

TORBAY COUNCIL

Report No: **190/2005**

Title: **Elected Mayor System of Governance**

To: Council on 21st July 2005

1. Purpose

- 1.1 This report sets out the result of the elected mayor referendum and identifies the matters that need to be addressed in the three month period leading up to the election of the elected mayor on 20th October 2005.

2. Relationship to Corporate Priorities

- 2.1 The referendum took place to enable all registered electors to vote on whether or not the elected mayor system of governance should be introduced. This process was in line with the Council's democratic philosophy.

3. Recommendation(s)

- 3.1 That meetings of the Constitution Working Party be arranged to enable the constitution to be reviewed in the light of the elected mayor system of governance;
- 3.2 That a working party be established in the proportion 4 Liberal Democrats, 2 Conservatives and 1 Conservatives Torbay member to undertake a best value review of the mayoralty;
- 3.3 That a meeting of a new Independent Remuneration Panel be arranged to undertake a review of Members' Allowances and that the Chief Executive be authorised to appoint additional persons to serve on the Panel;
- 3.4 That the Chief Executive, in consultation with the Civic Mayor, be authorised to vary the dates of the meetings of Council in order that all matters arising from the change in the system of governance can be addressed; and
- 3.5 That the Strategic Director (Community) be appointed as the Returning Officer pursuant to section 35 of the Representation of the People Act 1983, as amended by Regulation 3 and Schedule 1 of The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002; and

4. Reason for Recommendation(s)

- 4.1 To ensure compliance with the relevant legislative requirements.

5. Key Risks associated with the Recommendation(s)

- 5.1 The result of the referendum has necessitated a review of the Council's constitution. In addition, arrangements will need to be made for the mayoral election on 20 October 2005. A considerable amount of work will need to be undertaken over a short period of time and it is essential that sufficient resources are put in place to ensure that the Council meets its statutory obligations.

Likelihood	6	6	12	18	24
	5	5	10	15	20
	4	4	8x	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1	2	3	4
		1	2	3	4
Impact					
	Low risk	Intermediate risk	High risk		

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

6. Alternative Options (if any)

- 6.1 The Council is required by law to ensure that the elected mayor system of governance is in place after the mayoral election. There are no lawful alternative options.

7. Background

- 7.1 At the meeting of Council held on 3 March 2005, it was decided that a referendum would be held to determine whether the Council should adopt an elected mayor form of governance (minute 547/3/05, refers). The referendum question was *“Are you in favour of the proposal for Torbay Council to be run in a new way, which includes a mayor, who will be elected by the voters of that borough to be in charge of the Council’s services and to lead Torbay Council and the community which it serves?”* The referendum was conducted by way of an all-postal ballot which ended on 14 July 2005.
- 7.2 The total number of “yes” votes was 18,074 (representing 55% of the votes cast) and the total number of “no” votes was 14,682 (representing 45% of the votes cast). The overall voter turnout was 32.1%.
- 7.3 The result of the referendum is binding on the authority and steps will need to be taken to ensure that the elected mayor system of governance is in place following the mayoral election on 20 October 2005.

8. Review of Constitution

- 8.1 At the meeting of Council held on 11th May 2005, Members approved the Council’s proposals in relation to the elected mayor/cabinet form of governance for submission to the Secretary of State (minute 24/5/05, refers). The proposals had been drawn up having regard to the statutory guidance which states that these must include :
- a statement on the form of the executive proposed;
 - the roles and functions of the executive and overview and scrutiny;
 - the roles of Full Council, including the plans and strategies that would be subject to approval or adopted by that body;
 - any specific features of the political management arrangements, such as the Regulatory Committees; and
 - an implementation timetable.
- 8.2 As a consequence of the requirement to introduce the elected mayor style of governance, a review of the constitution will need to be undertaken. There are many features of the leader/cabinet model of governance that are similar to the elected

mayor/cabinet model. Indeed, it was for this reason that the Council did not approach the referendum with materially different main and fall-back proposals. Whilst there would be no real need to change the main elements of the current system, a review of the constitution is necessary to ensure that it is in line with the relevant legislation and associated statutory guidance governing the elected mayor style of governance.

- 8.3 There are a number of matters which Members may wish to review, including the local choice functions, the previous decision taken in relation to the initial term of office of the elected mayor and the responsibility for the discharge of the ceremonial duties. It is suggested that these matters be considered as part of a wider review of the constitution and that a final report setting out the proposed changes to that document be prepared for submission to a meeting of Council in early September 2005.
- 8.4 The Council also previously resolved to undertake a best value review of the mayoralty following the elected mayor referendum (minute 542/3/05, refers). The review would also address the issue relating to the discharge of the ceremonial duties under the new form of governance. It is proposed that a working party be established to progress the review comprising 4 Liberal Democrats, 2 Conservatives and 1 Conservatives Torbay Member.
- 8.5 As part of the constitutional review, consideration will need to be given to the allowances payable under the Members' Allowances Scheme. The last comprehensive review of members' allowances took place during the latter part of 2003 and a revised scheme came into operation on 27 November of that year. The scheme was amended at the meeting of Council held on 15 May 2004 (minute 18/4/03, refers).
- 8.6 A further review of the Members' Allowances Scheme will need to take place and a meeting of an Independent Remuneration Panel will have to be convened within the next two months for this purpose. In 2001, five panel members were appointed, but only three members have indicated a willingness to continue to serve on the Panel. It is suggested that the Chief Executive be authorised to advertise for suitable candidates and/or approach particular stakeholders to serve on the Panel and to make the necessary appointments.

9. Mayoral Election

- 9.1 The mayoral election will take place on Thursday, 20th October 2005. The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 set out the rules for elections for an elected mayor. These generally replicate the rules for local government elections. The Council is required to conduct the mayoral election through the use of the traditional polling station method (with a postal vote as an alternative on demand).
- 9.2 One of the main differences between the local and elected mayor elections relates to the voting system. In the case of a mayoral election, where there are more than two candidates the voting system used is the Supplementary Vote System. Under this system, voters cast first and second preference votes. After counting all of the first preference votes, all but the top two candidates are eliminated. Any of the eliminated candidates' second preference votes cast for the remaining candidates are added to those totals and the one with the most votes cast is elected as elected mayor. Where there are only two validly nominated candidates, the first-past-the-post system is used.
- 9.3 The rules relating to the nomination of candidates also differ. The mayoral regulations provide that a nomination paper must be signed by two local electors as proposer and seconder of the candidates, and by 28 other local electors (8 in the case of local elections) supporting the nomination. The regulations also require each candidate to submit a deposit of £500 to the Returning Officer which is returnable to the candidate if he/she receives more than 5% of the votes cast at the election.

- 9.4 The Regulations also require a booklet on the mayoral election to be produced for circulation to all registered electors. This would need to contain some explanatory text about the election together with information on each of the candidates.
- 9.5 The Council will need to appoint a Returning Officer for the purposes of the mayoral election. It is proposed that the Strategic Director (Community) be appointed as the Returning Officer pursuant to section 35 of the Representation of the People Act 1983, as amended by Regulation 3 and Schedule 1 of The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002.

10. Financial Implications

- 10.1 The cost of the mayoral election is estimated to be £100,000. This includes the cost of the election itself (£76,000) and the production of the election address booklet (£24,000). The cost of the booklet can be offset to a degree if it is decided to seek contributions from the candidates towards the printing of the document. The Council, as part of its budget setting process, created a contingency for 2005/2006 which included £0.1m to meet the costs of the election.
- 10.2 The ongoing cost implications of a mayoral style of governance can only be determined following detailed consideration. However, the elected mayor is entitled to receive an allowance. Based on information obtained from other authorities it can be expected that the elected mayor will receive an allowance within the range of £60,000 - £70,000. Dedicated staff are likely to be needed to assist the mayor in the running of his/her office. By law the mayor is entitled to a political assistant and the funding needed for this post would be in the region of £35,000 (including on-costs). No provision for these costs has been included in the budget and the Council will need to consider how these additional costs could be funded.

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IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources, Estates and Property and Procurement.

Does the proposal have implications for the following issues? If "Yes" - give details. <i>delete as appropriate</i>		Name of responsible officer
Legal	Yes – the legal implications are addressed in the report.	Bill Norman
Financial – Revenue	Yes – the financial implications are addressed in the Report.	Richard Thorpe
Financial – Capital Plan	No	Lynette Royce
Human resources	Yes – refer to paragraph 10.	Geoff Williams
Property	Yes – accommodation will need to be identified for the elected mayor and any support staff.	Steve Parrock
Procurement and Efficiency	No	Steve Parrock

Part 2

The author of the report must complete these sections.

Could this proposal realistically be achieved in a manner that would more effectively: <i>delete as appropriate</i>		
(i)	promote environmental sustainability?	No
(ii)	reduce crime and disorder?	No
(iii)	promote good community relations?	No
(iv)	promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief?	No
(v)	reduce (or eliminate) unlawful discrimination (including indirect discrimination)?	No

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

Part 3

The author of the report must complete this section.

	<i>delete as appropriate</i>	If "Yes", give details
Does the proposal have implications for any other Business Units?	No	

Part 4

Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework?	<i>delete as appropriate</i>
	Yes
1.	If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body.
2.	If "Yes" - details and outcome of consultation, if appropriate.

Part 5

Is the proposal a Key Decision?	<i>delete as appropriate</i>	If "Yes" - give Reference Number
	No	

Part 6

Wards

All Wards

Appendices

None

Documents available in Members' Room

None

Background Papers:

The following documents/files were used to compile this report:

Local Government Act 2000 and supporting Government Guidance