

COUNCIL

18 JULY 2019

PROPOSED CHANGES TO THE RULES FOR THE NOMINATION OF MAYOR AND DEPUTY MAYOR

Report from: Neil Davies, Chief Executive

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Summary

This report presents proposed changes to Council Rule 20 in the Constitution which relates to the procedure for the nomination of Mayor and Deputy Mayor.

At the annual meeting of the Council held on 22 May 2019, Councillor Maple, supported by Councillor Murray, proposed a number of changes to the procedure for the nomination of Mayor and Deputy Mayor, as set out in section 2 of the report.

As the proposals seek changes to the Council Rules, the matter was taken forward without discussion for debate at this Council meeting, in accordance with Council Rule 16.2.

1. Budget and Policy Framework

1.1 This matter is reserved to the Council for decision by virtue of part 1 of chapter 4 of the Constitution.

1.2 Any changes to the Council's Constitution will be a matter for Council.

2. Background

2.1 Council Rule 20 prescribes the current procedure for the nomination of Mayor and Deputy Mayor for each municipal year as follows:

20. RULE 20 – NOMINATION OF MAYOR AND DEPUTY MAYOR

- 20.1 The Mayor shall be elected by the Council from among the Councillors at the annual meeting and, unless a casual vacancy occurs, the Mayor shall continue in office until a successor is elected.
- 20.2 The Deputy Mayor shall also be elected by the Council from among the Councillors at the annual meeting.
- 20.3 Except in the year of Medway Council elections, the Council at its ordinary meeting before the annual meeting shall nominate candidates to be recommended for election as Mayor and Deputy Mayor at the annual meeting.

- 2.2 At the annual meeting of the Council held on 22 May 2019, Councillor Maple, supported by Councillor Murray, proposed an amendment during consideration of the election of the Mayor 2019/2020, as set out in paragraph 5.1 below.
- 2.3 In accordance with Council Rule 16.2, this proposal was taken forward without discussion to the next ordinary meeting of the Council as it involved making changes to the Council Rules in the Council's Constitution.
- 2.4 The current rule has been in place since the 2010/2011 municipal year following Full Council's decision on 5 March 2009 as follows:
- 2.4.1 That with effect from the 2010/2011 Municipal Year, Rule 19 - Nomination of Mayor and Deputy Mayor shall be removed and replaced by the following:
- 19.1: The Mayor shall be elected by the Council from among the Councillors at the Annual Meeting and, unless a casual vacancy occurs, the Mayor shall continue in office until a successor is elected.
- 19.2: The Deputy Mayor shall also be elected by the Council from among the Councillors at the Annual meeting.
- 19.3 Except in the year of Medway Council Elections, the Council at its ordinary meeting before the Annual meeting shall nominate candidates to be recommended for election as Mayor and Deputy Mayor at the Annual Meeting (minute no. 705A/2009 refers).

2.5 Medway Council was established on 1 April 1998. The first annual meeting of the Council was held on 6 May 1998 and the Mayor and Deputy Mayor were elected from among the Councillors present at the meeting (minute nos. 62 and 63/1998 refer). Subsequently, the Policy and Resources Committee agreed a points system on 26 May 1998 for the selection of Mayor and Deputy Mayor (minute no. 260/1998 refers), which was applied between 1999-2009. Councillor Maple has proposed the same points system as in operation between 1999-2009.

3 Advice and analysis

3.1 The effect of adopting the proposed changes, should they be agreed, is set out in Appendix 1 to the report. This sets out the calculations with effect from 1 January 2020 and shows that the Conservative Group would be entitled to nominate a Mayor and Deputy Mayor in 2020/2021 and 2022/2023 and the Labour and Co-operative Group would be entitled to nominate a Mayor and Deputy Mayor in 2021/2022 and 2023/2024.

3.2 Should the proposed changes be agreed, the current Council Rule 20.3, as set out in paragraph 2.1 above, will be deleted as the proposed new rules would fully replace the current rules.

3.3 The proposed changes do not make provision to include any Independent Members in the calculations for the reasons set out in paragraph 4.3 below.

4. Financial, risk management and legal implications

4.1 There are no financial or risk management implications arising directly from this decision.

4.2 The Council's current arrangements for the election of Mayor and the appointment of Deputy Mayor each year are consistent with the legislative provisions, specifically sections 3-5 of the Local Government Act 1972. This states, specifically, that the Mayor shall be elected annually by the Council from amongst its Councillors. Whilst a points based system could be adopted by the Council, this cannot take precedence over the statutory basis for the election of Mayor and appointment of Deputy Mayor as detailed above.

4.3 Should a points based system be adopted by the Council, a group must comprise two Members to qualify as a political group, in accordance with the Local Government (Committees and Political Groups) Regulations 1990. Therefore, both the Conservative and Labour Groups would qualify under these regulations.

4.4 If the proposed changes are agreed, the decision will have the effect of amending the Constitution with effect from 1 January 2020. A report will then be submitted to Full Council on 23 January 2020 setting out the outcome of the calculations under this system. In addition, the Constitution will be updated accordingly to reflect the changes to Council Rule 20.

5 Recommendation

- 5.1 The Council is asked to debate the following proposal, as moved by Councillor Maple, at the annual meeting of the Council on 22 May 2019:

To delete sections 20.1 and 20.2 of Rule 20 (Nomination of Mayor and Deputy Mayor), as set out in Part 1 (Council Rules) of Chapter 4 (Rules) of the Council's Constitution:

- 20.1 The Mayor shall be elected by the Council from among the Councillors at the annual meeting and, unless a casual vacancy occurs, the Mayor shall continue in office until a successor is elected.
- 20.2 The Deputy Mayor shall also be elected by the Council from among the Councillors at the annual meeting.

And replace with the following to take effect from 1 January 2020:

- 20.1 Each political group as constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 shall be credited on the 1 January every year with a number of points equivalent to the number of members of the Council within that group. The term "political group" shall include an individual independent member of any group of independent members agreeing to be grouped for this purpose.
- 20.2 A report setting out the outcome of the calculations in accordance with the scheme shall be submitted to the first meeting of the Council after 1 January each year.
- 20.3 The political group with the highest number of points after the process described in paragraph 20.1 shall be invited to nominate a candidate for the Mayoralty in the ensuing year and shall, at the first ordinary Council meeting following such qualification, accept or decline the nomination.
- 20.4 In the event that two or more political groups have the same number of points and no agreement is reached between them as to which group shall have the right to nominate a candidate for the Mayoralty, the matter will be referred to Council for decision.
- 20.5 The formal procedure of election of that candidate as Mayor will take place at the annual meeting.
- 20.6 The political group nominating a candidate for the Mayor shall also have the right to nominate a candidate for Deputy Mayor.

- 20.7 In the event of any political group having the right to nominate the Mayor for the ensuing year declining to do so, that political group shall nevertheless be deemed to have exercised its right and its points shall be adjusted accordingly.
- 20.8 Any political group not having been represented on the Council for a continuous period of 15 months or more shall be eliminated from the points system.
- 20.9 The political group entitled to the Mayoralty shall be debited on 1 January with a number of points equivalent to the whole number of members of the Council.

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Appendices

Appendix 1 – Calculations for the nomination of the Mayor and Deputy Mayor 2020-2024

Background papers

None

