

By: Alex King – Deputy Leader
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To: Selection and Member Services Committee – 13 March 2009

Subject: CHANGING COUNCIL GOVERNANCE ARRANGEMENTS – MAYORS AND INDIRECTLY ELECTED LEADERS

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Summary: To consider a response to the Department for Communities and Local Government Consultation Document entitled “Communities in Control: Real people, real power” on changing Council governance arrangements in respect of Mayors and Indirectly Elected Leaders.

FOR DECISION

Introduction

1. All Councils serving a population of above 85,000 electors are required to adopt one of two executive governance models – the directly elected mayoral model or the indirectly elected leader model. Most Councils in England operate the indirectly elected leader and cabinet executive model. To date, only 12 Councils have a directly elected Mayor. The Government has encouraged local communities to have a say in deciding on the governance model for their local community by giving them the power to petition the Council for a referendum.

2. The Consultation Document “Communities in Control: Real people, real power” is set out at Appendix 1 to this report. It sets out a range of options which aim to improve the mechanism for moving from one model to the other. It poses 7 Questions, to which I have set out a suggested response for this Committee to consider. The deadline for this response to be received by the Department of Communities and Local Government is Friday, 13 March 2009 – the date of this meeting.

Moving from a Mayor and Cabinet model to a Leader and Cabinet model

3. The Local Government and Public Involvement in Health Act 2007 removed the requirement to hold a governance referendum in relation to a Council proposing to move to a Mayor and Cabinet model. Now, a Council considering such a move can either simply resolve to do so (following consultation) or make its own proposals, subject to approval in a governance referendum.

4. Similarly, the same two approaches can be taken by a Council wishing to move from the Mayor and Cabinet model to the Leader and Cabinet model. Currently there is an additional requirement that the Council’s proposals must include a statement setting out the arguments for and against the change, together with its reasons for

wanting to make that change. The Government is consulting on whether this additional special requirement should be removed.

5. If this additional requirement were removed, it would mean that a Council would be able to use an identical process to amend its governance arrangements from and to either of the two models. It seems fair and equitable that the same rules should apply for both eventualities. Some Councils may nevertheless prefer to follow the current rule because they take the view that they have a responsibility to their communities to explain their reasons for making such a significant decision.

Moratorium period between governance referendums

6. If a referendum results in a change of governance model, there is a moratorium period of 10 years before another referendum can be held. This is to ensure that there is a period of stability in which the chosen model of governance can be fully tried and tested. The Government is not proposing to alter this moratorium period

7. The Government now proposes that if a referendum results in no change to the governance model, the moratorium period should be reduced from 10 to 4 years. This is because it believes that local people should no longer be denied the opportunity to seek a change in the governance arrangements for a 10 year period.

Petition Threshold

8. The current arrangement is that 5% of the number of local government electors in the area served by the local authority can petition the Council for a referendum to change the governance model. The outcome of the resulting referendum is binding on the Council. The Government aims to ensure that the number of electors able to call for a referendum is such that it they are not triggered unless there is significant interest, but equally that there are no barriers or impediments to such interest being duly recognised when it exists. The Government has therefore put forward a number of options for consultation.

9. At present, the organisers of a governance petition need to collect actual signatures within a 12 month period and submit their petition to the relevant Council. Any signature older than 12 months is automatically invalid. The Government takes the view that this is a substantial logistical task for petition organisers and aims to make it easier for local people to petition for a governance referendum. Accordingly, the Government is consulting on whether the threshold for petitions should be reduced, and if so, how this is to be done. Three main options are set out in the consultation paper for comment: namely, reducing the 5% threshold across the board; introducing a range of numerical thresholds for various sizes of electorate; or applying a percentage threshold as in Option 1, but subject to set minimum and maximum numerical thresholds.

E-Petitioning

10. The Government proposes that e-petitioning should be an addition, where a petition organiser so wishes, to the current paper petitioning system. The aim is to ensure that it is easier for people to become involved in local democracy without excluding those who do not have access to a computer. The requirements would be the same as for paper petitioning. It would need the individual's first name, surname, address and the date of the signature. The individual concerned would have to be a

registered elector in the area served by the local authority. E-signatures would still only be valid for 12 months, as with actual signatures.

11. The Government also proposes that a request to start an e-petition should be submitted to the Council before any signatures are collected. The Council would be responsible for checking that the petition met the legal requirements and for uploading all qualifying petitions to a secure e-petitioning facility for local people to sign electronically.

12. The process of verification would continue as at present. The proper Officer of the Council must notify the petition organiser whether it is valid or not within one month of its receipt. If more than one petition is received, the "petition date" is the date of the last petition. This petition date dictates the timetable for checking its validity. The Proper Officer is responsible for verifying the names on the petition against the electoral register and for verifying the total number of valid signatures.

Suggested response to the Questions in the Consultation Document

13. I set out below the 7 Questions and the response that I would like this Committee to make on behalf of the County Council.

Question 1: Should we remove the special requirements that a proposal to move from a Mayor and Cabinet Executive must include a statement setting out the arguments for and against the change and the Council's reasons for wanting to make that change?

Response: Yes. This would enable a move from either model to the other to be treated in identical fashion. It should be noted that removal of this requirement would not preclude any Local Authority from applying the current requirement if it so wished.

Question 2: Do you agree with the proposal that the moratorium period should be reduced from ten years to four years where a governance referendum does not result in change?

Response: We agree that the moratorium period should be reduced from ten years to four years.

Question 3: Should the threshold for a petition to trigger a governance referendum be reduced across the board? If yes, to what level should the threshold be reduced, bearing in mind the considerations about the balance between the practicalities of collecting signatures and the demonstration of a significant level of interest in change?

Response: It is considered that potentially changing the governance arrangements of a Council is such a significant step that it needs to be demonstrated from the outset that such a change enjoys widespread support. For this reason, there should be no reduction in to the 5% threshold.

Question 4: Should numerical thresholds be set? If so, what should the basis and bands for these thresholds be?

Response: The threshold should remain at 5% of the electorate.

Question 5: Should the threshold be a percentage, but subject to certain minimum and maximum thresholds. What should these percentage and numerical thresholds be?

Response: The threshold should remain at 5% of the electorate with no numerical thresholds.

Question 6: Do you agree that a traditional paper based petition calling for a governance referendum may be supplemented, if the petition organiser so wishes, by e-petitioning.

Response: Yes, It is considered that this would serve to make it is easier for people to become involved in local democracy without excluding those who do not have access to a computer.

Resource Implications

14. The Deputy Leader has asked for an estimate of cost to be provided for a secure e-petitioning system, together with an estimate of the cost for any subsequent referendum. This information is being sought and will be reported orally to the meeting.

Recommendation

15. I recommend that the responses set out in paragraph 13 are sent to the Department for Communities and Local Government.

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Background Documents
None.