

## Governance Working Group

Portfolio:	Non-executive function
Ward(s) Affected:	all

### **Purpose:**

The Council is asked to consider the recommendations of the Governance Working Group in relation to:

- (i) the adoption of a Civic and Ceremonial Protocol;
- (ii) amendments to the Petition Scheme;
- (iii) the Mayor's casting vote; and
- (iv) amendments to the Substitution Procedure Rules

## **1. Background**

1.1. The Working Group has met on 7 January and 13 February 2020.

## **2. Civic and Ceremonial Protocol**

2.1. The Working Group has given consideration to the formal adoption of a Civic and Ceremonial Protocol to clarify and regulate the role of the Mayor and Deputy Mayor. Currently there is no formally adopted protocol which covers all aspects of the civic role. Until now the Mayor has operated in accordance with tradition, custom and practice.

2.2. The Protocol sets out

- The Role of the Mayor
- The Role of the Deputy Mayor
- Non-Political Conduct
- Undertaking Civic and Ceremonial Duties
- Meetings of the Council
- The Mayor's Charity
- Mayor's Chaplain
- Annual Civic Service
- Events
- Visits Abroad
- Special Responsibility Allowance
- Civic Mayoral Budget
- Use of the Mayor's Office and Parlour
- Acceptance of Gifts
- Mayoral Robes and Regalia
- Use of Images of the Mayor or Deputy Mayor in Election/Political

- Material
  - Media
  - Support from the Civic Support Office
  - Mayoral Precedence and Civic Etiquette
- 2.3. The Working Group considered the Protocol as recommended by officers and took into account additions and deletions suggested by the current Mayor, 2 past Mayors and the then Leader and other members.
- 2.4. In addition to the items identified in the Protocol, the Working Group discussed whether to require any potential candidate for Mayor to undergo a Disclosure and Barring Service check. It was agreed by a majority not to include this requirement at the current time.
- 2.5. The Protocol is as set out at Annex A and once adopted will be identified as a document which supports the Constitution.

### **3. Review of the Petitions Scheme**

- 3.1. The Working Group reviewed the Council's Petitions Scheme, particularly in respect of the thresholds required to trigger a debate at the Executive or the Full Council.
- 3.2. The current scheme required petitions with signatures of 750 to 3,499 to be referred to the Executive or relevant regulatory committee and those with 3,500 or more to be debated at a meeting of the Council. The Working Group considered that the current threshold for debate at Council was too high and could prevent a number of valid community issues from benefitting from a public debate.
- 3.3. In addition it was felt that as the Council, the Executive, and if appropriate, the relevant standing committee, were all decision making bodies in their own right, the threshold for each should be the same. Members were also reminded that Executive functions could not be exercised by the Council and that the Executive did not report up to the Council except where required to with a recommendation as part of the legal process.
- 3.4. The Working Group considered whether to require a signatory to both paper and e-petitions to provide both a forename and surname but agreed not to make any changes at the current time.
- 3.5. The Working Group proposed that the Petition Scheme be amended to provide for
- (i) a reduction number of signatures to trigger debate at the Executive, the Council or the relevant standing committee to 500 or more;
  - (ii) the removal of the minimum threshold to constitute a petition; and

- (iii) amendments to the threshold to receive a response from the relevant Portfolio Holder.

#### **4. Mayor – Voting at Council Meetings**

- 4.1. Under the provisions of the Local Government Act 1972 Schedule 2, the chairman (or Mayor) of every local authority meeting has a second or casting vote that may be exercised where there is an equality of votes. Accordingly, the Constitution at Council Procedure Rules, Paragraph 17.2 provides:
  - (a) if there are equal numbers of votes for and against, the Mayor will have a second or casting vote;
  - (b) if the Mayor fails to vote when the main vote is taken, an equality of a vote cannot be achieved by the Mayor casting an original vote and following that action with a casting vote. The Mayor's casting vote may be used whether or not the Mayor has already voted; and
  - (c) there will be no restriction on how the Mayor chooses to exercise a casting vote.
- 4.2. These provisions are common throughout local councils. This can mean that in certain circumstances the Mayor would be in the position of being the final decision maker. As a result of this power the Mayor is usually chosen from the majority party.
- 4.3. However, by convention for the mayoral year the role is strictly non-political and representative of every section of the community, particularly focusing on cultivating the positive image of the borough. During their term the Mayor is advised to put aside council duties to concentrate on being the Borough's first citizen.
- 4.4. The Working Group considered a report which explored options to restrict the second or casting vote of the Mayor.
- 4.5. It would be possible to include a provision in the Constitution which would restrict the second or casting vote of the Mayor to being used in favour of the administration or leading group. An alternative would be to provide that no Mayor should allow himself or herself to use their casting vote to take a decision which the Council cannot subsequently overturn (Speaker Dennison Rules). However it was considered that this option could, in certain circumstances, result in a need to break a deadlock.
- 4.6. It was agreed by a majority to propose that Council Procedure Rules be updated to provide for the Mayor's casting vote to be cast in favour of the administration or leading group.

#### **5. Review of Substitutes' Attendance at Meetings and Substitute Numbers**

- 5.1. The Working Group considered a report relating to the attendance of substitutes at meetings of Working Groups when the appointed Member was also present.
- 5.2. Part 4 Section D paragraph 24 of the Constitution stated that substitutes were able to serve as members of working groups at any meeting at which another member of the same political group was absent for the entire meeting. It was also clear at paragraph 26.2 that Councillors who were not appointed Members of a Working Group may attend a meeting at the discretion of the Chairman.
- 5.3. The Constitution was less clear in relation to the position of substitute Members attending Workings Group meetings, when the appointed member was also present. The current arrangements appeared to have worked reasonably well and it was proposed that the Chairman should continue to have discretion as to the attendance of an ordinary member at a meeting of a working group. Attendance would be subject to prior approval of the Chairman and notified through the Democratic Services Manager.
- 5.4. However, the Working Group felt that substitutes were in a slightly different position as they may be called upon to act in the absence of the appointed member. It was therefore proposed that provision be made to clarify that appointed substitutes were able to attend working group meetings without prior approval of the Chairman.
- 5.5. The Working Group also considered changes to the number of appointed substitutes allocated to each political group. However, it was considered that the current ratios worked well and had not caused any particular issues. The Working Group agreed that no changes be made to the number of appointed substitutes to Committees, Sub Committees and Working Groups unless any issues were subsequently identified.

## **6. Options**

- 6.1. The Working Group has the option to agree the changes proposed, not agree these proposals, or propose any other alternatives as considered appropriate.

## **7. Resource Implications**

- 7.1. Any resource implications relating to the proposals relate to opportunity costs which can met from within existing budgets.

## **8. Recommendation**

### **8.1. The Council is advised to RESOLVE that**

- (i) **the Civic and Ceremonial Protocol, as set out at Annex A to this report, be adopted and it be included as a document which supports the Constitution;**

- (ii) the Petition Scheme at Part 4, Section L of the Constitution be amended, as shown in Annex B to this report;
- (iii) Paragraph 17.2 of Council Procedure Rules at Part 4, Section A of the Constitution be amended as follows:
  - (c) with the exception of where parties declare that the vote will not be subject to the whip, the Mayor's casting vote will be cast in favour of the administration or leading group.
- (iv) the Constitution at Part 4 Section D paragraph 26 be amended as follows:

**26.2 Councillors who are not appointed Members of a Working Group may attend a meeting at the discretion of the Chairman subject to the prior approval of the Chairman and notification to the Democratic Services Manager.**

**26.3 Councillors who are the appointed substitutes of a Working Group may attend any meeting of the Working Group, whether or not the appointed Member is present**

**Annexes**

Annex A – Civic and Ceremonial Protocol  
Annex B – The amended Petition Scheme

**Background Papers:**

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