Notice of Motion Constitution Amendment – Civic and Ceremonial Precedence (Council Decision)

Under the Council's current governance arrangements, the Mayor is the First Citizen of the Borough and takes precedence as he/she deems appropriate to undertake such civic and ceremonial duties. The Chairwoman of the Council acts as the Council's second citizen (after the Mayor) and will undertake (or arrange for the Vice-Chairman to undertake) such civic and ceremonial functions as requested by the Mayor. In practice this has caused confusion as to which events the Mayor and/or Chairwoman will attend and the public/organisers of events as they expect to see the Council's 'civic mayor' at events.

In respect of civic and ceremonial functions it is for the Council to choose whether to apply the role of First Citizen of the Borough to the Mayor or Chairwoman and who takes precedence at civic and ceremonial functions.

To clarify the role of the Chairman/woman of the Council as First Citizen of the Borough and the role of the Mayor to promote business and economic regeneration of Torbay in respect of civic and ceremonial events. It is proposed:

That the Council's Constitution be amended as follows:

Article 4 – The Council

4.06 Role and function of the Chairman/woman of the Council

The Chairman/woman shall have precedence in the Borough as first citizen (but not so as to prejudicially affect Her Majesty's royal prerogative) and Section 3(4A) of the Local Government Act 1972 (as amended) shall apply. As first citizen of the borough, the Chairman/woman will perform the majority of civic and ceremonial duties for the borough. The Mayor will perform those functions as the Council's representative where they relate to the promotion of the business of the Council or Torbay. Any future change to these arrangements will be a matter for the Council to determine.

The Chairman/woman of the Council will be elected by the Council annually. The Mayor is not permitted to be the Chairman/woman of the Council.

The Chairman/woman of the Council shall not be a member of any committee, sub-committee or working party or attend any meeting as a substitute.

The Chairman/woman of the Council will carry out the roles laid down in the Chairman/woman's Job Description as set out in Part 6 of this Constitution.

Article 6 – The Mayor and Executive

Paragraph 6.03 (d) The Mayor and Civic/Ceremonial Precedence

Paragraph 4.06 of Article 4 sets out the Council's arrangements for first citizen and civic and ceremonial precedence. ~~The Mayor shall have precedence in the Borough (but not so as to prejudicially affect Her Majesty's royal prerogative) and Section 3(4A) of the Local Government Act 1972 (as amended) shall apply.~~

Members Job Descriptions

The Mayor:
8. **To represent the Council at events which relate to the promotion of the business of the Council or Torbay.** ~~To be the first citizen of the Borough and to take precedence as he/she deems appropriate and undertake such civic and ceremonial duties as he/she considers appropriate. (Note: the Chairman/woman of the Council or an appropriate ward or other Member shall act as the Mayor's deputy in relation to civic and ceremonial functions at the Mayor's request.)~~

The Chairman/woman of the Council:

5. Civic Role
To be the first citizen of the Borough and to take precedence as he/she deems appropriate and undertake such civic and ceremonial duties as he/she considers appropriate. (Note: the Vice-Chairman/woman of the Council or an appropriate ward or other Member shall act as the Chairman/woman's deputy in relation to civic and ceremonial functions at the Chairman/woman's request. The Mayor (where invited by the event organiser) will also attend those civic and ceremonial events which promote the business of the Council and the Bay.)

~~The Chairman/woman of the Council will act as the Council's second citizen (after the Mayor) and will undertake (or arrange for the Vice-Chairman to undertake) such civic and ceremonial functions as requested by the Mayor.~~

Proposed by Councillor Darling
Seconded by Councillor Morey