 days	2021-2022
Day	Mike	23 years, 8 months, 14 days	Current Lord Mayor
Thomas	Graham	23 years, 8 months, 14 days	Current Deputy Lord Mayor
Stewart	Robert	19 years, 8 months, 19 days	Deferred – January 2023
Hood-Williams	Paxton	18 years, 7 months, 10 days	
Fitzgerald	Wendy	18 years, 7 months, 10 days	
Kirchner	Erika	18 years, 7 months, 10 days	Deferred – January 2023
Philpott	Cheryl	18 years, 7 months, 10 days	
May	Peter	16 years, 0 months, 30 days	
Matthews	Penny	15 years, 6 months, 1 days	
Doyle	Ryland	14 years, 8 months, 19 days	
Jones	Jeff	14 years, 8 months, 19 days	
Jones	Sue	14 years, 8 months, 19 days	
Morris	Hazel	14 years, 8 months, 19 days	
Jardine	Yvonne	14 years, 7 months, 14 days	
Curtice	Jan	10 years, 8 months, 17 days	
Evans	Mandy	10 years, 8 months, 17 days	
Gordon	Fiona	10 years, 8 months, 17 days	
Hale	Joe	10 years, 8 months, 17 days	
Hennegan	Terry	10 years, 8 months, 17 days	
Hopkins	Beverley	10 years, 8 months, 17 days	
James	Lynda	10 years, 8 months, 17 days	
Lewis	Andrea	10 years, 8 months, 17 days	
Smith	Robert	10 years, 8 months, 17 days	
Walker	Gordon	10 years, 8 months, 17 days	
Walton	Lesley	10 years, 8 months, 17 days	
White	Mike	10 years, 8 months, 17 days	
Rice	Stuart	8 years, 7 months, 14 days	
Anderson	Cyril	7 years, 8 months, 13 days	
Evans	Ceri	7 years, 8 months, 13 days	
King	Elliott	7 years, 8 months, 13 days	
Lewis	Mike	6 years, 8 months, 15 days	
Durke	Mike	5 years, 8 months, 15 days	
Gibbard	Louise	5 years, 8 months, 15 days	
Griffiths	Kevin	5 years, 8 months, 15 days	
James	Oliver	5 years, 8 months, 15 days	
Jones	Lyndon	5 years, 8 months, 15 days	
Lewis	Wendy	5 years, 8 months, 15 days	
Pritchard	Samuel	5 years, 8 months, 15 days	
Pugh	Alyson	5 years, 8 months, 15 days	
Roberts	Kelly	5 years, 8 months, 15 days	
Rowlands	Brigette	5 years, 8 months, 15 days	

Stevens	Andrew	5 years, 8 months, 15 days	
Thomas	William	5 years, 8 months, 15 days	
Jones	Matthew	1 years, 8 months, 13 days	
Lawson	Hannah	1 years, 8 months, 13 days	
Bailey	Matthew	0 years, 8 months, 15 days	
Bennett	Sam	0 years, 8 months, 15 days	
Bentu	Patricia	0 years, 8 months, 15 days	
Davis	Adam	0 years, 8 months, 15 days	
Evans	Chris	0 years, 8 months, 15 days	
Fogarty	Rebecca	0 years, 8 months, 15 days	
Furlong	Nicola	0 years, 8 months, 15 days	
Gwilliam	Hayley	0 years, 8 months, 15 days	
Holland	Victoria	0 years, 8 months, 15 days	
Jeffery	Allan	0 years, 8 months, 15 days	
Jenkins	Dai	0 years, 8 months, 15 days	
Joy	Sandra	0 years, 8 months, 15 days	
Keeton	Sara	0 years, 8 months, 15 days	
Locke	Michael	0 years, 8 months, 15 days	
Matthews	Nicola	0 years, 8 months, 15 days	
McGettrick	James	0 years, 8 months, 15 days	
O'Brien	Francesca	0 years, 8 months, 15 days	
O'Connor	Angela	0 years, 8 months, 15 days	
Pritchard	Jess	0 years, 8 months, 15 days	
Tribe	Mark	0 years, 8 months, 15 days	
Williams	Andrew	0 years, 8 months, 15 days	

**Public Services Ombudsman for Wales and the Adjudication Panel for Wales  
Powers**

1. The Public Services Ombudsman for Wales considers complaints that Members of Local Authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act. Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under Section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:
  - a) That there is no evidence that there has been a breach of the Authority's Code of Conduct;
  - b) That no action needs to be taken in respect of the matters that were subject to the investigation;
  - c) That the matter be referred to the Authority's Monitoring Officer for consideration by the Standards Committee;
  - d) That the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).
2. In the circumstances of c) and d) above, the Ombudsman is required to submit the investigation report to the Standards Committee or a Tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the Member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.
3. The **maximum penalty that a Standards Committee can apply** is suspension for **6 months**. In considering whether the Councillor or Co-opted Member has failed to comply with the relevant Authority's Code of Conduct it may also determine that:
  - i) No action needs to be taken in respect of that failure;
  - ii) The Councillor or Co-opted Member should be censured (A censure takes the form of a public rebuke of the Member concerned);
  - iii) The Councillor or Co-opted Member should be Suspended or Partially Suspended from being a Member of that Authority for a period not exceeding six months.
4. The **maximum that a Tribunal of the Adjudication Panel for Wales can determine** is **5 years'** disqualification from Office. The Tribunal may:
  - i) Suspend or Partially Suspend a person from being a Councillor or Co-opted Member of the Relevant Authority concerned for a period not exceeding one year or, if shorter, the remainder of the person's term of Office;

- ii) Disqualify a person for being, or becoming (whether by Election or otherwise), a Councillor of that or any other relevant Authority for a period **not exceeding 5 years**.