



Report of the Head of Democratic Services

Council - 25 October 2018

Nomination of Lord Mayor and Deputy Lord Mayor Elect 2019-2020

Purpose:	To nominate the Lord Mayor elect and Deputy Lord Mayor elect for 2019-2020 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:	Political Group Leaders and their Deputies, Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) Councillor Peter M Black be nominated Lord Mayor Elect 2019-2020; 2) Councillor Mark C Child be nominated Deputy Lord Mayor Elect 2019-2020.
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1. Introduction

- 1.1 The Lord Mayor and Deputy Lord Mayor Protocol (adopted by Council on 20 April 2017) sets out the procedure to be followed 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 P Lloyd was scheduled to be considered for the role of Deputy Lord Mayor 2019-2020 in line with the Seniority List; however he has asked for his Term of Office to be deferred for an unspecified length of time.

2.2 Councillor P Lloyd will therefore not be considered for the role at this time; however he understands he can ask to be reconsidered at any time. Should he ask to be reinstated, he will be replaced back on the Seniority List in accordance with his seniority. The Protocol states that he “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 Mark C Child, A Mike Day, Mary H Jones and L Graham Thomas, all have exactly the same length of service. The Head of Democratic Services confirmed that each of the 4 candidates meet the criteria and that the Political Group Leaders and their Deputies have unanimously agreed that all 4 candidates are appropriate to hold the Office of Lord Mayor / Deputy Lord Mayor.

3.2 On 20 September 2018, the Head of Democratic Services drew lots in order 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 M C Child;
- ii) Councillor M H Jones;
- iii) Councillor A M Day;
- iv) Councillor L G Thomas.

4. Nominations

4.1 In line with the Protocol, the Head of Democratic Services sent an e-mail to the Political Group Leaders and their Deputies informing them that the candidates for the posts of Lord Mayor and Deputy Lord Mayor Elect 2019-2020 met the criteria for nomination as outlined within the Protocol.

4.2 The candidates being:

Councillor Peter M Black (To become Lord Mayor 2019-2020);
Councillor Mark C Child (To become Deputy Lord Mayor 2019-2020).

4.3 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.

4.4 There was a unanimous decision that both candidates met the appropriateness test and were therefore appropriate to undertake the roles.

5. Equality and Engagement Implications

5.1 There are no equality or engagement implications associated with this report.

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

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” (27.09.2018).

Last Name	First Name(s)	Total Time Served	Municipal Year served as LM
Lewis	Richard	45 years, 4 months, 17 days	2010-2011
Thomas	Des	42 years, 10 months, 27 days	1996-1997
Burtonshaw	June	35 years, 4 months, 22 days	2002-2003
Francis-Davies	Robert	35 years, 4 months, 22 days	2001-2002
Holley	Christopher	33 years, 4 months, 25 days	2006-2007
Sullivan	Gareth	31 years, 4 months, 20 days	2008-2009
Hopkins	David	27 years, 4 months, 25 days	2016-2017
Downing	Philip	22 years, 3 months, 26 days	2017-2018
Phillips	David	25 years, 4 months, 21 days	Current Lord Mayor
Black	Peter	34 years, 4 months, 24 days	Current Deputy Lord Mayor
Lloyd	Paul	21 years, 5 months, 30 days	Deferred
Child	Mark	19 years, 4 months, 21 days	
Jones	Mary	19 years, 4 months, 21 days	
Day	Mike	19 years, 4 months, 21 days	
Thomas	Graham	19 years, 4 months, 21 days	
Stewart	Robert	15 years, 4 months, 26 days	
Fitzgerald	Wendy	14 years, 3 months, 17 days	
Hood-Williams	Paxton	14 years, 3 months, 17 days	
Kirchner	Erika	14 years, 3 months, 17 days	
Philpott	Cheryl	14 years, 3 months, 17 days	
May	Peter	11 years, 9 months, 6 days	
Matthews	Penny	11 years, 2 months, 8 days	
Doyle	Ryland	10 years, 4 months, 26 days	
Evans	William	10 years, 4 months, 26 days	
Jones	Jeff	10 years, 4 months, 26 days	
Jones	Sue	10 years, 4 months, 26 days	
Morris	Hazel	10 years, 4 months, 26 days	
Richards	Christine	10 years, 4 months, 26 days	
Smith	Paulette	10 years, 4 months, 26 days	
Jardine	Yvonne	10 years, 3 months, 21 days	
Crouch	Sybil	6 years, 4 months, 24 days	
Curtice	Jan	6 years, 4 months, 24 days	
Davies	Nick	6 years, 4 months, 24 days	
Evans	Mandy	6 years, 4 months, 24 days	
Gordon	Fiona	6 years, 4 months, 24 days	
Hale	Joe	6 years, 4 months, 24 days	
Hennegan	Terry	6 years, 4 months, 24 days	
Hopkins	Beverley	6 years, 4 months, 24 days	
James	Lynda	6 years, 4 months, 24 days	
Lewis	Andrea	6 years, 4 months, 24 days	
Lloyd	Clive	6 years, 4 months, 24 days	
Raynor	Jennifer	6 years, 4 months, 24 days	
Smith	Robert	6 years, 4 months, 24 days	
Tanner	Gloria	6 years, 4 months, 24 days	
Thomas	Mark	6 years, 4 months, 24 days	

Tyler-Lloyd	Linda	6 years, 4 months, 24 days	
Walker	Gordon	6 years, 4 months, 24 days	
Walton	Lesley	6 years, 4 months, 24 days	
White	Mike	6 years, 4 months, 24 days	
Anderson	Cyril	3 years, 4 months, 20 days	
Evans	Ceri	3 years, 4 months, 20 days	
King	Elliot	3 years, 4 months, 20 days	
Lewis	Mike	2 years, 4 months, 22 days	
Durke	Mike	1 years, 4 months, 22 days	
Gallagher	Stephen	1 years, 4 months, 22 days	
Gibbard	Louise	1 years, 4 months, 22 days	
Griffiths	Kevin	1 years, 4 months, 22 days	
Helliwell	David	1 years, 4 months, 22 days	
James	Oliver	1 years, 4 months, 22 days	
Jones	Lyndon	1 years, 4 months, 22 days	
Jones	Peter	1 years, 4 months, 22 days	
Langstone	Myles	1 years, 4 months, 22 days	
Lewis	Wendy	1 years, 4 months, 22 days	
Mann	Irene	1 years, 4 months, 22 days	
Pritchard	Samuel	1 years, 4 months, 22 days	
Pugh	Alyson	1 years, 4 months, 22 days	
Roberts	Kelly	1 years, 4 months, 22 days	
Rowlands	Brigette	1 years, 4 months, 22 days	
Sherwood	Mary	1 years, 4 months, 22 days	
Stevens	Andrew	1 years, 4 months, 22 days	
Sykes	Mo	1 years, 4 months, 22 days	
Thomas	William	1 years, 4 months, 22 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**.