

REPORT FOR DECISION

Agenda Item	
----------------	--

MEETING: THE COUNCIL
DATE: 24 April 2008
SUBJECT: MAYORAL REFERENDUM 2008
REPORT FROM: THE LEADER OF THE COUNCIL
CONTACT OFFICER: DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

TYPE OF DECISION: COUNCIL

**FREEDOM OF INFORMATION/
STATUS:** (This paper is within the public domain)

SUMMARY:

Following receipt of a Valid Petition requesting a Referendum for an Elected Mayor with Cabinet, the Council is required under statute to prepare proposals to be submitted to the Secretary of State for the governance of the Council under that Model and also, in the event of the rejection of the proposals in the Petition by the Referendum, Fall Back Proposals for the governance of the Council. If the Referendum result is in favour of an Elected Mayor with Cabinet, the Council will then be required to hold an election for an Elected Mayor in line with the Timetable appended to this report which was agreed by the Council on 26 March 2008. (Appendix A)

The Council, at its last meeting held on 26 March 2008 agreed draft Proposals which could only cover 'operational matters' (such as the size of the Cabinet etc) for an Elected Mayor with Cabinet which have been the subject of 'light touch' consultations since that date. The description 'light touch' is set out in Government Guidance to prescribe the level of consultations required where the Petition specified the type of governance sought. The valid Petition received by the Council in January 2008 specified 'Elected Mayor with a Cabinet' to run Council Services.

The purpose of this report is to advise the Council on the responses to the consultation process to be taken into account in formulating Final Proposals for submission to the Secretary of State. These Proposals will be implemented if the Referendum returns a 'yes' vote.

The draft Proposals agreed by the Council on 26 March 2008 are attached to the Summons for this meeting.

OPTIONS AND RECOMMENDED OPTION:

The Council is requested to consider the outcomes from the consultations and agree Final Proposals for submission to the Secretary of State by 1 May 2008. The Council is required by statute to submit these Proposals at least two months prior to the Referendum date of 3 July 2008.

IMPLICATIONS -

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes <input type="checkbox"/> No <input type="checkbox"/>
	The proposals in this report do not affect the Policy Framework, however, issues within this report require approval by the full Council.
Statement by Director of Finance and E-Government:	The Council has included provision of £150,000 within the Revenue Budget 2008/2009 in respect of the costs of the Referendum and, if required based on its outcome, an election for an Elected Mayor.
	The provision made in the Budget is based on information from other local authorities that have held a Referendum. If the provision turns out to be inadequate then 'top up' funding will be made available from the Transformation Reserve.
Equality/Diversity implications	Yes <input type="checkbox"/> No <input type="checkbox"/>
	The proposals in this report do not affect directly any of the Equality/Diversity Policies and Strategies of the Authority
Considered by Monitoring Officer:	Yes <input type="checkbox"/>
Are there any legal implications?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	The Council is under a statutory duty to hold a Referendum the outcome of which may amend the arrangements for the governance of the Council.
Staffing/ICT/Property:	There are no staffing/ICT/Property issues from this report.
Wards Affected:	All Wards
Scrutiny Interest:	All

All Scrutiny Commissions have an interest in the outcome of the Referendum which, if a 'yes' vote is returned, will affect the way in which Council services are run.

TRACKING/PROCESS**DIRECTOR: Director of Legal and Democratic Services**

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Chief Executive	Leader		
Scrutiny Commission	Executive	Committee	Council
			24 April 2008

1.0 BACKGROUND

1.1 The Council on 26 March 2008, agreed draft Proposals for the governance of the Authority under an Elected Mayor with Cabinet. The draft Proposals have been the subject of consultations since that date.

1.2 The Council specified that consultations be undertaken as follows:-

1. Community Voice (Citizens' Panel) including young people and other groups of people from all areas of Bury.
2. Consultation in Bury Times and other local newspapers.
3. Council's Website (on line responses).
4. Focus Groups including 'hard to reach' groups.
5. Consult all Members of the Council.
6. Local Strategic Partnership.
7. Employees of the Local Authority.
8. Local Area Partnerships.

1.3 The consultation questionnaire template is attached to this report at Appendix B. The questionnaire includes all of the four issues determined by the Council as the basis for the consultations, which are:-

- The operation of the Cabinet
- Decision-making
- Overview and Scrutiny
- Ceremonial Duties

2. RESPONSES TO THE CONSULTATIONS

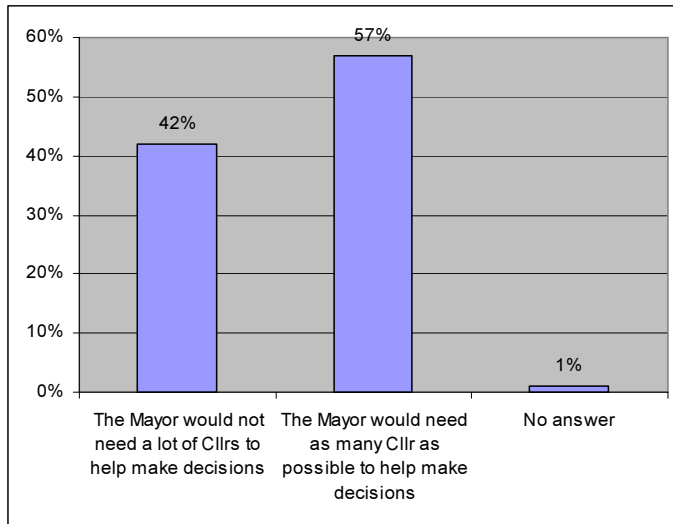
2.1 The total number of responses received from all contributors was 887 and the following table analyses the views received in relation to each question:-

w The Cabinet

Q1. What do you think the Mayor should take into account when deciding the size of the Cabinet?

The Mayor would not need a lot of other Councillors to help make decisions

The Mayor would need as many Cabinet Members as possible to help make decisions



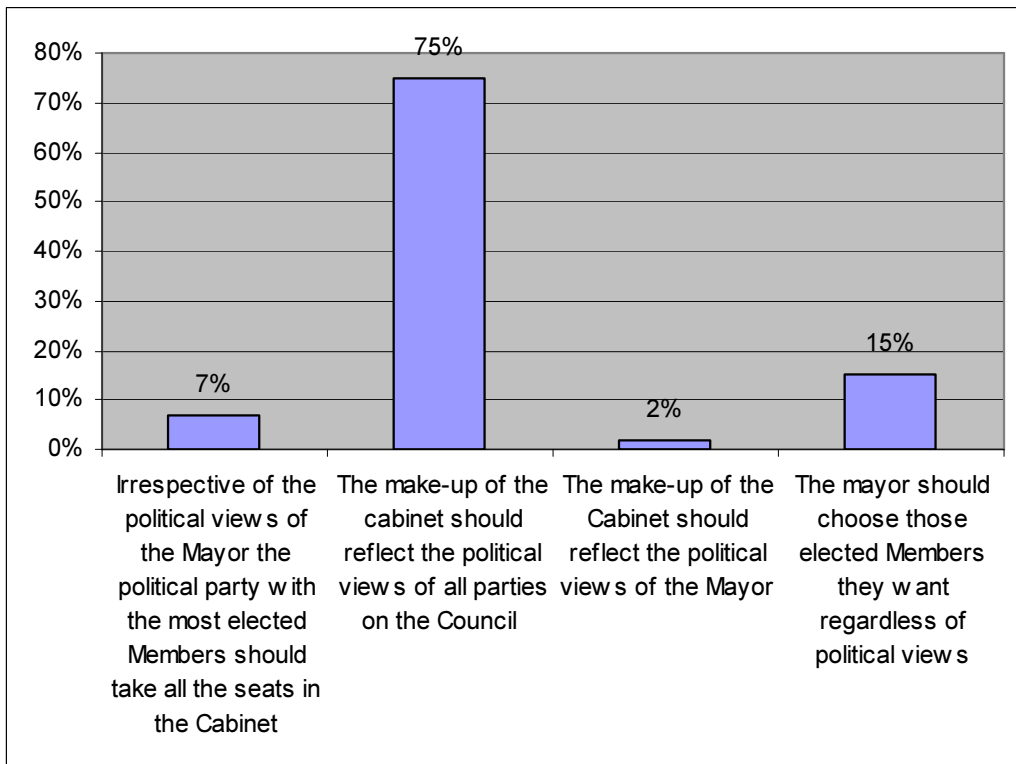
Q2. What do you think the Mayor would need to take into account when considering the political make-up of the Cabinet? Please tick one box only.

Irrespective of the political views of the Mayor, the political party with the most elected Members should take all the seats in the Cabinet

The make-up of the Cabinet should reflect the political views of all parties on the Council

The make-up of the Cabinet should reflect the political views of the Mayor

The Mayor should choose those elected Members they want, regardless of political views



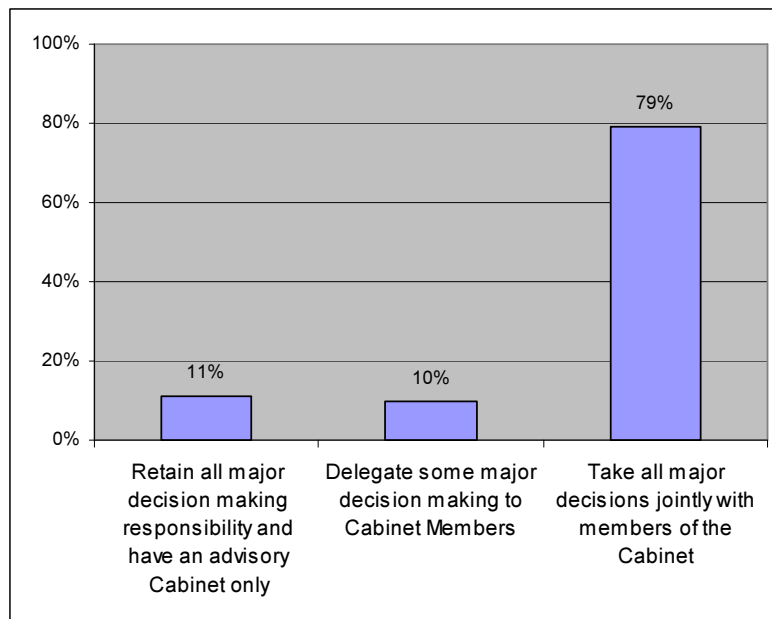
w **Decision-making**

Q3. The Elected Mayor can choose to make all major decisions alone, to make them jointly with the Cabinet or to appoint other Cabinet members to make decisions in specific areas of Council activity. What do you think an Elected Mayor should do? Please tick one box only.

Retain all major decision making responsibility and have an advisory Cabinet only

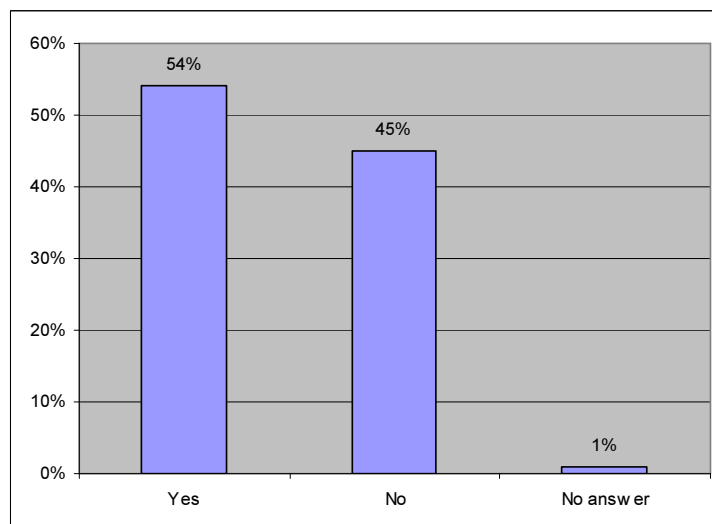
Delegate some major decision making responsibilities to Cabinet members

Take all major decisions jointly with members of the Cabinet



w **Overview and Scrutiny**

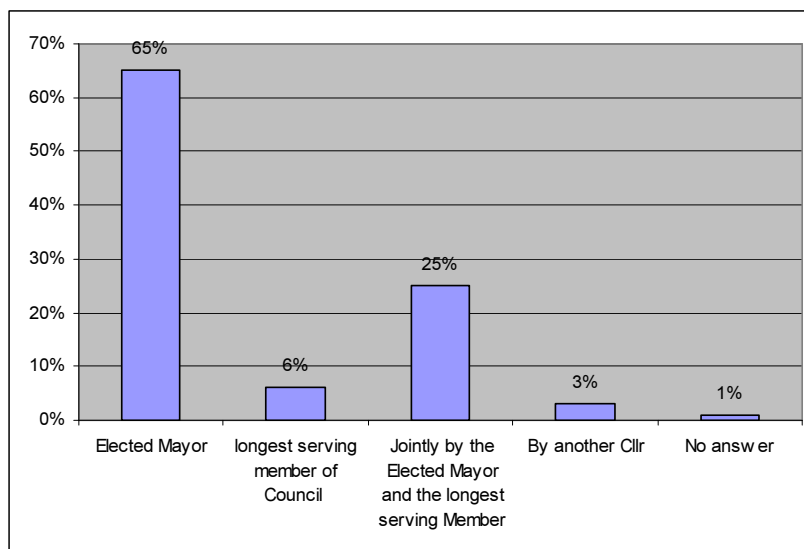
Q4. If the referendum for an Elected Mayor and cabinet is successful, should the existing overview and scrutiny arrangements be enhanced?



w **Ceremonial Duties**

Q5. If the Referendum on 3 July is in favour of an Elected Mayor, do you think these ceremonial duties should be carried out by:

- The Elected Mayor
- By the longest serving member of the Council (other than the elected Mayor)
- Jointly by the Elected Mayor and the longest serving Member
- By another Councillor (please state whom)



Q6. What title should the Council adopt for the 'Ceremonial Mayor'?

Titles	Frequency
Mayor /The Mayor / Mr Mayor	183
The Mayor of Bury	100
Ceremonial Mayor	46
Elected Mayor	41
First Citizen	31
His Honour/His Worship	26
Lord Mayor	17
Existing title	10
Mayor /Cllr of the Borough	10
Master of Ceremonies	6
His Worship	5
Town Mayor	5
Ambassador	4
Civic Mayor	3
Chairman of the Council	1
Premier citizen of Bury	1
Elder of the Borough	1

Q7. If you have any other comments you would like to make, please write them here (Please bear in mind that the areas outlined above are the only areas where the Council has discretion).

These general comments were included in the responses received:

- The 'Ceremonial' Mayor and Elected Mayor should be funded from within the existing Mayoral and Leader's office budgets. The prestige of the Mayoralty should go with the person the voters have elected directly.

- The number of titles used to describe the 'Ceremonial' Mayor is confusing. The two distinctive roles of Elected Mayor and 'Ceremonial' Mayor by whatever title is adopted, should be separated clearly.
- The 'Ceremonial' Mayor should be appointed by the Council annually.
- Abolish the outdated 'ceremonial' activities of a Mayor to save money. Sell off the civic regalia or display it in the Museum.
- The Elected Mayor should have a team of advisors in addition to existing staffing structure.
- If the Referendum is in favour of an Elected Mayor, any additional costs will be borne by the Council Tax Payers. The objective should be to save money if the decision is for an Elected Mayor.
- The arguments for and against an Elected Mayor have not been examined.
- Several comments in direct opposition to the suitability of an Elected Mayor in Bury.
- Disappointment was expressed that the only Council recommended variation to Government recommended Mayoral arrangements, is to upgrade the 'Ceremonial' Mayor in social precedence. The respondent considered that this may reflect the egotism of Council Members but it is likely to waste public money as the prestige of the Mayoralty will go with the person the public has elected directly and he/she will be the person they wish to see on important occasions.

3. NEXT STAGE IN THE PROCESS

- 3.1 The Final Proposals agreed by Council on 24 April 2008 will be submitted to the Secretary of State together with a statement which describes what steps the Council took to consult; the outcome of the consultation; and how the outcome is reflected in the Final Proposals.
- 3.2 The Council will be expected to demonstrate how its proposals reflect the preferences of those consulted. It is not necessary for the Council to accept public opinion but it is important to be able to demonstrate that the Council has considered the results of the consultation and takes it into account when reaching a decision.
- 3.3 The Final Proposals will be implemented if the Referendum results in a 'yes' vote.
- 3.4 The next phase of preparations for the Referendum is an information-sharing and awareness-raising exercise which will inform the public about the implications of governance of the Council by an Elected Mayor with Cabinet if the Referendum results in a 'yes' vote.

4. PUBLICITY RESTRICTIONS IN THE PERIOD LEADING UP TO THE REFERENDUM

- 4.1 Members are reminded there are statutory constraints on publicity in the period leading up to the Referendum which are:-

At all Times

- 4.2 Consultation material is publicity within the meaning of the Code on Local Authority Publicity. This imposes various restrictions on publicity issued by local authority which apply at all times. The Code has specific provisions about referendums which require that at all times leading up to a referendum any information published by the authority is 'factually accurate and objective'.

During Consultation

- 4.3 There is also specific guidance about the consultation process which emphasises the need to avoid bias in the presentation of facts. If a statement is factual it does not mean that it is safe to use in consultation. It is also important that the statement is balanced. For example, if a statement is made that a feature of Mayoral arrangements will have a particular outcome, which may be perceived to be negative, then it must be balanced with a statement about any positive effects of that feature. The guidance provides examples of statements that display bias which should be avoided.

During the Referendum Period

- 4.4 The submission of the proposals to the Secretary of State (1 May 2008) marks the start of the 'Referendum Period'. Greater care is required during this period and 'the publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the Referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group'.

In the last 28 days

- 4.5 In the final 28 days prior to the Referendum the local authority cannot publish any material which :-
- a. provides general information about the Referendum
 - b. deals with any of the issues raised by the question to be asked in the Referendum; or
 - c. puts any arguments for or against a particular answer to that question

Although the authority can :-

- d. respond to questions asked by individuals
- e. publicise the poll itself
- f. issue press releases to correct factual inaccuracies published by someone else.

Council Members

- 4.6 The Council Members are not bound by these rules and can make their own personal statements in the press or in personally-produced newsletters or in direct conversation, provided that Council resources are not used to make those statements. Individuals are subject to a general restriction on Referendum expenses of £2,000 and 5p for every elector.

CONCLUSION:

The Council is required to consider the outcomes from the consultation process and agree Final Proposals for submission to the Secretary of State and which will form the basis of the awareness-raising phase of preparations for the Referendum.

The Final Proposals will be implemented in the event of a 'yes' vote in the Referendum.

List of Background Papers:-

None.

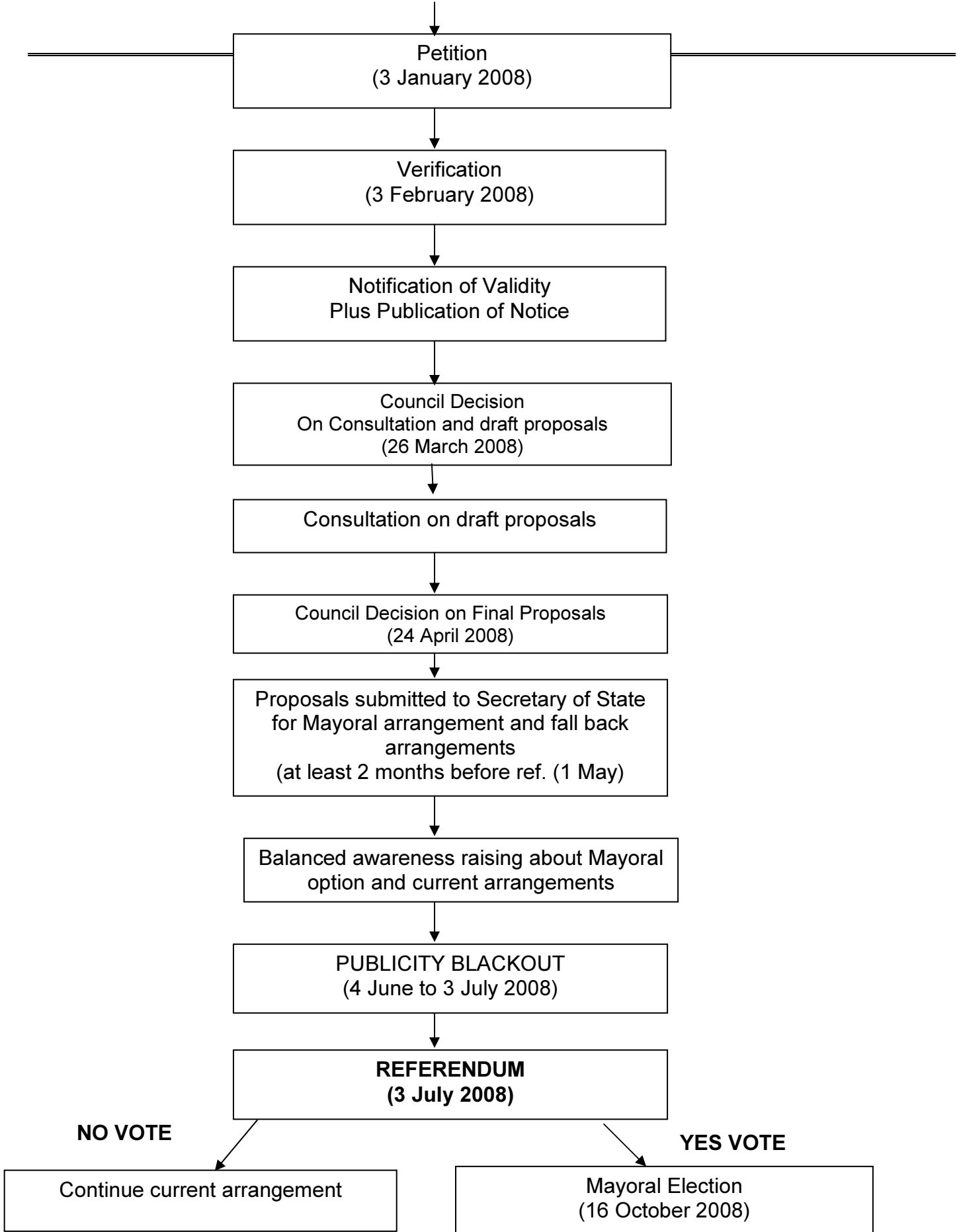
Contact Details:-

David Hanson, Head of Democratic Services

Telephone: 0161 253 5131

Email: d.hanson@bury.gov.uk

DH/JB

MAYORAL REFERENDUM TIMETABLE

Elected Mayor and Cabinet QUESTIONNAIRE

The Council needs your views on how you think decision-making would need to be managed if the referendum is in favour of a directly Elected Mayor and Cabinet. Much of the way of working is set down by law but there are a few areas where the Mayor and Council can choose how to work. The information you give us will help us to put together a model for an Elected Mayor and Cabinet which would be recommended to the Mayor and Council for adoption.

The Cabinet

The Mayor must appoint a Cabinet of between 2 and 9 elected Members of the Council to support him or her.

1 **What do you think the Mayor should take into account when deciding the size of the cabinet? Please tick one box only**

The Mayor would not need a lot of other Councillors to help make decisions

The Mayor would need as many Cabinet Members as possible to help make decisions

2 **What do you think the Mayor would need to take into account when considering the political make-up of the Cabinet? Please tick one box only.**

Irrespective of the political views of the Mayor, the political party with the most elected Members should take all the seats in the Cabinet

The make-up of the Cabinet should reflect the political views of all parties on the Council

The make-up of the Cabinet should reflect the political views of the Mayor

The Mayor should choose those elected Members they want, regardless of political views

Decision Making

3 **The Elected Mayor can choose to make all major decisions alone, to make them jointly with the Cabinet or to appoint other Cabinet members to make decisions in specific areas of Council activity. What do you think an Elected Mayor should do? Please tick one box only.**

Retain all major decision making responsibility and have an advisory Cabinet only

Delegate some major decision making responsibilities to Cabinet members

Take all major decisions jointly with members of the Cabinet

Overview and Scrutiny

- 4 The Council must appoint at least one Overview and Scrutiny Committee. The way in which the Council currently operates its overview and scrutiny function is through the following Commissions:

Resource and Performance Scrutiny Commission
Economy, Environment and Transport Scrutiny Commission
Healthier Communities Scrutiny Commission
Safe, Strong and Confidential Communities Scrutiny Commission
Children and Young People Scrutiny Commission

(Details of their remits can be viewed on the Council's website)

If the referendum for an Elected Mayor and cabinet is successful, should the existing overview and scrutiny arrangements be enhanced? Please tick one box only.

Yes

No

Ceremonial Duties

- 5 The ceremonial duties of the existing Mayor are broadly:-

To Chair Council meetings in a non-political way
To represent the Borough at Official Engagements including the reception of Royal Visitors.
To represent the Borough in our relationships with our Twin Towns
To be the Trustee for the Mayor's Charity
To be the 'First Citizen of the Borough'

If the Referendum on 3 July is in favour of an Elected Mayor, do you think these ceremonial duties should be carried out by: (Please tick one box only)

The Elected Mayor

By the longest serving member of the Council (other than the elected Mayor)

Jointly by the Elected Mayor and the longest serving Member

By another Councillor (please state whom)

6. What title should the Council adopt for the 'Ceremonial Mayor'?

7. If you have any other comments you would like to make, please write them here (Please bear in mind that the areas outlined above are the only areas where the Council has discretion)

David Hanson, Head of Democratic Services
Town Hall, Bury, BL9 0SW
(email : d.hanson@bury.gov.uk)

Thank you for completing this questionnaire. Please email your return to
D.hanson@bury.gov.uk