

FACTSHEET

PETITIONING FOR AN ELECTED MAYOR

What is a directly elected Mayor?

A directly elected Mayor is an individual elected by the local government electors for the area. The elected Mayor is not a Councillor of the authority, but is governed by the same rules on conduct, qualification and members' allowances.

An elected Mayor appoints a Cabinet of between two and nine councillors (one of whom must be appointed as Deputy Mayor). An elected Mayor and Cabinet is one of the two models of executive arrangements available for Welsh Councils; the other being the Leader and Cabinet model currently operating in Cardiff¹.

An elected Mayor has a direct mandate from the local electorate (separate from that of the Council or any of the groups in the Council); and is responsible for the discharge of executive functions. The elected Mayor may discharge functions personally, or arrange for their discharge by another Cabinet member, the full Cabinet, a committee of the Cabinet or an officer.

An elected Mayor's term of office is 4 years (although the Welsh Assembly has power to vary this by Regulations).

A referendum is required in order to establish or abolish an Elected Mayor; and a further referendum cannot be held for 5 years, which ensures that a Mayor is able to complete his/her term of office.

There are currently approximately 16 directly elected Mayors in English authorities, but none currently in Wales.

How can citizens petition for a directly elected Mayor?

Regulations under the Local Government Act 2000 require the Council to hold a referendum on the establishment of a directly elected Mayor if at least 10 per cent of the local government electors in its area petition the authority to do so.

Anyone can organise a petition. The Petition Organiser is responsible for collecting the required number of signatures and submitting the petition to the Council. The Council will correspond with the Petition Organiser about the petition.

Petitions must be presented to the Council within a six month period ('a Petition Period') set by law. The next Petition Period runs from 4 May 2016 to 3 November 2016.

The number of petition signatures required to trigger a Referendum (10% of the local electorate) is referred to as the Verification Number. The law prescribes when this number is to be calculated, and requires the Council to publish the number. The Verification Number, published on 7th October 2015, is 24,647. This is the number of petition signatures required to trigger a referendum.

In order to be legally valid, a petition must also:

- Give the name, address, signature and date of signature for each petitioner;

¹ Other previous options - a Mayor and Council Manager; and 'the 4th Option', also referred to as 'Alternative Arrangements' - have now been removed.

- Not include signatures more than 6 months old (by the time the petition is received by the Council);
- Contain a prescribed statement on each sheet²; and
- Give the name and full address of the Petition Organiser.

A Petition may therefore be started on or after 4th November 2015, and may be submitted to the Council during the Petition Period running from 4th May 2016 to 3rd November 2016.

More than one Petition – Where more than one petition has been prepared (proposing the same constitutional change, ie. a Mayor and Cabinet executive model for Cardiff), a Petition Organiser can amalgamate the petitions before presenting them to the Council. (Similarly, if the Council receives more than one valid petition proposing the same constitutional change, the Council must amalgamate them, unless the Verification Number has already been reached.)

Online Petitions – The Regulations require a Petition to be personally signed by the requisite number of electors. The Regulations do not permit electronic signatures. This would require new amending Regulations to be made by Welsh Ministers.

Publicising the Petition - The Petition Organiser is responsible for publicising the petition as necessary. The Council is prohibited from arranging any form of publicity seeking to influence electors on whether or not to sign a petition and must fairly present factual information only.

What happens when the Council receives a petition?

Within one month of receiving a Petition, the Council must decide and publish a notice on the validity of the petition and whether a Referendum is to be held.

If the Council determines that the Petition is valid, a Referendum must be held within 6 months from the date on which the Council receives the Petition (“the Petition Date”).

A formal report would be submitted to the Cabinet and full Council at this stage.

At least 2 months before a Referendum, the Council must draw up, and consult upon, proposals for the operation of a Mayor and Cabinet executive. The proposals must identify which local choice functions are to be the responsibility of the executive under these arrangements, give a timetable for implementation, details of any transitional arrangements and outline ‘fall-back proposals’ (alternative proposals in the event that the Mayor and Cabinet proposals are rejected in the Referendum). The Council must send its proposals to the Welsh Ministers and comply with any requests for further information, guidance or direction issued by the Welsh Ministers. The role of the Welsh Ministers is to monitor the proposals and, if necessary, take steps to ensure they are properly implemented.

What happens if there is a Referendum?

A Referendum must be held in accordance with the statutory rules. All local government electors for the area are entitled to vote in a Referendum.

² “We, the undersigned, being local government electors for the area of the City of Cardiff Council, to whom this petition is addressed, seek a referendum on whether the electors for that area should elect a mayor who (with a Cabinet) will be in charge of our local services and lead the City of Cardiff Council”) or words to similar effect

The decision made by the electorate in a Referendum is binding on the Council.

If there is a majority 'Yes' vote in the Referendum, ie. the proposals for a directly elected Mayor are approved, the Council must implement those proposals in accordance with the timetable.

If there is no majority 'Yes' vote in the Referendum, the proposals are considered to be rejected, and the Council must draw up detailed fall-back proposals, based on the outline fall-back proposals previously prepared, send these to the Welsh Ministers and then implement them in accordance with the timetable and any directions issued by the Welsh Ministers.

How and when is a Mayoral Election held?

The Welsh Ministers may make Regulations on the timing of a Mayoral election and can vary the Mayor's 4 year term of office. No such Regulations have yet been made. It is expected that Regulations would require a Mayoral Election to be held within 6 to 12 months after a Referendum vote in favour of an elected Mayor. Also, that the first Mayor's term of office would probably be varied in light of local government reorganisation, to end on the vesting day of the new authority, anticipated to be in 2020.

The conduct of a Mayoral election is governed by election rules.

How would this affect Cardiff's Lord Mayor?

Cardiff's Lord Mayor is a ceremonial role established by Royal Charter, and this role is unaffected by the election of a Directly Elected Mayor.

Further information is available from Marie Rosenthal, Director of Governance and Legal Services, tel. 02920 873905

The relevant legal provisions are set out in Part II of the Local Government Act 2000, the Local Authorities (Referendums)(Petitions and Directions)(Wales) Regulations 2001, the Local Authorities (Conduct of Referendums)(Wales) Regulations 2008 and Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007
