



# The Future of the Civic Function



**A report from Overview & Scrutiny**







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# Preface

By Councillor Anne Underwood, Vice-Chair of the former Coordinating Overview and Scrutiny Committee.



Birmingham has had a Mayor and an elected Council since 1838. The office was raised to the dignity of Lord Mayor and 'First Citizen' by Queen Victoria in 1896. The Lord Mayor serves and represents the people of Birmingham within the context of Birmingham: its values, heritage, customs and practices, as well as upholding the broad interests of the wider Council, communities and citizens as a whole.

The passing of the Localism Act 2011 brought to the fore discussions around governance arrangements in Local Authorities. We therefore felt it appropriate to carry out some work examining the impact of different constitutional scenarios on the role of the Lord Mayor.

I would like to thank everyone on the Review Group and the officers for their work on helping to produce this report for City Council. In particular I would like to thank all the witnesses who provided evidence for the Review. Without these contributions we could not have put together the report we have.

The message reaffirmed to us during the review was that the office of Lord Mayor is of great value to Birmingham, is a time honoured role of great distinction which has served the city well with great respect and appreciation by its citizens. Our evidence shows that the Lord Mayor has an important role to play and can be a positive force in a number of areas. We are clear that Birmingham's Lord Mayoralty should remain strong and influential.

The Review has raised some more general issues which can be addressed now, in order to strengthen the role of the Lord Mayor. Our overall purpose in addressing these issues is to ensure that Birmingham has a Lord Mayoralty which is suited to its needs and one which actively helps the city take advantage of future opportunities.



## Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R01	That this Council reiterates its support for a strong Lord Mayor fulfilling the role of First Citizen, reflecting the value of the civic function and its role in the life of the city.	City Council	June 2012
R02	The charity arm of the Lord Mayor's work is unique and should be retained. Further investigation should be undertaken to see how this can be enhanced, without diminishing the other aspects of the role. This work should be carried out by the Lord Mayor's Advisory Group (Recommendation 05).	Council Business Management Committee	November 2012
R03	The Lord Mayor has a role to play in supporting Birmingham as a business and tourist destination. More could be done with partners such as Marketing Birmingham to exploit these opportunities. This should be explored.	Council Business Management Committee	November 2012
R04	Further work should be undertaken to educate the public on the roles and differences between the Leader and the Lord Mayor. It may be helpful if the possibility of the Lord Mayor having a free standing website be considered as part of a wider review of the Council's website.	Council Business Management Committee	November 2012
R05	<p>That a framework for partnership working between the Lord Mayor and a Leader is put in place, to support the Lord Mayor in the role of First Citizen and to ensure observance of the protocol. This should include:</p> <ul style="list-style-type: none"> <li>• Improved communication between the Lord Mayor and the Leader's office;</li> <li>• Regular meetings between the two offices.</li> </ul> <p>This framework would be overseen by an advisory group, composed of former Lord Mayors, Group Secretaries and relevant officers who may also provide advice on other matters in defined terms of reference. (Suggested initial terms of reference in Appendix 3).</p>	Council Business Management Committee	November 2012
R06	That a report on progress is provided to a future meeting of the Governance, Resources and Member Development O&S Committee.	Council Business Management Committee	December 2012



# 1 Purpose of the Review

## 1.1 Review outline

1.1.1 The passing of the Localism Act 2011 has brought to the fore discussions around governance arrangements and constitutional change in Local Authorities. Councils now have three options to choose from; a Leader / Cabinet model; a Committee system; or a Directly Elected Mayor. A number of cities named in the Localism Act held referendums on whether to create a Directly Elected Mayor on 3<sup>rd</sup> May 2012. Birmingham was one of these cities.

1.1.2 The possible change as a result of this provision raised a number of constitutional issues for Birmingham which required attention. The future of the Civic Function and the role of the Lord Mayor was one of these.

1.1.3 Given Scrutiny's past involvement in considering the operation of the Lord Mayor's Parlour<sup>1</sup> it was felt that a sub-group of the former Coordinating O&S Committee would be appropriate to carry out some work examining the impact of different constitutional scenarios on the Lord Mayor, and that now was an opportune time to do so. The key question the working group sought to answer was:

**What role would best be played by the Lord Mayoralty in future, given the different possible constitutional scenarios?**

1.1.4 To reflect the wider remit of this review and in contrast to the previous piece of work, this working group was made up of both former Lord Mayors (Councillor M. Sharpe and former Councillors M. Wilkes and L Gregory) and Members who have not previously been Lord Mayor (Councillors A. Underwood, D. Hughes and M. Ward).

1.1.5 The working group received evidence from a number of people, outlined in Appendix 1. The aim of speaking to these witnesses was to hear about their experiences, find out what the value of the Civic Function was to them and their work and explore how a more effective relationship with a Leader or Elected Mayor could be built.

1.1.6 This report does not intend to come to a view on which constitutional arrangement is the most appropriate for Birmingham. It is intended to identify the possibilities and issues for the role of the Lord Mayor of Birmingham both now and in the future. It will suggest areas which warrant further detailed work in order to ensure that the role remains prominent and relevant for Birmingham today, and to allow the city to maximise the benefits of having a Lord Mayor.

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<sup>1</sup> The Lord Mayor's Parlour was previously subject to review by Scrutiny in 2010. A group of former Lord Mayors examined arrangements in the Parlour, in response to a number of concerns, for example on budget and protocol. A copy of that report is available from the Scrutiny Office.



## 2 Background: The Localism Act

### 2.1 Introduction

2.1.1 The Localism Act 2011 provides Local Authorities with a number of options as to how they are governed. The aim is to allow local areas to determine what is most appropriate for them. For Birmingham, as with other areas, there are three options:

- Retain the current Leader and Cabinet model;
- Adopt a Committee system model;
- Adopt a Directly Elected Mayor.

Further detail on each of these models is presented in Appendix 2.

### 2.2 Case Study: Elected Mayors

2.2.1 We are aware that a number of Local Authorities operate under an Elected Mayor, the most prominent example at the moment being that of Leicester, which has elected a 'City Mayor'. We undertook to gather further information on Leicester's Mayor to understand how this model works.

2.2.2 Sir Peter Soulsby has held the position of City Mayor since May 2011<sup>2</sup>. He has appointed a Deputy City Mayor and six Assistant Mayors, all Councillors, who together form the Cabinet. The City Mayor leads on all matters of constitution and governance, emergency planning and resilience and the Council's new responsibilities for health and wellbeing. He is also the lead on economic development. The Deputy City Mayor supports the City Mayor in those areas and has responsibility for transport and climate change matters. There are a number of Assistant Mayor Portfolios, including Adult social care; Children, young people and schools; Health and community involvement; and Neighbourhood services.

2.2.3 The City Mayor's role, as set out in Leicester's constitution, is to be responsible for all of the Council's executive functions which are not the responsibility of any other part of the Council. Some of the key responsibilities include;

- Appointing the Deputy City Mayor and the Assistant City Mayors;
- Determining the scheme of delegation for the functions of the City Mayor and Deputy City Mayor and Assistant City Mayors and to maintain a written record of delegations;
- Publishing the Forward Plan;
- Chairing meetings of the City Mayor & Cabinet.

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<sup>2</sup> The City Mayor has a website for more information - <http://citymayor.leicester.gov.uk/>





- 2.2.4 The Terms of Reference for the Cabinet are decided by the City Mayor. The Cabinet consists of the City Mayor and between two to nine Councillors.
- 2.2.5 On appointment, the City Mayor and his Cabinet established a '100 days programme', which set out immediate priorities for action grouped under a number of themes including a healthy and active City; the built and natural environment around us; and an accountable, democratic and strong Council. Also established are ongoing 'meet the team' events in which members of the public are able to meet the City Mayor at different locations throughout Leicester.

## 2.3 Developments during this Review

- 2.3.1 We understand that some Councils have expressed their intention to move to a Committee system model. Of the 40 or so Councils considering this, only three were opting to make the change in May 2012. Other Councils have taken the decision to wait until May 2013 to make this change, some implementing a hybrid model<sup>3</sup> in the interim as a transition to new arrangements. As a result there was little detail we were able to find in our research relating in the anticipated changes to areas such as their Civic Function.
- 2.3.2 During the period of this Review, Liverpool announced its intention to move to a Mayoral model, taking the decision not to hold a referendum on the 3<sup>rd</sup> May 2012, but to move straight to the Mayoral election. This is permissible if two thirds of City Councillors vote for an Elected Mayor. In addition Salford held a referendum on whether to adopt an Elected Mayor, which resulted in an overall yes vote. The turnout for this vote was 18%.
- 2.3.3 Towards the end of this Review Birmingham, along with a number of other cities held a referendum on how the City Council should be run. The public were asked:
- How would you like Birmingham to be run?
- By a Leader who is an elected Councillor chosen by a vote of the other elected Councillors. This is how the council is run now.
  - By a Mayor who is elected by voters. This would be a change from how the council is run now.
- 2.3.4 208,696 votes were cast (28.5% turnout) and 57.8% of those who voted to retain the Leader and Cabinet Model. The results were similar across other cities. Bristol was the only city to vote in favour of an Elected Mayor, whilst Doncaster voted to retain their current Mayoral model.

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<sup>3</sup> For example wrapping a Committee around a Cabinet Member – Committees operate more as forums for pre-scrutiny rather than decision making bodies. Decisions which would formerly have gone to the Cabinet Member would be discussed with the wider group but the Cabinet member would still take the final decision.



## 3 Background: The Civic Function

### 3.1 Overview

3.1.1 Turning to the role of a Lord Mayor, many of a Lord Mayor's duties are ambassadorial, representing the people and an area both at home and abroad. This role is predicated on political neutrality. Responsibilities are many and varied and include, as examples:

- Presiding over Civic functions and social occasions as the ceremonial head of the Council;
- Hosting events, receiving and welcoming members of the Royal Family, dignitaries and visitors, at all times observing the recognised protocol;
- Taking part in functions as a representative of the people or the Council;
- Working proactively for the Mayoral charities and supporting many other charities;
- Promoting and raising the profile of many Council initiatives and projects of a charitable and voluntary nature that benefit citizens;
- Encouraging active citizenship and participation by all;
- Maintaining good relationships and working with city faith organisations, attending a variety of religious occasions and making visits to groups and places of worship;
- Maintaining close links with the armed forces and veterans' organisations;
- Supporting voluntary activities that benefit local communities and people as a whole;
- Celebrating local success and recognising achievement both internal and external to the Council;
- Joining citizens in community events.

3.1.2 The book *Civic Ceremonial*, written by Paul Millward and first published half a century ago still serves as the definitive text on civic protocol in the country. Updated to take into account developments within Government, it serves as a handbook, history and best practice guide for Mayors, Councillors and officers.

3.1.3 One of the areas which this book focuses on is the rule of precedence. This includes for example how introductions and toasts should be conducted at events where the Lord Mayor is present. Generally, established protocols are in place regarding such things as precedence, procedure and speaking arrangements for a Lord Mayor in relation to other Councillors, officers and the public. The rule of precedence outlines that a Lord Mayor shall have precedence in their respective city with the sole exception that this shall not prejudicially affect Her Majesty's Royal Prerogative. This means that the Lord Mayor takes precedence over all other Councillors and officers of the Council at all events.



3.1.4 In addition *Civic Ceremonial* suggests that:

...Mayors and their staff should seek to ensure that the host of functions, ceremonies and events accord the Mayor proper precedence. Similarly, although the Mayoress, Consort or Escort has no legal status, he or she customarily takes precedence immediately after the Mayor...

3.1.5 Some examples of this include being the first to receive Royal visitors to an area and being the first to receive emissaries and diplomatic visitors such as Ambassadors or Consuls. At meetings, unless the Lord Mayor occupies the Chair, s/he should be seated on the immediate right of the Chairman. This also applies to seating arrangements at lunches and dinners. Similarly at meetings or social gatherings, the Lord Mayor would be the first speaker, although an introduction may appropriately be made by the Chairman of the meeting.

## 3.2 Birmingham

3.2.1 The Lord Mayor's Annual Report to City Council on the 25<sup>th</sup> May 2010 outlined the position of the Lord Mayor's office in the organisation as follows:

In addition to the Full Council itself, there are four, rather than the sometimes quoted three, principal areas of municipal function. These are Executive, Regulatory, Scrutiny and Civic. The fourth of these, which is delivered through the Lord Mayor's Parlour, arguably has the longest tradition and equally arguably is the most widely recognised by our citizens.

3.2.2 Birmingham has had a Mayor (and an elected Council) since 1838. The office was raised to the dignity of Lord Mayor and 'First Citizen' when Queen Victoria issued Letters Patent on the 3rd June 1896.

3.2.3 The underlying objective of the Lord Mayor and the Parlour is to serve and represent the people of Birmingham and operate in the context of Birmingham: its values, heritage, customs and practices, as well as upholding the broad interests of the wider Council, communities and citizens as a whole.

3.2.4 There are three principal aspects of the office of Lord Mayor in Birmingham. The first is that the Lord Mayor is the first citizen of an area and the head of its Civic function. The second is that the Lord Mayor is the Chairman of the City Council, enabling the business of the Council to be carried out in an orderly and proper manner. Finally the Lord Mayor of Birmingham has, since 1992, been *ex officio*, the Chancellor of Birmingham City University.

3.2.5 The Lord Mayor's political impartiality is established as s/he is proposed by a member from a different party, at the Annual General meeting each year. The Lord Mayor does not sit on any Committees and rarely votes at City Council meetings (the Lord Mayor is entitled to a deliberative



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vote, which by custom and practice is not used, and a casting vote which may be used should the situation demand in terms of the Council as a whole).

- 3.2.6 In the 2010/11 financial year, the Lord Mayor operated with a budget of around £490,000. The budget covers a range of duties and commitments, such as hospitality, gifts, the Lord Mayor's car and staffing costs.
- 3.2.7 Any office supporting a Lord Mayor will undertake a wide variety of tasks. The Lord Mayor's Parlour in Birmingham provided some examples of the duties that officers undertake:
- Management of the Lord Mayor's diary and briefings;
  - Coordinating logistics of the Annual Meeting of the Council (Mayor making);
  - Organising major civic calendar events such as remembrance day, freedom parades etc;
  - Other annual events e.g. the Lord Mayor's annual walkabout, gala ball, charity golf day etc;
  - Ongoing liaison with Fire, Police, Ambulance and other bodies to ensure safety at events;
  - Coordinating hospitality for Civic receptions, including catering, invitations, seating plans etc;
  - Maintenance of Books of Remembrance at the Hall of Memory;
  - Coordination of Honours and Awards for the City Council;
  - Welcoming local, national, international visitors from all sectors of the community;
  - Coordination of royal visits;
  - Organising charity functions to raise funds for Lord Mayor's chosen charities;
  - Providing advice on Civic protocol;
  - Provision of a chauffeuring and attendant service for the Lord Mayor.
- 3.2.8 The above is in support of the Lord Mayor carrying out his or her duties as fully as possible. Lord Mayors, Deputy Lord Mayors and Lord Mayor's Deputies together undertake around 1,000 different activities every year across the city. The then Lord Mayor for example had around 170 appointments in her diary over December 2011 and January 2012. These range from meetings with officers, to community events, to receiving royal visitors.
- 3.2.9 The focus of work each year will depend on what the Lord Mayor's key priorities are. For example there may be a greater focus in one year on charity work, and in another on involvement with communities.
- 3.2.10 The Lord Mayor does not currently have a dedicated press officer. The Press Office commented that despite this they feel there is good coverage in the local press, as the organisations the Lord Mayor is involved with will often carry out active promotion themselves. Further awareness raising and promotion is carried out through the Lord Mayor's twitter account, which has over 1,300 followers. *We would question whether the coverage which the Lord Mayor receives in the media is*



*adequate and feel that more should be done to promote and raise awareness of the Lord Mayor's work.*

### **3.3 Lord Mayors in other Local Authorities**

- 3.3.1 Appendix 2 provides a brief overview of the role of Lord Mayor in a number of other Local Authorities.



## 4 Findings: The Benefits of the Civic Function

### 4.1 Introduction

- 4.1.1 In seeking to understand what role would best be played by the Lord Mayoralty in future, the next step is to understand the benefits the Lord Mayor's office brings to the city.
- 4.1.2 The initial feedback from those we spoke to was that the office of Lord Mayor is of great value to Birmingham and is a time honoured role of great distinction which has served the city well. An important element of that is the office's political neutrality. Witnesses were keen to emphasise the importance of a Lord Mayor to Birmingham and *the dominant view was that the existence of such a post ought not to be brought into question under any type of governance model.*

### 4.2 Heritage

- 4.2.1 The first and unique benefit of the Mayoralty in Birmingham is having a representative to personify and celebrate the heritage of the city. One witness suggested that the heritage aspect of the Civic function could be further strengthened with each incumbent Lord Mayor having a full understanding of the civic history of the city, which they could then promote and discuss with visitors. After all, the Lord Mayor's office and Parlour is a reserve of 'institutional memory' of the civic affairs of the city, which it is essential to preserve and share.

### 4.3 Supporting the Local Economy

- 4.3.1 Traditionally the Lord Mayor has always had a role in the maintenance and development of friendly relations between Birmingham and other cities and regions at home and abroad, which of course helps promote the city and support the local economy. More directly, we were told that the office of the Lord Mayor can play a part with regard to helping the city to attract foreign direct investment. Birmingham has to differentiate itself from other international cities in the fight for investment; a strong civic function, building on the heritage of the city, is one way of doing so.
- 4.3.2 This is particularly true in the case of emerging economies and North America. In the latter case, the prominence of the Lord Mayor, with all the heritage and ceremony that accompanies him/her, is particularly valued. As around 41% of direct foreign investment in the city currently comes from the USA, we can see that we dispense with the role at our peril.
- 4.3.3 The Lord Mayor has a role to play at home too. Birmingham receives many visitors, including companies/businesses looking to invest or locate in the city and a visit to the Lord Mayor may add



value to the visit. It was also made clear to us that the Lord Mayor can bring additional value to the visitor economy (which represents around 10% of the city's economy), and this has been demonstrated on some occasions. For example the office of the Lord Mayor was vital to securing the Rotary International World Convention in 2009.

**Box 1: Written evidence submitted by the Rotary Club of Birmingham – 19<sup>th</sup> April 2012**

The Rotary Club of Birmingham has existed for nearly 100 years and for all of that time successive Lord Mayors have been honorary members of the Club and have supported the club's charitable and humanitarian work splendidly.

I have consulted the members of the Club's Governing Council and we are unanimous in our belief that it is in the best interests of the City that even if the electorate opt for an elected mayor, the Lord Mayoralty should continue. A politically elected mayor simply replaces the elected body currently running the City; that should not impact on the civic leadership associated with the Office of Lord Mayor, who is seen to be non political and very much the City's principal ambassador.

It was significant that when 18,000 Rotarians from 157 countries attended the 100<sup>th</sup> International Convention held in the City during June 2009, enormous interest was generated by the Lord Mayor and Lady Mayoress' attendance. Whether that was because of the title, the robes or the perceived history of the office I do not know, but there is no doubt they made a tremendous impact and in so doing promoted the City admirably.

We are also conscious of the amount of time the Lord Mayor's office requires and it is difficult to see how an elected mayor, with all the responsibility that office will generate, could undertake civic duties in addition to administrative ones.

## 4.4 Links with Communities

- 4.4.1 In addition the Lord Mayor is a key figurehead for and within communities, providing a non political link between the City Council and those communities. We felt that residents have a strong appreciation for the Lord Mayor and see it as a special position. Those who have served as Lord Mayor in the past continue to be recognised by residents and it was felt that this would not happen for other senior positions in the Council.
- 4.4.2 The Lord Mayor is exposed to a wide range of issues through first hand observation and through multifarious briefings provided at or before the occasion. There is the opportunity to reach out, encourage, involve and support and to make productive connections with and between people. There is no doubt that the tradition, standing and impartiality of the office of Lord Mayor is an enormous help in transcending barriers.
- 4.4.3 Whilst Councillors are used to serving all their constituents regardless of political support, the Lord Mayor belongs to the public as a whole in an even more fundamental way due to the extent of the Lord Mayor's contact with communities across the city. The Chief Executive highlighted in evidence





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gathering that the level of visits made by the Lord Mayor to different sections of the city would be too onerous for a Leader or an Elected Mayor to undertake alongside his/her other duties. The Lord Mayor, again, therefore provides a link to residents in the city that could otherwise not exist.

## **Box 2: Written evidence received from the Birmingham Faith Leaders Group – 13<sup>th</sup> April 2012**

The Birmingham Faith Leaders' Group has greatly valued the relationship with the office of the Lord Mayor, over recent years. Representing, as the Group does, the leadership of the city's principal faith communities, it has been important to be able to give substance to the relationship with the civic life of the city without becoming embroiled in political areas. The embodiment of the well-being of the whole of the city of Birmingham in the person of its Lord Mayor who, in our experience, has always been scrupulous in standing aside from any political partisanship, is in our view a gift for us all, which should be nurtured and cherished. The Group's 10<sup>th</sup> anniversary in September 2011, with all its resonances of the difficult days in the aftermath of 9/11 and subsequent times in Birmingham where good relationships between communities have come under threat, was an occasion which was celebrated very much in the civic context. It would have been difficult to find a way of expressing the strong and necessary links between civic and religious life in the city without a focus on the person and role of the Lord Mayor.

Whilst not wishing to make any specific comment on the issue of elected mayors, we do not believe that civic identity can be carried, in the same way, by an official who is elected to the position by public vote. An elected mayor would be identified with particular policies and would have to take a range of political decisions which would not leave room for the broader civic functions of a Lord Mayor.

## **4.5 Supporting Charities**

- 4.6 Similarly, the Lord Mayor's charity arm is something which a Leader or Elected Mayor might not be able to dedicate time to. Therefore a real benefit of a Lord Mayor is someone who does dedicate a large proportion of their time to supporting local and national charities. Even in the current difficult times, last year the Lord Mayor raised upwards of £100,000 for her chosen charities.

## **Box 3: Written evidence received on behalf of the British Legion – 12<sup>th</sup> April 2012**

The Lord Mayor represents all the citizens of Birmingham and has an important civic role in the city. Citizens value the role and are proud to have the support of the Lord Mayor at any event, or celebration. Visitors from other parts of the world recognise the Lord Mayor as the First Citizen and want to be welcomed by that person. The British Legion have always been proud to be so well supported by the Lord Mayor and through that support and recognition they feel recognised as an important organisation.





## 5 Findings: The Role in the Future

### 5.1 Introduction

- 5.1.1 Our evidence shows that the Lord Mayor has an important role to play and can be a positive force in a number of areas. *We are clear that Birmingham's Lord Mayoralty should remain strong and influential.*
- 5.1.2 We therefore believe that there are three areas which need to be addressed in order to put the Lord Mayor in a stronger position, regardless of current or future constitutional scenarios Birmingham chooses to adopt:
- A more clearly defined and more widely understood role for the Lord Mayor;
  - An effective relationship with the person leading the City Council (Leader or Elected Mayor);
  - Adequate resources to fulfil the role.

### 5.2 Defining and Understanding the Role of the Lord Mayor

- 5.2.1 We believe it is important to first come to a conclusion about what the role of the Lord Mayor and the Parlour should be and what would be most appropriate for Birmingham today. A range of different roles, of which one or more could be adopted, were explored with those providing evidence:
- a. To chair City Council meetings;
  - b. To raise money for charity;
  - c. To promote a particular sector of Birmingham e.g. Manufacturing;
  - d. To promote Birmingham as a place to visit and do business;
  - e. To engage with local communities.
- 5.2.2 We would not wish to see the role of the Lord Mayor being simply the Chair of the City Council. Focusing solely on this role would detract from the core purpose of the Lord Mayor, the heritage of the position and the benefits the role brings to the city.
- 5.2.3 We would like to ensure that the charity arm of the Lord Mayor's work is not diminished as this is already a strong and very positive part of a Lord Mayor's work and is something unique to the role. Enhancing the aspect of the role of 'supporting charity organisations' would address the need for each different Lord Mayor to focus on a sector they are comfortable in representing. It would also give the Lord Mayor a clear function, resolving some of the issues around precedence and attendance at events. The same applies for a role focused on supporting local communities.



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- 5.2.4 We have already seen that there are benefits to the Lord Mayor being involved in the promotion of business and tourism; however this is perhaps an area which has not been explored fully. It was suggested that the Lord Mayor could perhaps focus on a particular sector of Birmingham such as manufacturing (as the Lord Mayor of the City of London does for finance); however given that the Lord Mayor changes every year there would be a need for there to be an area which every Lord Mayor could be confident in representing.
- 5.2.5 Nevertheless, there does appear to be room for the Lord Mayor to be more involved with agencies/organisations involved in promoting the city. We have already noted the importance of the civic function in distinguishing Birmingham from other international cities in the push for inward investment. Appropriate involvement of the Lord Mayor in visits or functions would enhance the city's offer.
- 5.2.6 For this to happen, there needs to be a better understanding of the rules and responsibilities associated with the Lord Mayor. Organisations would then be better placed to identify opportunities for the Lord Mayor's participation. If the Lord Mayor's Parlour were to more actively promote the Lord Mayor's capacity and strengths, the Lord Mayor could play an even greater role in promoting the city.
- 5.2.7 As a part of this, a better understanding of and regard for the protocols surrounding the Lord Mayor should be promoted. Our view is that the existing protocols are acceptable but since 2004 have not been observed on some important occasions. A copy of the current protocol is contained in Appendix 5.
- 5.2.8 Finally, there is the issue of public awareness. Most people would recognise the Lord Mayor in chain of office or full regalia; however not everyone would fully understand the role played by the Lord Mayor and the distinction between the Lord Mayor and the Leader of the Council. Increasing awareness of the role would enhance the community and charity opportunities.

## 5.3 The Relationship with the Person Leading the Council

- 5.3.1 Re-establishing a clearer role for the Lord Mayor then allows us to consider how the Lord Mayor should and could interact with the person leading the Council. Evidence suggests that in recent years there has been some tension between the Parlour and the Leaders office. This has been evidenced around the allocation and acceptance of invitations and the observance of protocol at events.
- 5.3.2 The issue of invitations currently centres on the proper roles of the Lord Mayor and the Leader in civic life. It was accepted by all our witnesses that there are some functions or events which should properly be attended by the Leader, others the Lord Mayor and some jointly. Agreement on this however, is not always easy to achieve.
- 5.3.3 This is to some degree understandable. Since the introduction of the Leader/Cabinet model, all decision-making power has initially been vested in one individual – the Leader (who then delegates



some of that to Cabinet Members). This inevitably engenders a greater awareness of the importance of the role, which they may feel could be compromised by the precedence of a Lord Mayor and therefore a natural wariness at yielding any part of that to another.

- 5.3.4 However, this is to misunderstand the role of Lord Mayor. As already noted, an important element is the Lord Mayor's political neutrality and his/her ability to represent all Birmingham citizens, free from perceived agendas or personal promotion. Having a First Citizen above political controversy is a vitally important quality of the role and it is one that distinguishes the Lord Mayor from an executive lead. It enables the Lord Mayor to represent the entire Birmingham community at formal ceremonies and on both joyous and solemn occasions.
- 5.3.5 It is in Birmingham's interest to ensure that both positions are well managed and work to support the needs of the city. It is therefore important that the City Council set clear parameters, to give clarity to those outside the organisation, to reduce confusion and embarrassment and to ensure that officers do not have to spend time negotiating on individual invitations or visits.
- 5.3.6 Communications between the offices of the Lord Mayor and a Leader or Elected Mayor is of key importance. This is something that was stressed in Scrutiny's previous review on the Parlour, and we were disappointed to hear evidence that the situation had not greatly improved. Filtering arrangements and closer joint working, particularly around events, are necessary as are good will and a willingness to compromise.

## 5.4 Resources

- 5.4.1 There have been some ongoing changes in terms of resources, both financial and staffing, which have influenced how the Lord Mayor's Parlour operates. Based on evidence provided to the previous scrutiny review group examining the Parlour, the following was found with regard to the budget:
- The civic hospitality budget in particular has become very constrained and decisions on financing the larger scale events had been referred to the Deputy Leader for ad hoc decisions;
  - Of the money which is spent on hospitality, approximately 90% of it is spent in the Council House. This provides the Parlour with a significant issue as catering costs are driven up, and hospitality budgets fall, in seeking to retain the same sense of occasion in Civic events;
  - Whilst the parlour manages well with a shrinking budget there is a concern that reductions in this area are disproportionate.
- 5.4.2 These concerns were reiterated during evidence gathering, particularly with regard to civic hospitality. The reductions in the hospitality budget over recent years have resulted in there being little left to host events after the costs of Remembrance Day and the Annual General Meeting are accounted for. As a result the Parlour cannot undertake or offer support to an increasing number



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of worthwhile events. With events that are still held, it was felt that often the budget available doesn't provide the level of hospitality that some of the occasions deserve.

5.4.3 In addition we discussed the following in relation to staffing resources within the Parlour:

- Historically there have been a small number of employees working in the Parlour. However that level of resourcing was put in place when for example the Lord Mayor's diary was not as busy, there were no briefings and no honours and awards to organise. The advent of the ICC and the NEC has generated an increase in visitors to Birmingham and the result has been more activity within the Parlour;
- In 2001, against a background of considerable financial pressures in the Council as with elsewhere, the senior officer within the Parlour took Voluntary Redundancy and has not been replaced;
- The volume of charity work often surpasses expectation and the staffing resource dedicated to charity work is not adequate. The result of this is that resource has to be taken away from the day to day civic work of the Parlour. It was felt that a dedicated charity officer would be useful and one option raised was funding this post from the money raised;
- These issues have resulted in what is felt to be a weaker overall diary management process. There is a need to appreciate the different lead in times of different organisations in order for them to properly organise events. It was felt that a better routine should be established for the diary process (for example having a turn around time of two days for responses) and associated forms and procedures should be examined.
- As mentioned earlier in the report, there is no dedicated press officer for the Parlour. In previous years press releases were emailed directly to the media by the Parlour, which resulted in good coverage of events, however the capacity to do this is now greatly reduced. It was felt that this needed to be addressed, possibly in the form of a dedicated officer, not necessarily full time.

5.4.4 In addressing the above points we are of course aware of the difficult balance in delivering an effective service in the Parlour, against the current need to address workforce numbers and create financial savings as a result of the current economic climate.



## 6 Findings: The Potential Impact of Different Constitutional Scenarios

### 6.1 Introduction

- 6.1.1 The previous section demonstrates some the issues to be addressed if the Lord Mayor of Birmingham is to be properly supported. There is a clear role for the Lord Mayor to work alongside any form of Executive.
- 6.1.2 We began this Review with the possibility of significant constitutional change in Birmingham. Of the three options, the feeling amongst Councillors and witnesses was that an Elected Mayor created the greatest potential risk to the Lord Mayor, given the greater range of powers that an Elected Mayor would be likely to have. Much of our discussion therefore focused on the role of the Lord Mayor in the event an Elected Mayor was adopted in Birmingham.
- 6.1.3 However we now know that the Leader and Cabinet model will be retained for the immediate future. This does not mean there are not problems to address and we feel that the issues we discovered through our evidence gathering are applicable to the chosen way forward. These concerns cover two main areas; the potential for the duties of the Lord Mayor to be reduced and the role diminished or even removed; and the confusion amongst the public of the differences between a Lord Mayor and an Executive.

### 6.2 Diminishing or Removing the Position of the Lord Mayor

- 6.2.1 Those we spoke to were concerned about the potential for the role of Lord Mayor to become diminished under the various models of governance.
- 6.2.2 Under the Committee system, the City Council is the holder of statutory duties, which are then delegated to Committees. There is a leader (or Lead Chairman), but not one in which all executive power is invested. It is therefore less likely that any one individual would be a figurehead or the one that all visitors would want to see. The role of the Lord Mayor is therefore clearer, as the First Citizen and representative of the people of Birmingham.
- 6.2.3 With regard to an Elected Mayor, there was a fear amongst witnesses that many of the most significant duties which the Lord Mayor currently carries out could be taken by an Elected Mayor, reducing the importance of the work of the Lord Mayor. There is evidence of this occurring in Leicester City Council. We were concerned to see that the Lord Mayor's diary, which is available publicly on Leicester Council's website, has very few engagements listed. Further information provided by Political Group Office Managers on their visit to Leicester City Council highlighted that



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all invitations and requests from dignitaries and businesses are now directed through the City Mayor's office, who takes the decision on how to proceed.

- 6.2.4 These risks are also relevant, although to a lesser extent, to the Leader model. We were provided examples of where this is perceived to be occurring at the moment, for example through the reduction in the Parlour's hospitality budget, the lack of presence at Citizenship Ceremonies and difficulties experienced around the Lord Mayor's attendance at city events. Examples were also provided to the working group highlighting where the Lord Mayor has not taken precedence at events and in some cases where the Lord Mayor's office has not been made aware of visits where it would have been suitable for him/her to attend.
- 6.2.5 Overall the key message from those we spoke to is that the personality of the head of the Executive is the biggest factor affecting the above, and in how fully a Lord Mayor can carry out their expected duties.
- 6.2.6 We also had some concerns about the potential for the position of Lord Mayor to be removed from the Birmingham landscape. We received the following legal advice from the Council's Legal Services team on this issue:

...the post of Lord Mayor could be removed – in other words we cannot find any evidence or law to suggest that this position is mandatory.

However this is a position within the Constitution and it would therefore require a change to the Constitution to remove this post. Such a decision would need to be made by Full Council on the recommendation of Council Business

Management Committee. This is not therefore an Executive Decision to be made by Cabinet or by an elected Mayor.

## 6.3 Public Awareness and Understanding

- 6.3.1 A further potential effect is on the understanding of the wider community about the role of Lord Mayor. Evidence received suggested that there is currently not a clear understanding of the differences between the Leader of the Council and the Lord Mayor, what is expected in each role and in particular which office businesses and organisations should approach.
- 6.3.2 This is something we believed would only have been exacerbated by two roles with similar titles, had Birmingham adopted an Elected Mayor. Evidence from London was that confusion can exist in the public domain between two roles which contain the title "Mayor", even where one has been established for some time. This is evidenced in the type of correspondence that the Lord Mayor of the City of London sometimes receives which is intended for the Mayor of London. It was felt that only a very small percentage of residents would understand the difference of the two mayoral roles.



## 7 Conclusions

### 7.1 Introduction

- 7.1.1 This Review aimed to examine the impact of constitutional change on a Lord Mayor. The first conclusion, upon which Councillors and witnesses were unanimous, was that the Lord Mayor holds a unique and pivotal role in the life of the city, and this should not be diminished. *We therefore recommend that the City Council endorse this view, and seek to ensure that the specialness and primacy is preserved.*

### 7.2 Moving Forward

- 7.2.1 Our Review has raised some more general issues which can be addressed under the Leader and Cabinet model, in order to strengthen the role of the Lord Mayor. The overall purpose of addressing these issues is to ensure that Birmingham has a Lord Mayoralty which is suited to its needs and one which actively helps the city take advantage of opportunities.
- 7.2.2 The role of the Lord Mayor requires some consideration: we have heard how the charity work of Lord Mayors in recent years has grown considerably. This has been welcomed, but we should take care that this does not crowd out the civic role. The role of the Lord Mayor should be made clearer, and both the civic role and the charity arm continued.
- 7.2.3 There has undoubtedly been erosion of the role in recent years. Looking at the protocol, it does not appear that that is lacking. However, its implementation has been. This is particularly true in respect of the handling of invitations and the observation of protocol at events.
- 7.2.4 Exploration of the issues has exposed a potential increase in tension between the Lord Mayor and a Leader. Whilst these tensions are to some degree understandable it does not reflect the proper role of the Lord Mayor, and potentially weakens both functions as external bodies do not know which should be approached. Although we feel this is likely to be less of an issue should the Council decide to return to a Committee system, it is still important that clear lines are drawn.
- 7.2.5 We therefore make the following recommendations. Clearly any Leader will have their own views on how they would prefer to operate. However we would hope that they will be given due weight, and that any future Executive lead in Birmingham recognises the importance of the Civic Function.





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	Recommendation	Responsibility	Completion Date
R01	That this Council reiterates its support for a strong Lord Mayor fulfilling the role of First Citizen, reflecting the value of the civic function and its role in the life of the city.	City Council	June 2012
R02	The charity arm of the Lord Mayor's work is unique and should be retained. Further investigation should be undertaken to see how this can be enhanced, without diminishing the other aspects of the role. This work should be carried out by the Lord Mayor's Advisory Group (Recommendation 05).	Council Business Management Committee	November 2012
R03	The Lord Mayor has a role to play in supporting Birmingham as a business and tourist destination. More could be done with partners such as Marketing Birmingham to exploit these opportunities. This should be explored.	Council Business Management Committee	November 2012
R04	Further work should be undertaken to educate the public on the roles and differences between the Leader and the Lord Mayor. It may be helpful if the possibility of the Lord Mayor having a free standing website be considered as part of a wider review of the Council's website.	Council Business Management Committee	November 2012
R05	<p>That a framework for partnership working between the Lord Mayor and a Leader is put in place, to support the Lord Mayor in the role of First Citizen and to ensure observance of the protocol. This should include:</p> <ul style="list-style-type: none"> <li>• Improved communication between the Lord Mayor and the Leader's office;</li> <li>• Regular meetings between the two offices.</li> </ul> <p>This framework would be overseen by an advisory group, composed of former Lord Mayors, Group Secretaries and relevant officers who may also provide advice on other matters in defined terms of reference. (Suggested initial TOR in Appendix 3).</p>	Council Business Management Committee	November 2012
R06	That a report on progress is provided to a future meeting of the Governance, Resources and Member Development O&S Committee.	Council Business Management Committee	December 2012





# Appendix 1 – List of witnesses

The working group would like to thank the following for providing evidence towards this review:

The Lord Mayor, Councillor Anita Ward

Councillor Deirdre Alden

Councillor John Alden

Councillor Sue Anderson

Councillor Randal Brew

Councillor Chauhdry Rashid

Councillor Peter Smallbone

Party Group Office Managers

Stephen Hughes, Chief Executive

James North, City of London Corporation

Cathy Dukes, Former Aide to the Lord Mayor of Birmingham

Brian Fuller, Rotary Club of Birmingham

Neil Rami, Marketing Birmingham

Karl Holden, Senior Policy Adviser, Department for Communities and Local Government

Catherine Staite, Institute of Local Government Studies, University of Birmingham

Jonathan Gurling, Birmingham Faith Leaders Group

Leicester City Council

Bristol City Council

Sheffield City Council

Newcastle City Council

Leeds City Council

Liverpool City Council



## Appendix 2 – Governance Options Permitted in the Localism Act 2012

### **Leader and Cabinet**

This is the model currently in use in Birmingham. The Leader is elected by Councillors and s/he appoints up to nine other Councillors as Cabinet Members, and determines their portfolios of responsibility. The Leader Of the Council must be appointed for a four year term, or up to the end of his/her term of office as a Member, whichever is the shorter.

### **Committee system**

Prior to 2000, decisions in Local Authorities were taken through Council Committees instead of Cabinet Members. These Committees have power to arrange the discharge of their functions through sub-committees or officers. They are required to be politically proportionate, meaning that seats on Committees are allocated to each political group in the same proportion to the number of seats held by each group on the Council.

The Localism Act now specifies that, in order to change from a Cabinet system to a Committee system, Local Authorities must:-

- Pass a resolution to change their governance arrangements;
- As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection;
- Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation.

### **Elected Mayor**

The Act names a number of English cities which were expected to hold a referendum on 3<sup>rd</sup> May 2012 to decide whether to create a directly Elected Mayor. Where a referendum vote is in favour of having a Mayor, the city will then hold an election for its first Mayor on 15<sup>th</sup> November 2012.

An Elected Mayor in any of the cities will be vested with all the City Council's current executive powers. In addition, they will have the opportunity to request additional powers to be transferred. The powers that an Elected Mayor will therefore have are, as yet, unconfirmed.

An Elected Mayor can appoint between two and nine Councillors of the authority to the Cabinet. One of these must be appointed as Deputy Mayor. Those who are not Councillors of the authority cannot be appointed to the Cabinet.



## Appendix 3 – Lord Mayors in other Local Authorities

The following provides some examples of how Lord Mayors operate in other Local Authorities compared with Birmingham. This provides a general overview, taking into account that information is often not directly comparable as figures will be based on a range of differing factors.

Authority	Average Engagements per year	Budget	Protocol	Charity	Future expectations
<b>Birmingham</b>	Up to 1500	Hospitality: £60,000  Overall budget (2010/11): c£490,000	Order of precedence – the Lord Mayor takes precedence at functions and events	The Lord Mayor chooses a number of charities to support in their Mayoral year.	Will be taken into consideration with budget considerations elsewhere.
<b>Sheffield</b>	1000	Hospitality: £22,000  Overall budget: £150,000	No specific protocol on visitors coming to the city	Active fundraising for chosen charities is of personal choice to the Lord Mayor. Some have chosen to present to charities the donations received throughout the year in office.	Expecting budget reductions.  The City Council has declared that the position of Lord Mayor will still exist if an Elected Mayor is chosen.
<b>Bristol</b>	800	Hospitality: £30,000 in 2011/12  Overall budget: £297,000	No specific protocol on visitors coming to the city – nature of visit will determine role of the Lord Mayor	Patron of or connected with hundreds of charities within Bristol  To date there is a single charity for underprivileged children that receives all funds raised by the Lord Mayor.	Expecting budget reductions



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Authority	Average Engagements per year	Budget	Protocol	Charity	Future expectations
Newcastle	500	Hospitality: £42,960 in 2011/12  Overall budget: £224,240	The Lord Mayor has a <b>diplomatic role</b> and offers an official welcome to visitors to the City hosting Civic Receptions and other functions Involved in <b>promoting the City</b> , forging links with business and commerce, attending events organised by local and regional societies and professional organisations.	Supporting three different charities as part of this years appeal.	Expecting budget reductions.  It is assumed that both offices will run simultaneously (if an Elected Mayor is chosen) for the 2012/13 year with a review taking place (after the election in November) on the way forward in terms of resourcing both offices.
Leeds	-	Hospitality: £57,400 in 2011/12	No specific protocol on visitors coming to the city – nature of visit will determine role of the Lord Mayor	Currently supports the Council for Voluntary Services in Leeds	Expecting budget reductions.  There is an acceptance that there will still be a Lord Mayor that will undertake ceremonial/civic duties, working alongside an Elected Mayor.
Liverpool	-	-	-	Supporting four different charities as part of this years appeal.	Expecting budget reductions.  The role of the Lord Mayor will remain unchanged once an Elected Mayor is appointed



## Appendix 4 – Draft Terms of Reference for the Lord Mayor’s Advisory Group

The following was suggested as a terms of reference for a Lord Mayor’s Advisory group, and may be useful as a starting point for further discussion.

To operate as a sub-committee of Council Business Management (CBM) Committee in support of the Lord Mayor and the Civic Function within the Council, by providing support and guidance to the Lord Mayor and to the Local Authority in respect of the civic responsibilities of the city.

The initial remit includes:

- Acting as a sounding board to the Lord Mayor at the Lord Mayor’s request on Civic and Mayoral matters;
- Providing guidance on protocol matters as necessary;
- Reviewing civic functions as necessary;
- Advising on appropriateness of Parlour arrangements;
- Examining how the charity arm of the Lord Mayor’s work can be enhanced.

### Meetings:

To meet initially bi-monthly, then each June with further meetings at the request of the Lord Mayor or CBM.

At the initial meeting a draft work programme for the group would be drawn up. At an early meeting protocol arrangements would be reviewed. It is also anticipated that the first review will be into the viability of the Mayor Making ceremony moving to the Town Hall and arrangements for the banquet. It has also been suggested that The Lord Mayor’s Show be reviewed.



## Appendix 5 – Lord Mayor Protocol

### General Information

The Lord Mayor is the first citizen of the City of Birmingham. In maintaining the dignity of this widely respected position of long standing, it is important that due regard is paid to the office as it has been since the title of Lord Mayor was first accorded in 1896.

There is an established protocol regarding precedence, procedure, speaking arrangements and other matters at events when the Lord Mayor of Birmingham is present. In terms of precedence it is expressly laid down by statute (31 Henry VIII c10) that the determination of precedence is a matter for the Royal prerogative.

The following notes indicate the procedure that should be followed in the City when the Lord Mayor and Lady Mayoress of Birmingham are attending public functions.

### Precedence

The Lord Mayor shall, by law, have precedence in the City with the sole exception that this shall not prejudicially affect Her Majesty's Royal Prerogative. This means that the Lord Mayor takes precedence over all other members and officers of the Council at all events.

The Lord Mayor's office will be pleased to assist organisers - within or outside of the Council - on any protocol issues when these involve the attendance of the Lord Mayor, the Lady Mayoress, the Deputy Lord Mayor or a Deputy acting on behalf of the Lord Mayor.

### Arrival and Departure

As, in many instances, the Lord Mayor may be unacquainted with those responsible for the organisation of your function, it is mutually helpful if an appointed person meets the Lord Mayor at the entrance to the building when he arrives.

The Lord Mayor (and the Lady Mayoress if she attends) should then be escorted and introduced immediately to the President, Chairman or whoever is acting as host for the function, or, in certain circumstances, to the assembled company.

When the Lady Mayoress only attends the function, or when the Lord Mayor is represented by the Deputy Lord Mayor or by a Deputy, similar arrangements should be made. The departure time from the function that has been agreed with the Lord Mayor's Parlour is expected to be observed.

### Reception

When the Lord Mayor of Birmingham enters an assembly it is customary for those present to rise. Similarly, this courtesy is extended to him when he leaves the meeting.



## Precedence at Visits and Functions

As the first citizen of Birmingham, the Lord Mayor should be the first to receive Royal visitors to the Council. The Lord Mayor should also be the first to receive emissaries and diplomatic visitors such as Ambassadors, Charges d'Affaires or Consuls.

At meetings, unless the Lord Mayor occupies the Chair, he should be seated on the immediate right of the Chairman. This also applies to seating arrangements at lunches and dinners.

At lunches and dinners, when the toast of "*The City of Birmingham*" is given (although this toast is not obligatory) it usually follows that of "*The Queen*". When the toast is omitted but the Lord Mayor has previously consented to speak, it is customary to accord him the privilege of being the first to propose or respond to the toast immediately following the loyal toast.

Similarly at meetings or social gatherings, the Lord Mayor would be the first speaker, although an introduction may appropriately be made by the Chairman of the meeting. In programmes or printed material that contains a 'welcome' at an event where the Lord Mayor is to be present, the 'welcome' should be by the Lord Mayor or, if several 'welcomes' are included, that of the Lord Mayor should be first.

## Information for the Lord Mayor

The provision of a comprehensive briefing is essential to the Lord Mayor's participation in your event. The briefing form, *which must be completed in full with no elements omitted*, should be sent to the Lord Mayor's Parlour at the earliest convenient date *but at least two weeks before the function*.

## Photographs, Filming and Recorded Interviews

The Lord Mayor and Lady Mayoress will normally be pleased to be included in a reasonable number of photographs taken at your event. However, *photographs must on no account be used for commercial or political purposes*. If the event is to be filmed, this should be notified to the Parlour in advance. If, in addition to other participation in the event, a filmed or recorded interview with the Lord Mayor or Lady Mayoress is desired, filming and subject matter should be agreed with the Parlour in advance of the event. Informal use of video cameras by members of the audience is allowable within reason.

## Forms of address

The formal announcement to be made when the Lord Mayor only is present is:

*"The Right Worshipful, The Lord Mayor, Councillor [name]"*.

When the Lady Mayoress is also present the announcement is: -

*"The Lord Mayor and The Lady Mayoress, Councillor [name] and [name]"*.

When the Lady Mayoress only is present it is: -

*"The Lady Mayoress, [name]"*.



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These are also the correct descriptions for use in printed materials. The usual mode of address is:

*"Lord Mayor – Lady Mayoress"*. The older form: *"My Lord Mayor"* is also correct but nowadays is less frequently used.

When the Lord Mayor is represented by the Deputy Lord Mayor he is addressed as *"Deputy Lord Mayor"*. Similarly if the Lord Mayor is represented by a deputy, who will be a former Lord Mayor, it is: *"Mr / Madam Deputy"*.

The correct descriptions are: -

*"The Deputy Lord Mayor, Councillor [name]."* and

*"The Lord Mayor's Deputy (Councillor (or Honorary Alderman)...)"*.

## Variations and Queries

The Lord Mayor will wish to help ensure the success of your event. In this it is emphasised that precedence must be observed by all participating in the event and any variations to the programme must observe precedence. The Lord Mayor, the Lady Mayoress or Deputies should not be asked to deliver a formal speech or address, conduct a recorded or filmed interview or play a particular or changed role in any ceremony associated with the function they are attending, unless a prior request has been made to the Lord Mayor's Parlour and consent obtained.

Organisers may have other queries and the Lord Mayor's Office should always be consulted on these should there exist any remaining doubt.