

Report No.3

Role of Mayor in Malmesbury

1. Purpose of Report

To report on investigations regarding the role of the Mayor of Malmesbury.

2. Background

2.1 AT P&R on 13-Aug-13, I as Mayor was tasked to form a Working Party to consider whether the Mayor's role could be revised. The minute is as follows:

"10. Separation of the roles of Mayor and Leader

"Councillor W G Blake presented his report on the separation of the roles of the Town Mayor, previously circulated as Report No.3. The Town Clerk informed the committee of an example of where the separation of the roles of Town Mayor and Leader of the council had been in operation for a number of years, albeit in a larger Town Council.

"After considerable debate the committee agreed that the Town Mayor was an important element of Malmesbury's identity and RESOLVED that a Working Party is established under the direction of the Town Mayor to examine the structure of the Town Council and the support required."

2.2 Cllr Blake's report asked the town clerk to identify the benefits, disadvantages and practicality of removing the role of Chair for the town council from the mayoral duties, and to brief P&R Committee on his findings accordingly.

2.3 My tasking from the Committee was slightly different to that proposed in Cllr Blake's report but I shall try to answer both questions. It is worth noting that Cllr Blake's motive for asking the question was that if roles could be separated it might be easier to find Councillors willing to become Mayor. Accordingly this report investigates whether it would be feasible and desirable to separate and recombine the following aspects of the Mayor's role:

- (a) a chairing role,
- (b) a ceremonial role,
- (c) a civic role,

and whether there is a separate role for a Leader.

2.4 I have not formed a formal Working Party because I could not decide who should and should not be a member; it seemed to me that views should be taken from the whole Council and not particular members. This report is therefore from a Working Party of one. I have however consulted four Councillors who have been previous mayors and have had discussions with Cllr Power. If Committee wishes, a formal Working Party can now be formed to address this topic but in my view this matter should be debated by P&R and then by Full Council.

2.5 I apologise for the length of this Report, but these matters are complicated.

3. Analysis of the role and tasks of Mayor of Malmesbury

3.1 My analysis of the role and tasks of Mayor of Malmesbury, as developed through custom and practice, is in the following table. The term "Civic Role" is my own and describes those tasks which have grown up associated with being Mayor but are not chairman or ceremonial.

3.2 The reason I describe these roles and tasks as having grown up through custom and practice is that to my knowledge they are not enshrined in our Town Council's Standing Orders apart from those with asterisks.

<b>Chairman role</b>	<b>Ceremonial Role</b>	<b>Civic Role</b>	<b>Discretionary Role</b>
<ul style="list-style-type: none"> <li>• Chairs Town Council Meetings*.</li> <li>• Formally agrees agenda for Town Council Meetings.</li> <li>• Seals Town Council documents*.</li> </ul>	<ul style="list-style-type: none"> <li>• Attends Malmesbury and other towns' events.</li> <li>• Holds receptions and receives visitors.</li> <li>• Presents awards (i.e. Citizen of Year).</li> <li>• Fundraising incl Mayor's Ball.</li> <li>• President of Residents' Assoc and Twinning Assoc.</li> </ul>	<ul style="list-style-type: none"> <li>• Ex-officio member of every committee*.</li> <li>• Direction-setting and advice as required.</li> <li>• Liaison with Town Clerk</li> <li>• Running Working Parties as required.</li> <li>• Representing TC to outside bodies such as Malmesbury Area Board.</li> <li>• Liaison with other Councils incl Wiltshire Council.</li> <li>• Correspondence on behalf of TC.</li> <li>• Interacts with media.</li> </ul>	<ul style="list-style-type: none"> <li>• Tasks and roles undertaken by Mayor at his / her own discretion.</li> </ul>
<i>Mayor must do this</i>	<i>This is how the public views the role of Mayor of Malmesbury</i>	<i>Custom and practice has made these part of the Mayor of Malmesbury's role</i>	<i>The Mayor may decide to undertake discretionary tasks.</i>

4. Separating the Chairman role from that Mayor

4.1 Local government regulations require a council to have a Chairman who chairs Council meetings. The Mayor must therefore be the Chairman (although a Chairman need not necessarily be called Mayor but we like hundreds of councils do).

4.2 Thus directly to answer the question posed by Cllr Blake: it is not possible to separate the role of Chair of Council from the Mayoral responsibilities.

5. Separating the ceremonial role from that of Mayor

5.1 The "chain and robes" role is the role of the Mayor as perceived by the public. A non-ceremonial post would be a Chairman only and we would have no Mayor in any social or traditional sense; that is, the post of Mayor as the town understands it would effectively be abolished.

Doing away with the public role of Mayor is not something that I was asked to consider and I include it here only for completeness. I don't need to say more other than that would be an enormous step to take and I believe would be widely unpopular.

## 6. The Mayor's discretionary role

6.1 Malmesbury Mayors have historically got involved in a number of aspects of town life during their term. In the present and previous year, Mayors have (unusually) also been Chairs of Committees. I don't see any reason for change.

## 7. Separating the civic role from that of Mayor

7.1 Answering this question is in the spirit of the tasking for this Report. Is it possible to remove the civic role from the Mayor's role? If it were feasible, what would be the benefits?

7.2 In large towns, it has been possible to remove the civic role from the Mayor's role. The Town Clerk and I visited Didcot Town Council where the Mayor has chairman and ceremonial roles, but strictly nothing else. There is no civic role for the Mayor; he runs Council meetings according to an agenda created by the Town Clerk and Leader (see below) and even his press statements must have no hint of policy. This is because this council has a Leader who handles the policy stuff (again, see below).

7.2 It is difficult finding out what other towns have the role of Mayor as chairman and ceremonial because not many are explicit about these roles on their websites. However Tetbury, Marlborough, Cirencester, Warminster and Bradford on Avon seem to have mayorships with chairman, ceremonial and civic roles, as we do. In 9.3 below I list towns that have separated the roles.

7.4 If Malmesbury Town Council wished to remove the civic role from the Mayor what would be the benefit? Cllr Blake asked his question about the Mayor's role in relation to whether removing the Chair role would increase the number of councillors standing to be Mayor. Would removing the civic role have similar benefits? Stating my view:

- (a) I think it is questionable whether the civic role is actually a barrier to seeking election as Mayor. I don't know if, until this question was raised, the civic role was very prominent in potential candidates' assessment. I suspect it is the ceremonial role that is most prominent.
- (b) I believe this role can to some extent be expanded or reduced at the wish of the Mayor, depending on whether they want to get more or less involved with the Town Council's workings.
- (c) Incorporating this role, as present, may however colour Councillors' views, when they come to select a Deputy Mayor, of whom is the most suitable candidate and thus may prevent the selection of otherwise-suitable candidates.

7.5 Cllrs Cox, Doody, Poole and Woodcock (previous Mayors and Mayoress) also cited reasons not to separate the roles:

- (a) It would diminish the role of Mayor not to have the civic role. The Mayor is seen as "first citizen" or "principal citizen" and it might be difficult to sustain that perception if there is no civic authority behind the role.
- (b) The Mayor needs an independent view of the Town Council's working which he/she gets from the ability to attend all Council meetings and to talk with Chairs.
- (c) The civic role includes representing the Town Council and it would hollow out the role of Mayor to lose that.

8. If the civic role were removed from the Mayor, where would it go?

8.1 The civic role removed from the Mayor would have to be undertaken by someone.

8.2 One option would be to form a new post to take on the civic role. "Head of Council"? (For the reasons given below, the title "Leader" isn't available.) The implications I see are:

- (a) This would be quite anomalous; I don't think other councils have any equivalent role.
- (b) It would need to be an elected post, because the Mayor is. It would probably need a Deputy year.
- (c) It would need a clear statement of role in Standing Orders, because it wouldn't inherit any of the "custom and practice" of the Mayor's role. There would be no executive power in the role, so the incumbent would have to work through influence.
- (d) Someone would have to want to stand for election to perform only the hard bits of being Mayor.
- (e) Is this arrangement optional or mandatory?
  - (i) If optional, a Mayoral candidate who did not want to do the civic role would need to find a parallel candidate for "Head of Council" and the Mayor's role would be split for that year only. But if the candidate did want to perform the civic role, they would not need to find someone to stand for "Head of Council".
  - (ii) If mandatory, this arrangement would diminish the attractiveness of the post of Mayor to a candidate who wanted to perform the civic role.

8.3 An alternative would be to pass the Mayor's civic role to the Chair of P&R. The implications of that seem to me to be:

- (a) The Chair of P&R does not have, like any chair or councillor, any executive power and all their power derives from decisions of P&R. However, the P&R Committee is not the same as Full Council. So the Chair of P&R could find themselves without authority to undertake the civic role when actions fall outside the remit of P&R.
- (b) Because the Mayor is elected every year, the holder of the civic role would have to be elected every year, thus the Chair of P&R would have to be elected every year.

- (c) Would that concentrate too much power in the hands of one Chair without the balancing influence of the Mayor?
- (d) I believe there is a benefit of retaining a Mayor and Chair of P&R both of whom are equipped to discuss civic matters and assist each other.

9. What about the role of Leader of the Council?

- 9.1 My tasking from P&R suggested that I investigate the role of Leader and this is indeed relevant, because the Mayor's civic role might be undertaken by someone called Leader of the Council.
- 9.2 The Town Clerk and I visited and spoke with Mr Dominic Stapleton, the Town Clerk of Didcot Town Council, who is an acknowledged expert on the role of Leader in councils and also Cllr Margaret Davies, Leader of Didcot Town Council, who described her role as below. Note that Didcot is a political council, that is, operates with reference to councillors' political party membership.
  - (a) She is elected every year but has been in the role for six years. She is the leader of the majority political party on the Council.
  - (b) She has no executive power beyond that of a councillor and chairs no committees although is an ex-officio member of all committees. (Mr Stapleton confirmed that local government legislation outlaws a Leader having executive powers.)
  - (c) She is mostly involved in behind-the-scenes technical work in conjunction with the Town Clerk.
  - (d) Her power is exercised through the majority political party on the council. That is, she leads and directs the party on policies and the party members implement those policies through their votes on committees. (JG Note: She is Prime Minister to the Mayor's Queen.)
- 9.3 I do not know whether every Leader works in this way, but limited researches show the Leader working in only political councils, which is a strong hint. For example, Chippenham has a ceremonial Mayor and a Leader and is political, as does Woodley in Berkshire, Burgess Hill in Sussex and Nantwich in Cheshire which are all political councils.
- 9.4 Mr Stapleton's research shows fifteen examples of Leader-in-a-political-council, the average size of the town being 25,000. However there are always exceptions: Melksham is a political council with no leader but a Mayor who is also Chair of P&R, Westbury is a political council but has no Leader.
- 9.5 So in councils where the Mayor does not undertake the civic role, that role is undertaken by the Leader of the council. However Malmesbury could not have a Leader of the Council role because Malmesbury is not a political council. We have no political party system for a Leader to work through. That means that in direct answer to one of the questions asked, it not possible to separate the role of Mayor and Leader in Malmesbury.

## 10. Conclusions

- 10.1 Mayor and Chair: The role of Mayor cannot be separated from that of chairing Town Council meetings and a Mayor who had no ceremonial role would not be Mayor in the eyes of the public. Thus the roles of Mayor and Chair are indivisible.
- 10.2 Discretionary role: There seems no big issue with the Mayor continuing his or her discretionary tasks.
- 10.3 Civic role assigned to "Head of Council": This new role would be new, anomalous and its feasibility would need further consideration. Someone would have to want to stand for election to perform only the hard bits of being Mayor, but they might.
- 10.4 Civic role assigned to Leader: Other towns have separated the civic role from the chair and ceremonial roles and have given that role to their Leader of Council. However a Leader can only exist in a politically-organised council, which Malmesbury is not. It is also therefore not possible to separate the roles of Mayor and Leader in Malmesbury.
- 10.5 Civic role assigned to Chair of P&R: The civic role could be assigned to the Chair of P&R. However, it needs to be considered whether (a) that concentrates too much power in one person and (b) whether having two councillors who can discuss policy and direction is not a bad arrangement.
- 10.6 Benefits of separating the civic role: Whether removing the civic role would encourage more councillors to stand for and become Mayor is arguable.
- (a) On one hand, removing the role may have no effect on who stands for Mayor: this may not be a prominent part of the perception of the Mayor's role and a Mayor has some discretion on how energetically they conduct the civic role.
- (b) On the other hand, it may limit who becomes Mayor: if the civic role is assigned to the Mayor, that may colour how Council assesses candidates at selection and may prevent otherwise-suitable candidates being selected.
- 10.7 Disadvantages of separating the civic role: There are arguments that removing the civic role would diminish or hollow out the role of Mayor because although they would remain a representative of the town, they would not represent the Town Council.

## 11. Recommendation

- 11.1 The P&R Committee is invited to consider this Report and resolve what if any change it wishes to recommend to Council regarding the role of Mayor of Malmesbury.

Cllr John Gundry  
Mayor  
3<sup>rd</sup> February 2014