

The Office of Mayor - History, Civic, Legal And Social Precedence

1. History of the Mayoralty

There is some doubt as to the origin of the word “Mayor”. One source claims it is derived from the Latin word “Magnus”, though another states it may have been derived from the Latin “Major” or the French “Maire”. What is known for certain is that the Office of Mayor, together with the Domesday Book and the feudal system, were brought to this country by the Normans. As such, an office had existed on the continent of Europe at least since the 5th Century.

The first English Mayor was the Mayor of London, appointed in 1189 by Richard 1. Other Mayors were established later in Winchester and Exeter and a number of Boroughs were granted the same privilege in the thirteenth century, including Nottingham, which received its charter from Edward 1 in 1284.

The Head of the Corporation was not always known by the name “Mayor”. Interesting variations were:-

Kidderminster - “High Bailiff”
Andover, Chippenham and Daventry - “Bailiff”
Yeovil - “Portreeve”
Bury St Edmunds and Grantham - “Alderman”
Godalming and Sutton Coldfield - “Warden”

The Borough of Swindon was granted a Royal Charter by Queen Victoria in 1900 and therefore appointed its first Mayor the same year.

The Mayor has long been recognised as being, in his or her own Borough, second only to Royalty and the Queen’s Deputy, the Lord Lieutenant, but this high standing is mainly now one of honour and dignity rather than legal powers. The difficulty in describing history is that no two boroughs had the same background.

During the Middle Ages, the Mayor, by whatever name he may have been known, seems to have held a position very similar to that of his modern successors in that he was acknowledged as head of the town, but by this time had a Council to support him. He was also “custodian

of the peace". During this time, of course, all Mayors were male, though this is no longer the case.

By Tudor times, the powers of the Mayor as Chief Magistrate (sometimes the only one) were greatly increased with wide authority to arrest and punish offenders as well as regulating matters relating to servants and apprentices - he had the authority to compel persons to go into service.

By the seventeenth century he had become all-powerful. He was Chairman of the Council, Chief Magistrate, President of the Civil and Manorial Courts, Borough Coroner, Clerk of the Market, Keeper of the Jail, Admiral of the Port, etc.

The Deputy Mayor

The Deputy Mayor is elected by the Council immediately after the election of the Mayor. The Deputy Mayor is entitled to discharge all the functions of the Mayor if, for any reason, the Mayor is unable to act or the office of Mayor is vacant. In the absence of the Mayor, the Deputy is entitled to the Mayor's right of precedence.

When the Mayor is present, his Deputy has no right or precedence, but, by local custom, he or she is accorded precedence after the Honorary Freemen (and Honorary Aldermen where applicable).

Ex-Mayors

Ex-Mayors of Swindon and Thamesdown Borough Councils are not entitled to precedence but they are, by custom, usually accorded precedence before Members of the Council who have not been Mayor. Ex-Mayors not on the Council, Ex-Mayors of the former Borough of Thamesdown and Ex-Chairmen of the former Highworth Rural District Council are, by local custom, given precedence in that order after the Ex-Mayors remaining on the Council.

Wives or husbands of all those mentioned above are not entitled to precedence on civic occasions (except as specifically noted). However, they are by local custom usually given the precedence due to their respective partner.

The Mace Bearer

The Mace is the emblem of the power and dignity of the Mayor and his authority as the Queen's representative, and the office of Mace Bearer has had a long history. As the title implies, this officer carries the Mace before the Mayor and is responsible for its proper care. In processions, the Mace is carried on the right shoulder. The Mace Bearer never removes his hat on ceremonial occasions whilst he is carrying the Mace either during the playing of the National Anthem or during the two minutes' Silence on Remembrance Day. This somewhat curious procedure goes back to the time when the Mace was used as a weapon and the man carrying the weapon was the armed bodyguard. To remove his hat would therefore be the equivalent of the bodyguard removing his armour.

The Mace Bearer is the Mayor's personal attendant, and, when carrying the Mace, he immediately precedes the Mayor at civic processions - no person is permitted to walk between the Mayor and the Mace Bearer. When acting on the Mayor's behalf, the Deputy Mayor is the only other person entitled to have the Mace carried before him or her.

The Lord Lieutenant for Wiltshire

For ceremonial, sporting and other reasons, the County of Wiltshire continues even though Swindon is now, in fact a County in its own right. The Lord Lieutenant is the Queen's representative throughout the whole of the County of Wiltshire (including Swindon). His duties include responsibility for arrangements for all visits by members of the Royal Family and visiting Heads of State to Wiltshire.

The travelling and other personal expenses of the Lord Lieutenant are met by the Home Office. The administrative costs of the Lieutenancy are borne jointly by Wiltshire County Council and Swindon Borough Council.

The Mayor also appointed most of the Borough Officers and created Freemen (often for a monetary consideration!!). It must be also remembered that the Councils in most Boroughs recruited themselves by co-option. Therefore, a Mayor, once chosen, was customarily re-elected for several years and could virtually guarantee his own re-election as long as he wanted.

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In many towns, the immediate ex-Mayor was the only other Magistrate. This practice was no doubt the origin of the rule that the Mayor should be an ex-officio Justice of the Peace for the year succeeding his year in office - which operated right up to 1949. The Mayor continued to be an ex-officio J.P. during his year in office until 1968.

2. The Municipal Corporation Act - 1835 and the period up to 1974

In the nineteenth century it was realised the power of the Mayor needed to be defined and controlled. In the above act, the Government, for the first time, defined the term "Municipal Corporation". Many towns claimed to be Boroughs, but could not prove their status because the original charters had been lost.

In the 1835 Act, the legal position and rights of precedence of the Mayor were restricted and regulated by statute. The Mayor is still the official representative of the Crown in his or her Borough, second only to the Lord Lieutenant of the County.

Prior to the Local Government Act of 1972, County and non-County Boroughs were the only types of local authority to have a Mayor. Modern County Councils created by the Local Government Act of 1894, had Chairmen.

A candidate for the Mayoralty, prior to 1st April 1974, did not need to be a Member of the Council, though he or she had to be a person who was eligible to vote in the Borough. However, selection was more commonly restricted, by custom, to Members of the Council. Methods of selection varied from town to town, but even today the main object of any procedure for selection is for agreement to be reached by all Sections of the Council in order that the formal decision at the Annual Meeting may be unanimous. Regardless of the method of selection, the actual election can only take place at the Annual Meeting of the Council and any prior arrangement does not prevent Members of the Council electing some person not previously selected.

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The one difference was that Chairmen were not accorded precedence by statute - but by courtesy, and by courtesy the same general rules of precedence were applied.

Although prior to the 1st April 1974 the appointment of the Deputy Mayor was a matter entirely for the Mayor, a large number of Boroughs (including Swindon) had a general rule that the immediate ex-Mayor should be the Deputy Mayor, and was entitled to discharge all functions if the Mayor were unable to act or if the office became vacant. In some local authorities the opposite applied - a member of the Council would serve a year as Deputy Mayor before becoming Mayor. In 1995 Thamesdown (as it then was) altered the order of succession so that a Deputy Mayor was appointed who could expect to become Mayor the following year.

The legal role of the Mayor was, and still is, primarily to act as Chairman and preside over meetings of the Borough Council. At such meetings, the Mayor has a second or casting vote in the event of an equality of votes. At Swindon the Mayor is an ex-officio member of all the standing committees of the Council.

If a Borough had its own Quarter Sessions as the former Borough of Swindon did until 1st January 1972, the Mayor was entitled to sit on the Bench with the Recorder, though he or she could not adjudicate.

In Parliamentary Elections, it was the Mayor who officiated as Returning Officer, though this is no longer the case.

3. The Local Government Act 1972 (effective 1st April 1974)

This Act provided for the radical reshaping of Local Government and for fundamental changes in the structure and distribution of functions amongst Local Authorities.

The effect on the office of Mayor was considerable. All Boroughs and, by implication, all Mayoral Offices, ceased to exist on the 1st April 1974. The County of Wiltshire remained largely unchanged in so far as its boundaries were concerned, but became a non-metropolitan County divided into five district councils. These district councils cut across or included many of the former Boroughs and Rural District Councils and, in general, as far as Wiltshire was concerned, town and country authorities were combined.

The five district councils in Wiltshire chose the names by which they later became known:- Kennet, North Wiltshire, West Wiltshire, Salisbury and Thamesdown.

In the words of the 1972 Act "If, on a petition presented to Her Majesty by the Council of a district praying for the grant of a Charter and Her Majesty by the advice of Her Privy Council thinks fit so to do, she may by the Charter confer on that district the status of a Borough". This was precisely what the District Council of Thamesdown did, and it became Thamesdown Borough Council as from 1st April 1974. Indeed, Thamesdown was the only district in Wiltshire to apply for Borough status and thus the Mayor of Thamesdown was the only Mayor of a Borough within the County.

The 1972 Act has in no way diminished the stature of a Mayor. The Mayor of the Borough retains the right of precedence, but throughout a much larger area. The Mayor of Swindon, for instance, is as much the Mayor of Chiseldon, Highworth or Wroughton as of the town of Swindon; he or she is elected by Members of the Council who are themselves elected by the people of the whole district.

Changes under the 1972 Act have had little effect on the selection and election of a Mayor by a Council, the one major alteration being that a Mayor must be elected from amongst the Members of the Council. The election of a person other than a Councillor, though legal prior to the 1972 Act, was not uncommon.

4. Swindon Unitary Authority - 1997

In 1996 the Secretary of State for the Environment supported the recommendation of the Boundary Commission and decided that, as from 1st April 1997, the Borough Council would become a Unitary Authority. Local inhabitants were asked what they would like the Borough to be called, and by a large majority "Borough of Swindon" was chosen. By resolution at a special meeting of the Council called in accordance with Section 74 of the Local Government Act 1972 on 10th June 1996, the name change was agreed. Therefore the Mayor is now, once again, the Mayor of Swindon. In addition, Swindon is also a County, although without a County Council.

5. Selection of the Mayor and Deputy Mayor

As the incoming Mayor is a member of the Council, there are several ways in which selection may be carried out.

- (a) by selecting the most senior Member of the Council who has not previously been Mayor;
- (b) by selecting the most popular Member of the Council;
- (c) by each political group nominating its own candidate resulting in the ruling group always producing the Mayor;
- (d) by agreement between the political groups selecting a Mayor on an agreed basis from each group.

Swindon has always followed the principle outlined in (d) above.

Where a Council is evenly divided politically, there is a temptation to make the Mayorality a political issue - each party having in mind the all-important casting vote that a Mayor has as Chairman of the Council. A Mayor elected on this basis is nearly always under heavy pressure and faces the problem of voting with his own party on important Council decisions and yet trying to remain (as he should) impartial and as free as possible from association with controversial matters.

The election of a Deputy Mayor is, of course, closely connected with the election of a Mayor. The 1972 Act has meant that a Council must now elect a Deputy Mayor from amongst its Members; previously the Mayor had had the power to appoint the Deputy Mayor. As with the Mayor, Councils will have to set their own precedence and, no doubt, they will be guided by what has happened in the past.

A Deputy Mayor can now be selected in the same way as a Mayor, but there are other considerations:-

- (1) should he or she be a Member of the Council who may not necessarily ever be Mayor?
- (2) should he or she be the possible Mayor-elect for the following year?
- (3) should he or she be the immediate past Mayor?

There are arguments for and against each of these alternatives.

Swindon now follows the pattern of option (2) above. The Deputy Mayor is elected with the likelihood, where appropriate, of being elected Mayor the following year. It is therefore preferable, wherever possible, that the Deputy Mayor should not be seeking re-election in either of those two years. This would then enable the newly elected Deputy Mayor to use his or her year in office as a “training period” prior to becoming Mayor when the year as Deputy has been completed.

6. The Position, Functions and Form of Address of the Mayor

The Mayor of Swindon is known by the title “The Worshipful the Mayor”. Male Mayors are addressed directly as “Mr Mayor” and females as “Madam Mayor”.

When writing to the Mayor, the letter should be commenced “Dear Mr Mayor” and ended “Yours sincerely”. The envelope should be addressed “The Worshipful the Mayor of Swindon”.

If desired, the name, preceded by “Councillor”, should follow the office, but “The Worshipful” should always be placed before “the Mayor” - i.e. The Worshipful the Mayor of Swindon, Councillor

It is perhaps appropriate at this point to say a few words about the pros and cons of the Mayoralty as the office currently operates.

The majority of the people of any Borough will have little or no contact with a Mayor throughout their lives and the question - what useful purpose does a Mayor serve? - is a valid one.

For the first time, because of the 1972 Act, every District Council in the country had the opportunity of deciding whether or not it wanted Borough status and, by implication, the office of Mayor. For over

60% of District Councils, the answer to this question was “Yes” and the appropriate procedure was set in motion, as in the case of Thamesdown, (now Swindon).

The Mayoral office is largely civic and ceremonial; the Mayor is the civic head of the Council, its representative and also Her Majesty the Queen’s representative and, because of the long historical background associated with the office, Mayors can be seen to be above or outside the general hurly burly of local politics. The office is said to be the focus of civic pride. Countless organisations of all descriptions welcome the Mayor to their functions as the civic head of the Borough without any fear that they may be favouring one political party more than another. In the same way, many individuals write to the Mayor drawing attention to their problems - a course of action they could be loath to take if they associated the Mayor too closely with one or other political party. It is, of course, the Mayor, as the Council’s representative and Civic Head who takes the leading role in all civic ceremonial and who, at major civic functions, welcomes important visitors, lays foundation stones, opens new buildings and inaugurates special events.

Party politics, by their nature, can be divisive and the Mayor plays an important role in uniting a Borough.

The cost of the Mayoralty to a Borough is, generally speaking, no more than the cost of a Chairman to a District Council.

The Mayor is a representative rather than an individual. Although individuals can and do bring, during their year of office, their own distinctive personalities to the office, it is as the Council’s representative that Mayors are entitled to the respect usually accorded to them.

Any slight on the Mayor is, by implication, both a slight on the Council and the people of the Borough. Similarly, any honour bestowed on the Mayor is an honour for the Council and the people of the Borough.

Mayoral engagements can be divided into two main groups - those initiated by the Council which include all civic functions, and those initiated by organisations, groups and individuals within the Borough. In addition, the Mayor receives many visitors and callers, entertains official visitors, receives delegations and, of course, still has to continue with duties as a councillor.

In recent years the average age of Members of the Council has tended to become lower, and consequently the Mayors of the Borough tend to be younger. Instead of being retired or nearly at the end of a business or other career, many future Mayors will have to consider how best they can accomplish their Mayoral and Council duties and yet still continue with their normal employment.

Because heavy commitments in his or her year of office, a Mayor is not always able to attend every function to which he or she is invited, and when this is the case, with the agreement of the organisation concerned, the Deputy Mayor is often asked to stand in.

As a general rule, the precedence of civic personalities other than the Mayor is governed (apart from the rules of social precedence) almost entirely by local custom. The rules of social precedence, except those relating to the Royal Family, are subject to the overriding precedence of the Mayor within his or her Borough.

There may be some confusion caused by the term "Town Mayor" and this must be clarified. Some areas of a district council are divided into parishes, each having an elected parish council - in the case of Salisbury District Council, for instance, there are some seventy or more parish councils, whilst in Swindon, there are fourteen. Under the 1972 Act, by a simple resolution, Parish Councils may call themselves Town Councils and call their elected chairman by the name "Town Mayor" and the vice-chairman by the name "Deputy Town Mayor". The term Town Mayor does not, however, confer any privileges or rights on a Parish Council Chairman that he or she does not already have as Chairman, neither do they have, in law, any right to precedence as Town Mayor except such precedence as a Parish Council Chairman would normally be given as a matter of courtesy.

Following a local Governance review in 2017 Parish Councils were reconfigured from 14 to 20:

The “parished” areas in Swindon are as follows:-

Bishopstone

Blunsdon

Castle Eaton

Central Swindon North

Central Swindon South

Chiseldon

Covingham

Hannington

Haydon Wick

Highworth

Inglesham

Liddington

Nythe, Eldene & Liden

South Marston

St Andrews

Stanton Fitzwarren

Stratton St. Margaret

Wanborough

West Swindon

Wroughton

The Mayor’s Chaplain

In the Borough of Swindon, the appointment of the Mayor’s Chaplain, which is an honorary office, is made by each Mayor when he or she takes office. More than one Chaplain may be appointed, with a single chaplain taking the lead role, being supported by one or two additional clergy.

As spiritual adviser to the Mayor, the Mayor’s Chaplain is accorded precedence in certain civic processions when he or she attends closely upon the Mayor. In addition, the Mayor’s Chaplain is closely involved with the Annual Civic Service, and sometimes attends Civic Luncheons or Dinners where he or she is expected to say grace.

Except for the Annual Meeting of the Council, when the new Mayor is appointed, the chaplain does not attend Council Meetings. The Chief Executive

The Chief Executive

The Chief Executive is the title of the Principal Officer of the Council who oversees the day to day running of the Council.

In earlier times “Town Clerk” was included in the title, which was a very ancient position covering the ceremonial aspects of the duties of the Principal Officer. One of the earliest records relates to the Town Clerk of Ephesus (see Acts of the Apostles Chapter 19 verse 35) - although the modern Town Clerk would hardly regard it to be his duty to “appease the people”).

Although the Chief Executive is not entitled to any precedence as such, as the temporal adviser to the Mayor (as the Mayor’s Chaplain is the spiritual adviser) he should accompany the Mayor on all ceremonial occasions. His position in processions is always in close proximity to the Mayor. If he walks beside the Mayor, he should be on the Mayor’s left.

Director of Law and Corporate Governance

The Mayor’s office is the responsibility of the Director of Law and Corporate Governance which advises the Mayor on protocol and probity and gives legal and procedural advice at Council meetings.

Honorary Freemen

The title of Honorary Freemen of the Borough can be conferred by a resolution of the Borough Council, on persons of distinction and persons who have, in the opinion of the Council, rendered eminent services to the Borough.

Honorary Freemen are accorded precedence next after the Mayor in civic processions.

Since its formation in 1900 the Borough has admitted 16 individuals, and two service organisations. The Duke of Edinburgh’s Royal Regiment (now the Royal Gloucestershire, Berkshire and Wiltshire Regiment) and Royal Air Force, Lyneham, to the Roll of Honorary Freemen.

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The honour of “Freedom of the Borough” is the highest the Borough Council can award, and a Freeman is presented with an illuminated scroll in a casket at a meeting of the Council specially convened for that purpose.

All Freemen are then invited to all the major council events each year i.e. Mayor-Making and Civic Dinner, Annual Civic Service, Mayor’s Ball etc and the Council provides transport for “individual” holders of the honour.

Honorary Aldermen

The Local Government Act of 1972 gave Boroughs the right to confer the title of Honorary Aldermen on persons who had, in the opinion of the Council, rendered eminent services to the Council, or to a predecessor authority, as past Members of the Council, but who are not currently Councillors of the Council.

This is an entirely new honour and has not, as yet, been conferred on anyone in this Borough: although similar to that of Honorary Freemen, the title Honorary Aldermen would be limited to past Members of the Borough Council, and, for that reason alone, it may well be that some years will elapse before it is likely to be used. So far as precedence is concerned, Honorary Aldermen would follow Honorary Freemen.

The High Sheriff of Wiltshire

In April each year, the County appoints a High Sheriff, who is responsible for supporting the legal aspects of the Queen’s work in the County. Part of that duty is to act as Returning Officer for Parliamentary elections, although normally, in Swindon, the High Sheriff appoints the Borough Council’s Returning Officer to act on his behalf for this area.

The Town Crier of Swindon

The first appointment of a Town Crier of Swindon was made on 1st September 1997. The office is an honorary one and is unpaid although a uniform is provided.

The Arms of Swindon

On 1st April 1997, the Borough Council of Swindon became a Unitary Authority in the geographical area previously covered by the Borough of Thamesdown.

Because it was desired to create a new image for the new Authority, it was decided to ask the College of Arms to design a new Coat of Arms and Mr. Robert Noel, Bluemantle Pursuivant of the College was commissioned to provide a design. The project was sponsored by Honda of the U.K. Manufacturing Limited.

The final design by Mr. Noel was approved by the Borough Council in December 1996.

The actual document granting arms to the Borough contains the following blazon:-

Quarterly per fess Azure and Gules in the first and fourth quarters, a Mural Crown Argent enfiled by two Hammers in saltire Or and in the second and third quarters a Garb Or on a Chief Argent a representation of the "George V" Locomotive proper.

Upon a Helm with a Wreath Argent and Azure upon a Mount Vert within a Crown Vallary or a Swan rising Argent legged and beaked proper collared per fess embattled Sable and Or supporting with the dexter claw an automobile Wheel proper Mantled Azure doubled Argent.

Supporters:- on either side a Pegaus Argent maned and unguled Or breathing flames proper about their necks a collar Gules pendant there from by a chain Gules Crest Azure.

Motto:- Salubritas et Industria

The blazon may be interested as follows:-

The Coat of Arms incorporates elements of the three predecessor Arms - Swindon (1900-74), Highworth (1968-74) and Thamesdown (1974-97).

Shield

At the top of the shield is a picture of King George V, the most famous engine produced in the Railway Workshops, which were a feature of the town from its early Great Western Railway days right up to the closure of the B.R.E.L. works in 1986. This represents the importance of the railway industry in the development of Swindon, and the contribution it made to communications.

The lower part of the shield is quartered with the diagonal sections mirrored.

The blue quarters contain the hammers which were present in both the Swindon and Highworth Arms. In Swindon they represented its heavy industry, whilst in the Highworth Arms they recalled Alfred Williams, the hammerman poet.

All three previous Coats of Arms possessed castles, the Swindon Arms derived from the Vilett family, prominent landowners in the pre-railway period in the area later known as “New Town” and Liddington Fort and Barbury Castle from the Highworth area.

On the red quarters is shown a sheaf or garb from the Highworth Arms, to signify the fertility of the area.

Swan

A Swan appeared in the Highworth Arms and was carried forward to the Thamesdown Arms. It represents the River Thames in the north of the Borough. The Swan is collared with a circlet derived from the crest of the Warneford family which was prominent in the Highworth area. The right foot of the Swan rests on a motor wheel which represents the post railways industrial phase and the regeneration of Swindon in the 1950's onwards. The motor wheel signifies the growing importance of the motor industry in the district, and the increasing contribution of the motor vehicles to the communication network.

Crown

The crown on a hill appeared in both the Highworth and Thamesdown Arms and represents the “high north” (settlement) and the green of the downs.

Supporters

On either side of the shield are found winged horses which are used in heraldry as symbols of wisdom, ingenuity and industry. The Pegasus or winged horse began its heraldic life as a symbol of inspiration. This is reinforced by the fact that the winged horses are breathing out flames of knowledge. Apart from their allusion to the initiative shown throughout local history in the spheres of industry, knowledge and social welfare (Mechanics Institute, GWR Medical Fund, Arts Centres etc.), they can also be held to represent on the new arms the wide range of high technology industries in Swindon. Around the neck of each is suspended the crescent derived from the arms of the Goddard Family which was prominent in the Old Town Area of Swindon in the pre-railway era.

Motto

The motto "Salubritas et Industria" (Health and Industry) comes originally from the old Swindon Arms, but was also retained in the Thamesdown era.