

Report to Governance and Constitution Review Committee

21st September 2023

Subject:	Protocol for nominations of Mayor/Deputy Mayor
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1 Recommendations

- 1.1 That consideration is given to options for the adoption of a protocol for the appointment of Mayor and Chair of the Council and Deputy Mayor/Vice Chair of the Council.
- 1.2 That Council be recommended to approve the automatic accession of the Deputy Mayor into the office of the Mayor or vice versa;







2 Reasons for Recommendations

An established procedure for the appointment to the position of Mayor/Deputy Mayor will offer a consistent approach that affords any and all political parties and independent members with the opportunity to hold the office.

It is for the Council to determine an approach on the recommendation of the Governance and Constitution Review Committee.



3 How does this deliver objectives of the Corporate Plan?

		The proposals underpin the Council's governance transformation agenda
		
		

4 Context and Key Issues

4.1 The Council is required annually to elect a Mayor and appoint a Deputy Mayor in accordance with Sections 3 and 5 respectively of the Local Government Act 1972. The Local Government Act 2000 also provides that the Council's chairman or vice-chairman (the Mayor and Deputy Mayor) cannot serve on the Executive.

4.2 The Role of the Mayor

The role of the Mayor is varied and a mix of the honour of being the Council's first citizen, championing communities and being an integral interface between the Council and its residents, businesses, partners and stakeholders. Often overlooked is that the primary appointment in legislation is to that of Chair of the Council, one that can be challenging, and requires a comprehensive understanding of Mayoral protocol, Council procedure rules, alongside robust chairing skills.

4.3 Role of the Deputy Mayor

As vice-chair of the Council, the Deputy Mayor must have or develop a similar skills and knowledge base to that of the Mayor. Whilst the position has no official standing, other than as Vice Chair of the Council, there is an expectation that the Deputy will substitute for the Mayor at a range of events where they are unable to attend. They may often take a leading role in supporting the success of Mayoral fund-raising activities. Where confirmed succession arrangements are in place, the position of Deputy Mayor provides a helpful introductory year to the role of Mayor, or conversely, where the Mayor automatically becomes the deputy Mayor following their year in office, can be a source of experienced support for the incumbent Mayor.



4.4 Current position

In Sandwell, the Council considers and appoints a Mayor and Deputy Mayor elect, normally in the early part of each calendar year, with formal ratification of the appointment at annual Council at the start of the Municipal Year in May. Members holding office, do so on 1 occasion (noting the exception in 2020 where the AGM was postponed due to Covid).

There are no automatic succession arrangements in place and instead Councillors are required to put forward supported nominations that are, once routed through political groups, submitted for consideration by the General Purposes & Arbitration Committee, prior to subsequent consideration by Council. Ultimately, the Council retains responsibility for the appointment to the office of the Mayor/Deputy Mayor.

The currently defined nomination criteria are:

- Nominees shall be serving members of the Council who have not previously served as Mayor.
- Nominees shall have given notable service to the Borough of Sandwell as a councillor and/or within the local community.
- Each nomination shall be submitted by a serving member of the Council supported by five other serving members of the Council regardless of political party.

Sandwell does not currently have in place an automatic succession practice where the Deputy Mayor becomes Mayor by default in the subsequent municipal year or vice versa.

4.5 Issues for consideration

Equality of Opportunity

The operation of two political groups, increases the likelihood of multiple nominations to the Office of Mayor and position of Deputy Mayor. Whilst an A-political role, most local authorities make provisions within an established nomination and appointment protocol that reflects the political make-up of the Council. This affords all members with equal opportunity to hold the office. Any such protocol is usually supported by a collective political undertaking to support nominations in the spirit of the protocol.



Succession planning

This features also in most protocols, with provisions that members in the position of Deputy Mayor will automatically take up the office of the Mayor in the next year or vice versa. Where accession arrangements are in place, the Deputy Mayor is afforded a year to understand and rehearse the role of Mayor and Chair of Council, providing for an easier transition to their year in office. Conversely, where some local authorities appoint initially to the Mayor with the Mayor stepping then into the role of deputy the then Deputy can support the Mayor from a position of experience.

Nomination and appointment processes

Again, there is no one set practice; however, processes tend to fall within two main formats:

1. Length of service: awarded on the seniority of service for individual Councillors, this format provides for an automatic appointment. Members considering nomination would be required to have a minimum of 2 years' service as a Councillor remaining, in order that they were able to occupy both Mayor and Deputy roles. Where there is equity in length of service, this would be determined in alphabetical order. Members would be free to accept or decline any potential nomination in advance of formal consideration. Where a Councillor declines the opportunity to become Mayor/Deputy, it would then be offered to the next most senior/alphabetically ordered member. Membership of a political group is not a consideration (see appendix 1 for a draft protocol)
2. Political apportionment by calculation or formula. This method of appointment removes the seniority factor and affords all members with an equal opportunity to hold office, regardless of length of service and is often considered to be a merit basis for appointment. There are a number of ways that a formula can be applied, however, this is usually tied to the political balance of the Council and, dependent upon approach, can be a simple or more complex format.



A simple fixed formula may take the form of a locally agreed convention, for example, the administration appointing to the office of Mayor for 3 out of 4 years and the opposition 1 year out of the 4.

Alternatively, using political proportionality, and utilising the current political balance, the administration would nominate for 5 out of 6 years, with the opposition eligible to nominate in year 6. This would require the calculation to be reviewed annually post election.

A more complex format would be way of an agreed calculation based on the total overall membership of the Council. Using Sandwell's current membership of 72, 1 point is awarded to each Member of the Council annually following each election. The group with the highest number of points nominates to the post of Deputy Mayor for the following Municipal Year (noting that if a succession protocol was not agreed, this could be nomination to the office of the Mayor). 72 points are then subtracted from that groups running total. The procedure of crediting and debiting points continues annually, with the running total, and ability to nominate updated accordingly. In the event of a tie, the group with the highest number of seats on the Council would secure the nomination unless they had made the most recent nomination (see appendix 2 for a draft calculation based protocol).

As an example (using the existing proportionality calculation and assuming no changes overall)

	Labour	Conservative	
Year 1	60	12	Labour nomination
Year 2	60 -72 (-12) +60= 48	12 +12 = 24	Labour nomination
Year 3	48-72 (-24) + 60= 36	24+12= 36	Conservative nomination
Year 4	36+60=96	36-72(-36) +12 = -24	Labour Nomination



Defining the “Notable Service” criteria

Current practice, if no change was to be considered, is primarily to appoint on the basis of “notable service” to the Council or wider community. Whilst often not difficult for Members to provide examples of service, the Council does not currently have a defined mechanism for weighting the contributions identified by members. Whilst multiple nominations in political groups are often refined to 1 preferred nominee, the Council may wish to consider formalising a system for balancing multiple nominations received from different political groups (see appendix 3 for draft “notable service” criteria).

5 Implications

Resources:	The Mayor and Deputy Mayor currently receive allowances of £21,754 and £8,701 respectively. The Deputy Mayor Allowance equates to 40% of the Mayoral allowance. The IRP recommended that should a succession protocol be agreed, the Deputy Mayor allowance should reduce to 25% of the Mayoral Allowance.
Legal and Governance:	The Council is required by law to appoint to the positions of Mayor/Chair of Council and Deputy Mayor/Vice Chair of Council. It is a matter for Council to determine its schedule of Member allowances
Risk:	None associated with this report
Equality:	The adoption of an agreed protocol would provide equality of opportunity for all councillors to hold the office of the Mayor/Deputy Mayor
Health and Wellbeing:	None in relation to this report.
Social Value:	None in relation to this report.
Climate Change:	None in relation to this report.
Corporate Parenting:	None in relation to this report.



6 Appendices

Appendix 1 – draft length of service based protocol

Appendix 2 – draft calculation based protocol

Appendix 3 – draft nomination criteria.

7. Background Papers

N/A



Appendix 1 LENGTH OF SERVICE BASED PROTOCOL

APPOINTMENT OF DEPUTY MAYOR/MAYOR ELECT

1. The Deputy Mayor will normally succeed to the Mayoralty in the following year and becomes the Mayor elect for the subsequent Municipal Year.
2. The Office of Deputy Mayor and Vice - Chair of the Council/Mayor elect shall be offered each year to the Member of the Council who has the longest continuous service (as defined below), who has not previously held the Office and who has a minimum of 2 years remaining on their term of office as a councillor.
3. In the event of that Member declining it will be offered to the next longest serving Member willing and able to accept the Office, provided that a Member who declines an invitation to serve in the Office of Deputy Mayor and the Chairman of the Council shall be invited to serve in the following year and, in the event of that person again declining, shall be invited for a third time in the next following year, after which for the purposes of determining longest service they shall be deemed to have served.
4. "Continuous Service" shall relate to service with the Council, subject to the provision that broken periods of service separated by a break not exceeding four years and one month shall be aggregated for the purposes of calculating "continuous service";
5. Where two or more Members have identical service, precedence shall be given to the Member having no or the least number of years break in service;
6. Where the matter is not determinable under paragraphs 3 or 4, regard shall be had to previous service, if any, discounted by reason of paragraph 4 (a break in continuous service) and otherwise to alphabetical order by surname.
7. Any Member who is appointed as the Deputy Mayor part way through a municipal year and who has not previously held the office of Mayor or Deputy Mayor shall be eligible to be offered the Office of Deputy Mayor for any subsequent full municipal year. The relevant Member's service as Deputy Mayor for part of a municipal year shall be disregarded on the application of paragraph 2 and service as Deputy Mayor for the said municipal year shall not be deemed to have taken place when applying the criteria at paragraph 2.



Appendix 2 POINTS BASED PROTOCOL

Protocol for the Nomination of Deputy Mayor

1. The Deputy Mayor will normally succeed to the Mayoralty in the following year and becomes the Mayor elect for the subsequent Municipal Year.
2. The Deputy Mayor is selected in accordance with a points system. The points system is applied across all political groups of the Council (and individual independent Members that may be elected to the Council from time to time).
3. Each political group (or independent member) is awarded 1 point for each member of the Council in that group.
4. Each year the Council's General Purposes and Arbitration will receive a report to confirm the points accumulated by each political group as at 1st October. This will take into account any changes in political proportionality following any by-elections etc. The group with the highest number of points will be invited to make the nomination for the Deputy Mayor the following municipal year. Whenever a group nominates a Deputy Mayor, 72 points will be deducted from its points total.
5. A recommendation will subsequently be made to Council to confirm which political group will be invited to make a nomination for the appointment of Deputy Mayor for the following municipal year. Where possible it is recommended that at this stage the Political Group also confirms which councillor it intends to nominate at the following Annual Council meeting. This will assist preparations for the incoming Mayor/Deputy Mayor.
6. In the event of a tie, the group with the highest number of seats on the Council will nominate the Deputy Mayor for the following Municipal Year unless the group had nominated the Deputy Mayor most recently.
7. If the option of selecting a Deputy Mayor from within its own membership, or the membership of one of the other groups, is not exercised by the group having the highest number of points then that option will pass to the group with the next highest number of points.



8. The following will apply where political groups are no longer represented on the Council or form new groups:
 - That where a political group is no longer represented on the Council, the group's Deputy Mayoral points will be deleted.
 - That on the formation of a new political group, the points accrued for the individual, non-aligned members, or the existing groups forming the new group, will be combined for the purpose of the Deputy Mayoral Points System.
9. The points system will be used in all years including the year prior to the Council's any whole Council (all-out) elections.

The General Purposes and Arbitration Committee will consider and report upon any difficulties which arise in the operation of this Protocol.



Appendix 3 – Definition of “notable service”

The person must have served as a Councillor of Sandwell Metropolitan Borough Council for an overall minimum of 8 years, or the person must have made a *significant contribution to the Council and the people it represents.

*Significant Contribution” – A significant contribution must have been made in at least two of the following areas for an accumulated period of not less than 4 years.

- Chair of key Committee or a Cabinet Member.
- Leading role on Council Boards/Committees e.g. Overview and Scrutiny, Audit and Risk Assurance, Planning, Licensing Committees,
- West Midlands bodies – e.g. WMCA
- Regional/National bodies e.g. Local Government Association.
- Voluntary and community organisations e.g. CAB; CVS;
- Leading figure as Ward Councillor in the local community/town/Ward by virtue of posts held e.g. school governor; member of local charities; community forums.
- Other significant contribution to public life

