

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

13 September 2016

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

For decision

1 REVIEW OF MAYORALTY FUNCTION

1.1 Introduction

1.1.1 On 14 June 2016 Members approved a proposal to review the civic function of the Borough Council. It was agreed that the review should cover the following specific areas:

- Role of the Mayor – to consider how the role of Mayor can best promote the Borough and the local economy, whilst continuing to perform an important role in the local community.
- Mayoral engagements – to consider the appropriate emphasis for selection of Mayoral visits, both inside and outside of the Borough
- Mayoral transport – to consider the efficacy of the current arrangements
- The fundraising role of the Mayor
- The Mayoral budget
- The role of the Macebearer
- The Mayor and Deputy Mayor's allowance
- The Mayor's chaplain

1.1.2 Each of these areas is considered in turn below.

1.1.3 As part of the scrutiny process, Members may wish to consider inviting key stakeholders and partners to contribute to the discussions in all or any of the areas under review. For example, Members may wish to hear from former Mayors or members of the clergy before reaching a decision on specific areas contained within the report. It is therefore suggested that Members of the Committee consider as a preliminary matter whether the review would benefit from input from stakeholders/ partners.

1.2 **Role of Mayor**

- 1.2.1 Section 3 of the Local Government Act 1972 requires all local authorities to elect a Chairman. The only authorities who may use the alternative term ‘Mayor’ are those, like Tonbridge and Malling, which have been granted a Royal Charter and given the status of Borough or City. The functions of a Mayor and Chairman are however identical.
- 1.2.2 An equivalent requirement to appoint a Deputy Mayor/ Vice-Chairman exists under section 5 of the 1972 Act.
- 1.2.3 Tonbridge & Malling Borough Council has had a ceremonial Mayor since December 1983, having been granted a Royal Charter earlier that year. The Mayor is the borough’s First Citizen and is elected annually by fellow councillors for one year at the annual meeting of the Council in May. The Deputy Mayor is also appointed in May and has traditionally been elected to the office of Mayor in the following year.
- 1.2.4 The Mayor chairs the full Council meetings and, in common with most other ceremonial mayors, and unlike directly elected mayors, remains apolitical throughout their period of office. Indeed, the Mayor and Deputy Mayor are not eligible to serve on Cabinet during their tenure in these roles. This is a legal requirement contained in section 11 of the Local Government Act 2000.
- 1.2.5 The Mayor also represents the Council as the civic head of the borough at official functions where they take precedence over other citizens. The only exception to this is when Royalty or the Lord Lieutenant is visiting the borough.
- 1.2.6 The principal responsibilities of the Mayor (and in his/ her absence the Deputy Mayor) are set out in Article 5 of the Constitution as follows –
1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive are able to hold the executive to account;
 4. to promote public involvement in the Council’s activities;
 5. to act with impartiality when discharging all Mayoral roles and responsibilities;
 6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

1.2.7 The responsibilities are very broadly drafted. No changes are currently proposed to these, although they can of course be revisited in light of any changes that arise from this review.

1.3 **Mayoral engagements**

1.3.1 The Mayor is frequently invited to attend functions or activities, arranged and organised in the Borough, where they will act as ambassador for the Council and provide community leadership and engagement with local residents. These range from meeting Royalty and welcoming overseas visitors to opening school fetes and attending productions by local amateur dramatic groups. It is this role with which most people are familiar.

1.3.2 The Mayor is an important symbol of an open society, as he/ she can come from any social class, gender or ethnic background and plays an important role in the Council's governance structure.

1.3.3 The Mayor undertakes a fundraising role during their mayoral year, having nominated their chosen charities/ good causes at annual council in May. Over the past 5 civic years this has raised over £37,000 for good causes within the Borough, including the Bridge Trust, Slide Away, Royal Agricultural Benevolent Institution (RABI), the Kenward Trust and the Royal British Legion Industries.

1.3.4 The Mayor currently attends a number of annual civic events. These are the Annual Council (held in May), the Civic Service (June) and the Garden Party (July).

1.3.5 The Mayor is also frequently invited to events outside of the Borough. These events include

- the Royal Garden Party at Buckingham Palace
- Twinning events at Heusenstamm and Le Puy-en-Velay
- Greenwich award ceremonies
- The annual blessing of the seas in Margate
- Invitations from other Mayors/ Chairmen within Kent.

1.3.6 During the previous 5 civic years i.e. from May 2011 to May 2016, the Mayor attended a total of 1499 engagements at an average of nearly 300 per year. Of these a total of 1133 (75.6%) were inside the Borough, with the remaining 366 (24.4%) outside of Tonbridge and Malling.

1.3.7 At an average of 300 events per year (on top of any Council meetings) the role of Mayor is undoubtedly demanding, both for the Mayor and his/ her Lady Mayoress/ Consort. The role is also much valued by our communities, schools and religious groups.

- 1.3.8 The scrutiny review provides an opportunity for Members to consider the extent to which the Mayor should focus on a structured programme of activities and events. Whilst the Mayor undoubtedly works tirelessly in performing the duties of the role, it is difficult to justify a mayoral programme without specific aims or goals and which may appear to some to exist as a means of raising money for good causes. Furthermore, with the launch of the Council run community lottery (Hive Lotto) it may be an opportune moment to consider whether the Mayor should continue to undertake this fundraising role.
- 1.3.9 One option would be to introduce a more structured scoring system for evaluating the nature of invitations to events and functions. For example, the National Association of Civic Officers (NACO) has produced a scoring system which classifies the full range of mayoral engagements into 7 main categories. Whilst the scoring system recognises that all types of engagements have their place, it has weighted and ranked the different categories to suggest an order of importance so as to help decide which activities a Mayor should focus on.
- 1.3.10 NACO has suggested that Mayors should aim to develop a proactive programme of activities for their period of office focused on 'quality engagements'. These are engagements which contribute directly to the Mayor's personal theme or goals and which are linked, in turn, to the Council's corporate objectives.
- 1.3.11 There is an expectation that a large proportion of events should be local, on the basis that it is local people that are funding the mayoralty and that they should receive the most benefit from the civic programme. NACO also recommends that authorities consider adopting a performance indicator to measure (as a percentage of the total) the number of engagements attended within the local authority boundary, and to work towards a target for this. Those Councils that have adopted this performance indicator have typically worked towards a target of 90% of engagements being 'within boundary', so Members may wish to consider whether such an approach would be appropriate for Tonbridge and Malling.
- 1.3.12 The NACO scoring system is set out in the table below.

TYPE OF EVENT	SCORE
Promoting e.g. Council initiatives, business opportunities	5
Community e.g. attending local events with local people	5
Civic Hosting e.g. offering hospitality to community groups	3
Council/statutory/traditional e.g. Council Meetings, events relating to Freeman of the City, Citizenship	3

Ceremonies, Remembrance Sunday etc	
Charities e.g. Charity Appeal fundraising events	2
Social e.g. work colleagues, ward members, family	1.5
Civic Circuit e.g. visiting other Civic Head's events	1

1.3.13 Within this scoring system it would be possible to link the mayoral programme to specific corporate objectives. So, for example, it would be possible to link the programme to the vision or core values set out in the adopted Corporate Strategy.

1.3.14 The NACO system is of course only one example of a scoring system and there is no legal requirement for this Council to adopt it or indeed to score events in the way proposed. However, it does represent one way of achieving best practice.

1.3.15 The options open to Members are as follows

(a) Make no changes to the current approach;

(b) Introduce a structured scoring system as recommended by NACO; and/ or

(c) Introduce a target for the number of engagements to be within the boundary of Tonbridge and Malling.

1.4 **Mayoral transport**

1.4.1 For a number of years transport to the Mayor has been provided by a chauffeur (Castle Cars of Tonbridge), who provides an executive vehicle as part of the chauffeur service.

1.4.2 For the year 2016/2017 the budget for mayoral transport was reduced from £19,000 to £15,000. This reduction was designed to match the budget to the average net spend on mayoral transport over the previous 5 mayoral years (£15,427 pa).

1.4.3 The fees paid for the chauffeur are split into 2 parts, namely mileage and waiting time. There has been no increase in these fees since 2012. For reasons of commercial confidentiality, details of the current rates are set out at **Annex 1**.

1.4.4 The extent to which the chauffeur is used can vary from year to year, and will depend upon a variety of factors. These can include the number of mayoral engagements attended, the location of the engagements (a significant proportion of work undertaken by the chauffeur tends to be for engagements outside of the

Borough) and the employment status of the Mayor i.e. those Mayors with a full time job tend to be able to attend fewer engagements and therefore make less use of the chauffeur.

1.4.5 For the assistance of Members I have set out below a summary of the work undertaken by the chauffeur during the past 5 civic years.

- Total number of engagements – 436
- Number of engagements within the Borough – 165 (37.8%)
- Number of engagements outside of the Borough – 271 (62.2%)

1.4.6 A total £77,139.08 (exc VAT) was spent on the chauffeur during the civic years 2011 to 2016. Of this a total of £51,636.96 (66.9%) was spent on engagements outside of the Borough, the remaining £25,502.96 (33.1%) being spent on engagements within Tonbridge & Malling.

1.4.7 It is of course important to bear in mind that the vast majority of mayoral engagements will be attended without using the services of the chauffeur. Indeed, only 436 (29.1%) of the total number of mayoral engagements over the past 5 years (1499) have involved the use of the chauffeur.

1.4.8 The use of a chauffeur is not however the only means by which mayoral transport may be provided. Indeed, there is a no 'one size fits all' approach to the provision of this support and other authorities approach it in a variety of ways. By way of comparison we have obtained information from other authorities within Kent as to the means by which mayoral transport is provided. Of the 11 authorities who provided information, the majority (9) employ an in-house driver (with a mix of full-time and part-time) with 1 using a private limousine company and 1 where the Mayor drives himself to engagements. Of the 9 who employ a driver, more than half (5) require their driver(s) to perform other duties e.g. civic officer, caretaker.

1.4.9 The various options are considered in more detail below.

Employment of driver

1.4.10 It is estimated that it would cost £19,110 plus on-costs to employ a full-time driver in-house to provide mayoral transport services as we do not have an existing member of staff with the capacity to undertake this additional role. This estimate is based upon employing a full-time member of staff at grade 2/3. The Council would then also need to meet the costs of acquiring (e.g. leasing) and servicing a suitable vehicle, which are estimated at £15,000 - £20,000 per annum. The vehicle costs could be minimised by exploring whether a sponsored vehicle could be provided.

1.4.11 However, given that the staffing costs alone are estimated to amount to £19,110 plus on-costs, this option would still cost more than the present approach of using

a chauffeur. Whilst any such post could also perform other duties e.g. Macebearer, the costs of pursuing this option are still in excess of the current arrangements. For this reason the option of employing a driver is not recommended.

Chauffeur/ limousine company

1.4.12 If Members were minded to continue with the use of a chauffeur, it is proposed that at least 3 written quotes are invited, at least one of which would need to be from a local supplier. Such an approach would be necessary in order to ensure that the Council receives value for money, and to comply with our contract procedure rules.

Mayor responsible for own travel

1.4.13 Members will have noted from paragraph 1.4.7 above that a significant majority of civic events are attended without using the services of a chauffeur. In such cases the Mayor has either used their own vehicle, taxi or public transport. The type of transport used will depend upon the nature and formality of the event being attended.

1.4.14 The Mayor is entitled to submit a mileage claim for any travel undertaken using their own vehicle. During the civic years 2011 to 2016 a total of £6810.15 was paid out in mileage claims.

1.4.15 One option may therefore be to provide the Mayor with a transport allowance, which they could use to commission transport from an external provider as and when the need arose. Should Members wish to pursue this option, it is suggested that an allowance of at least £7,500 be agreed. Any such payment would also be subject to tax and national insurance.

1.4.16 The options open to Members are

(a) Seek 3 competitive quotes for the provision of mayoral transport;

(b) Provide for an annual transport allowance to be made to the Mayor in lieu of a chauffeur

1.5 Budgets/ Mayoral support

1.5.1 Historically the Mayor at Tonbridge & Malling has been supported by the Mayor's office, which has reported to the Chief Executive or more latterly to the Director of Central Services. This office has performed a number of support functions, including

- Managing the civic diary and providing secretarial and administrative support
- Arranging travel

- Involvement in organising civic events/ ceremonies
- Receiving and processing invitations to events & functions
- Managing budgets
- Providing support for the Mayor's charity work

1.5.2 The resources within this team have been historically low, at 1.06 FTE costed at £33,352 (2016/17 estimate).

1.5.3 On 27 June 2016 the General Purposes Committee agreed a proposal to merge all existing administrative posts across Central Services into a single team. As part of this proposal the 2 existing posts of Mayor's Assistant were deleted, with the one remaining post holder (the other post being vacant) taking up the position of Administrative Officer in the newly created team. The consequence of this change is that support for the Mayor is now delivered across a wider administrative team, rather than through dedicated posts in the (former) Mayor's Office. This in turn will lead to greater efficiency savings across both Central and Executive Services.

1.5.4 In light of the above, no changes are proposed to the administrative support provided to the Mayor.

1.5.5 The other budgets applicable to the mayoral budget (for 16/17) are as follows

Insurance of chain - £50

Civic Hospitality - £7,000

Mobile phone - £150*

Sundries (e.g. photos, badge repairs & valuations, wreaths etc) - £1,500

Total £8,700

*The Mayor is now provided with a smartphone so that they may promote the mayoral role through social media e.g. Twitter.

1.6 **Role of Macebearer**

1.6.1 The mace is the most important of insignia at Council meetings, representing the power and dignity of the mayor and the symbol of authority. Indeed, the ceremonial mace in England began life as a weapon, but one designed to represent a higher authority. The Mace is carried before the Mayor to represent their authority as delegated from the crown.

1.6.2 As Members will be aware, the Macebearer precedes the Mayor when entering and leaving the Council Chamber and lays the Mace in front of the Mayor when

Council is sitting. The mace is reversed in the presence of the Sovereign. It is a symbol of the Royal authority delegated by the Sovereign to the Mayor and is therefore redundant in the Monarch's presence.

- 1.6.3 Unlike Parliament, the absence of a Mace will not invalidate the business of Council meetings. Its presence is symbolic rather than legal.
- 1.6.4 The role of Macebearer is undertaken by a part-time member of staff. The cost (which is exempt information) is detailed in **Annex 1** to this report.
- 1.6.5 The Macebearer will also accompany the Mayor to certain civic functions, both inside and outside the Borough. These include
- Annual Council and all other Council meetings
 - The Mayor's Civic Service
 - Remembrance Sunday Services at Tonbridge & West Malling
 - The Mayor's Garden Party
 - Alderman/ Freeman ceremonies
 - Events outside the Borough e.g. the Blessing of the Seas in Margate, the University of Greenwich awards ceremony, twinning receptions
- 1.6.6 No specific recommendations are made in respect of the Macebearer. However, it is appropriate that Members consider the role of the Macebearer alongside any broader review of the approach towards Mayoral engagements.

1.7 Allowances

- 1.7.1 In accordance with sections 3 & 5 of the Local Government Act 1972, the Council may pay the Mayor and Deputy Mayor such allowance as it thinks reasonable for the purpose of enabling him to meet the expenses of his office. These allowances are currently £5990 and £1420 respectively.
- 1.7.2 The Council does not include the allowances payable to the Mayor and Deputy Mayor in its scheme of allowances, as the relevant Regulations governing Members' Allowances (the Local Authorities (Members' Allowances)(England) Regulations 2003)) do not require councils to include mayoral allowances in any formal review. The most recent review of Members' Allowances undertaken by the Joint Independent Remuneration Panel (JIRP) undertaken in 2012 did not therefore review or make any recommendations in respect of mayoral allowances.
- 1.7.3 One option may be to ask the JIRP to look at mayoral allowances, to ensure that the allowances are subject to independent scrutiny.

1.8 Religious involvement in the Mayoralty

- 1.8.1 To date, the incoming Mayor has, at annual Council each year, appointed local Christian clergy as their Chaplain and thus conformed to the tradition of religious observance. For attendees of Council meetings this appointment manifests itself with the saying of Christian prayers before Council meetings.
- 1.8.2 There is no constitutional or legal requirement for the appointment of a Mayor's Chaplain, nor that the Chaplain should be of a particular Christian denomination or religion. Indeed the constitution is silent as to the Mayor's Chaplain. It would therefore be perfectly possible for a future Mayor to decide not to appoint a Chaplain, or to appoint one of a non-Christian denomination or religion.
- 1.8.3 Nevertheless, it is possible that the custom of appointing a Christian Chaplain may deter some Councillors who have no religious convictions or those Councillors who follow a non-Christian religion from putting themselves forward for possible nomination to the Mayoralty.
- 1.8.4 If Members are minded to continue to allow each Mayor to decide for him/ herself the extent of any religious involvement in their Mayoral year, then it may nevertheless be helpful to clarify the various options open to the Mayor. These are:
- (a) To appoint as Chaplain any person from any religion for the purpose of providing spiritual counsel to the Mayor; or
 - (b) Make no appointment

1.9 Saying of prayers before Council meetings

- 1.9.1 Section 138A of the Local Government Act 1972 (as inserted by the Local Government (Religious etc observances) Act 2015) permits Local Authorities to include within the business of a meeting, prayers or other religious observance.
- 1.9.2 The introduction of s138A came in response to a decision of the High Court in 2012, which held that Local Authorities had no statutory power under the 1972 Act to hold prayers as part of a formal meeting (*R on the application of the National Secular Society v Bideford Town Council*). The then Local Government Secretary, Eric Pickles, fast tracked the introduction of the general power of competence in the Localism Act to allow the practice to continue, with the specific power under s138A following in 2015.
- 1.9.3 As a matter of practice, the saying of prayers does not form part of the formal Council agenda at Tonbridge & Malling. Instead, the Chaplain says prayers immediately before the Mayor formally opens the meeting.
- 1.9.4 The options open to Members are

- (a) To make no changes to the current arrangements for the saying of prayers immediately before Council meetings;
- (b) To cease the current arrangements; or
- (c) To ask the Chaplain to say prayers in the Council Chamber five minutes before the start of the meeting for those councillors, officers and members of the public who wish to participate. This could be followed by a short interval between the conclusion of prayers and the start of the formal meeting to enable those councillors, officers and members of the public who do not wish to take part in prayers to enter the Council Chamber and join the meeting. A notice to the public regarding the saying of prayers could be placed at the doors to the Council Chamber.

1.10 **Legal Implications**

1.10.1 As set out above.

1.11 **Financial and Value for Money Considerations**

1.11.1 As set out above.

1.12 **Recommendation**

1.12.1 It is **RECOMMENDED** that Members consider the various options set out in the paper.

Background papers:

contact: Adrian Stanfield

Nil

Adrian Stanfield

Director of Central Services and Monitoring Officer