



## Directly-elected mayors

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Author: Keith Parry

Section Parliament and Constitution Centre

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The *Local Government Act 2000* introduced executive arrangements in place of the committee system for most local authorities in England and Wales. Two of the three executive leadership models on offer involved directly-elected mayors. The introduction of a mayoral system required prior approval by local referendum, and the Act also provided for local residents to be able to trigger a referendum by petition. In the event, just 12 authorities (excluding the Greater London Authority) adopted mayoral systems and this number has since fallen to 11.

The *Local Government and Public Involvement in Health Act 2007* made changes including the establishment of just two executive models for England (directly-elected mayor with cabinet and indirectly-elected leader with cabinet) and allowed councils to opt for a mayoral system by simple resolution without the need for a referendum.

This note gives further information on these matters and summarises the position on mayoral referendums, petitions and elections. It also sets out political party views on mayors. There is a separate note on the Mayor of London (SN/PC/4999) whose position derives from the Greater London Authority Acts.

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## 1 Background: the introduction of directly-elected mayors

Part II of the *Local Government Act 2000* required local authorities in England and Wales to make "executive arrangements" involving the formal separation of powers. This replaced the committee system which had previously been the normal decision-making structure in local government. The new system was designed to separate out the executive role from the backbench role so that it would be clear to councillors and public alike where the responsibility for a particular decision lay. Councillors who were not involved in taking decisions would have a clear and explicit responsibility to review and question those decisions.

The 2000 Act prescribed three main forms of executive, as follows:

- **Directly-elected mayor with a cabinet** consisting of two or more councillors appointed by the mayor;
- **Indirectly-elected leader and cabinet** - a councillor would be elected as leader of the executive by the full council, with a cabinet consisting of two or more councillors appointed by the executive leader or the full council; and
- **Directly-elected mayor and council manager** – mayor to be directly-elected but an officer of the authority is appointed to the executive by the full council;
- A fourth option, the adoption of streamlined committee arrangements, was available to district councils with populations of fewer than 85,000 persons.

Every council was required to consult local people about the new form of political management that it should adopt. If one of the two elected mayoral options was adopted, the consent of local electors had to be obtained by means of a referendum. And councils could be compelled to hold a referendum when (a) 5% of local electors petitioned the council for a referendum on whether there should be an elected mayor, or (b) the Secretary of State considered that a council was misrepresenting the views of local people.

A census in 2002<sup>1</sup> found that most authorities (316 or 81%) had opted for the leader and cabinet model while just 11 authorities, or 3%, had adopted mayoral systems. This figure subsequently rose to 12, excluding the Mayor of London, following a referendum in Torbay in 2005. However, it was reduced to 11 again in June 2009 when the mayor and council manager system in Stoke-on-Trent was replaced by a leader/cabinet system.<sup>2</sup> The remaining 59 smaller authorities had adopted modified committee arrangements.

## 2 The Local Government and Public Involvement in Health Act 2007

The Government expressed disappointment in the 2006 local government white paper, *Strong and prosperous communities*, that only 12 local authorities had adopted the "strongest leadership model, an elected mayor". It proposed that the powers and period in office of a leader with cabinet should match those of a mayor. Additionally, it proposed to drop the requirement that a local authority must hold a referendum if it wished to adopt a mayoral system.

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<sup>1</sup> Stoker, Gerry et al, *Report of the ELG survey findings for ODPM Advisory Group*, ODPM, 2002

The *Local Government and Public Involvement in Health Act 2007* implemented many aspects of the white paper in respect of England. For mayors, these included:

- Referendum no longer required for the adoption of a mayoral system. A resolution of the council, approved by a two thirds majority, will suffice though there must be consultation of local electors. A council can make the decision subject to a vote in a referendum if it wishes to. Local people can still demand a referendum by petition.
- Time between referendums extended – no more than one referendum in any period of 10 years.
- Abolition of the mayor and council manager option.

The Act requires all principal authorities which operate executive arrangements to adopt one of the two leadership models on offer. These are: (1) the mayor and cabinet executive, and (2) the new-style leader and cabinet executive. In the latter case, the leader is elected for four years (or until his/her term of office expires if the council elects by halves or thirds) and appoints the executive.

Councils which already have mayoral systems need take no action but those with old-style leader and cabinet models must resolve (having taken reasonable steps to consult locally) to adopt one or other of the new models by a specified date. This is the end of December in the year before their next elections. Thus:

Type of local authority	Permitted resolution period
Metropolitan district	Period ending with 31 December 2009
County	Period ending with 31 December 2008
London borough	Period ending with 31 December 2009
Non-metropolitan district	Period ending with 31 December 2010

### 3 Where are the mayors?

There have been 36 mayoral referendums in England (excluding that for the Greater London Authority<sup>3</sup>) and 1 in Wales. Of the 37 referendums, 12 have voted for a mayor and 25 have rejected the system. The current list of mayors (excluding the Mayor of London) is as follows:-

Place	Name	Party	Last elected
Bedford BC	Frank Branston	Independent	2007

<sup>2</sup> Stoke-on-Trent was the only council to adopt the mayor and council manager model. This option was abolished by the *Local Government and Public Involvement in Health Act 2007*. In a referendum in October 2008, local people voted in favour of a leader and cabinet system. The mayoral system ended along with the Mayor's term of office in June 2009.

<sup>3</sup> The office of Mayor of London was established by the *Greater London Authority Act 1999* as amended by the *Greater London Authority Act 2007*. The post is an elected one but it is rather more akin to that of a strategic and regional co-ordinator than the leader of a local authority.

Doncaster MBC	Peter Davies	English Democrats	2009
Hartlepool BC	Stuart Drummond	Independent	2009
LB Hackney	Jules Pipe	Labour	2006
LB Lewisham	Steve Bullock	Labour	2006
LB Newham	Sir Robin Wales	Labour	2006
Mansfield DC	Tony Egginton	Independent	2007
Middlesborough BC	Ray Mallon	Independent	2007
North Tyneside MBC	Linda Arkley	Conservative	2009
Torbay Council	Nicholas Bye	Conservative	2005 (October)*
Watford BC	Dorothy Thornhill	Liberal Democrat	2006

\* Next election in Torbay due in 2011

#### 4 Mayoral referendums

Councils were required by the *Local Government Act 2000* Act to consult local electors about the form of management structure that they might adopt. A binding referendum was required where:

- The council proposed an elected mayor; or
- 5% of local electors petitioned the council for a referendum on whether there should be an elected mayor; or
- The Secretary of State required a referendum to be held (for example because a council had not produced a formal, detailed proposal or had not consulted adequately).

As stated above, the *Local Government and Public Involvement in Health Act 2007* provided for a council to adopt a mayoral system by resolution and without the need for a referendum. However, the council must undertake local consultation, and it may make the decision subject to endorsement by referendum if it chooses to. Regulations set out the detailed rules for the conduct of mayoral referendums including the wording of the questions, restrictions on publicity, expense limits, and so on.<sup>4</sup>

**Period between referendums:** Section 45 of the 2000 Act prevented local authorities from holding a referendum more than once every five years. The 2006 white paper envisaged a period of stability after the adoption of mayoral arrangements. It said that, once an authority has made this change, the “presumption will be that it should not move back to an indirectly elected model”.<sup>5</sup> The 2007 Act therefore extended the period during which only one referendum can be held from five years to ten.<sup>6</sup>

<sup>4</sup> The *Local Authorities (Conduct of Referendums) (England) Regulations 2007*, SI 2007/2089

<sup>5</sup> DCLG, *Strong and prosperous communities: the local government white paper*, Cm 6939- I, para 3.28

<sup>6</sup> Section 69

A consultation paper on changing council governance arrangements, published in December 2008, confirmed the need for a period of stability after a change but suggested that, where a referendum was lost (i.e. a mayoral system rejected), local people should not be denied the chance to seek a change for such a long period. It therefore proposed a moratorium period of four years in such cases.<sup>7</sup>

## 5 Petitioning for a mayor

In England a petition must be signed by no fewer than 5% of local electors within a twelve month period. In Wales, the threshold for a valid petition is 10%. A council which receives a valid petition must hold a binding referendum. The rules for petitions are set out in the *Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000*.<sup>8</sup> The DCLG produced an information pack following the 2000 Act which gave guidance to petition organisers as well as a sample petition.<sup>9</sup>

The Government indicated in the communities empowerment white paper, published in July 2008, that it wished to make it easier for local people to demand a directly-elected mayor. It suggested two main ways in which this might be done:

- By permitting on-line petitioning alongside traditional paper petitions;
- By reducing the threshold for petitions from 5% of voters – perhaps to 2%, 3% or 4%.<sup>10</sup>

These options are discussed in a DCLG consultation paper issued in December 2008.<sup>11</sup> The Local Government Information Unit commented that the threshold adopted:

must be set at a level that demonstrates sufficient interest to justify the cost and other disruptions of a referendum. This will be particularly important where it is possible for campaigners to organise a further petition after four years.<sup>12</sup>

## 6 Moving away from a mayoral system

As a result of the *Local Government and Public Involvement in Health Act 2007* there are now two models of executive arrangements in England: (1) the directly-elected mayor with cabinet, and (2) the indirectly-elected leader with cabinet. The 2007 Act inserted a new sub-section (1A) into section 34 of the 2000 Act which allows for a petition to trigger a referendum on a move to either form of executive. It should be noted that, where a mayoral system was introduced following a referendum, a further referendum must be held should that authority wish to move to a non-mayoral system.

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<sup>7</sup> DCLG, *Communities in control...changing council governance arrangements – mayors and indirectly elected leaders: a consultation*, December 2008, para 2.12, <http://www.communities.gov.uk/publications/localgovernment/electedmayorsconsultation>

<sup>8</sup> SI 2000/2852

<sup>9</sup> DETR, *Petitioning for an elected mayor – information pack*, <http://www.communities.gov.uk/publications/localgovernment/petitioning>

<sup>10</sup> DCLG, *Communities in control: real people, real power*, Cm 7427, July 2008, para 5.17

<sup>11</sup> DCLG, *Communities in control...changing council governance arrangements – mayors and indirectly elected leaders: a consultation*, December 2008, para 2.12, <http://www.communities.gov.uk/publications/localgovernment/electedmayorsconsultation>

<sup>12</sup> LGIU, *Mayoral petitions: a consultation*, 19 December 2008

## 7 Mayoral elections

Government guidance on the DCLG website, published in 2002, explains that the rules for elections of elected mayors replicate the rules for normal local government elections except for the following aspects:

- The voting system;
- Nomination requirements for candidates;
- Free delivery of a booklet of candidates' election addresses; and
- Expenses limits.<sup>13</sup>

On the issue of the voting system, the guidance explains:

Where there are more than two candidates, the voting system used for elected mayors is the Supplementary Vote system, as established by section 42 of, and Schedule 2 to, the Act. Under this system, voters cast first and second preference votes. After counting all of the first preference votes, if no candidate has secured a simple majority of the first preference votes cast, 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 is elected as elected mayor. Where there are only two validly nominated candidates, the first-past-the-post system is used.

Detailed rules for mayoral elections are set out in the *Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007*.<sup>14</sup>

## 8 Mayoral powers

In general, mayors (other than the Mayor of London) have had similar powers to those of the executive in a leader/cabinet system. They can set the Budget and certain policy framework plans and their proposals in this regard may only be amended or rejected by a two thirds majority of the council.<sup>15</sup> Mayors were empowered by the *Local Government Act 2000* to decide on the size of the cabinet, appoint cabinet members and decide how, and to what extent, executive functions might be delegated. Functions could be delegated to the executive as a whole, to individual members or committees of the executive and/or to officers. Where devolved structures were in place, functions could be devolved to area committees.<sup>16</sup>

It should be noted that the power to appoint the cabinet and delegate functions could also be given to an indirectly-elected leader although, in practice, few councils did.<sup>17</sup> Under the *Local Government and Public Involvement in Health Act 2007*, those powers are being given to indirectly-elected leaders.

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<sup>13</sup> DETR, *New council constitutions: guidance to English authorities*, para 14.14, available at: <http://www.communities.gov.uk/publications/localgovernment/newcouncilconstitutions2>

<sup>14</sup> SI 2007/1024, [http://www.opsi.gov.uk/si/si2007/uksi\\_20071024\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20071024_en_1)

<sup>15</sup> The *Local Government (Standing Orders) (England) Regulations 2001*, SI 2001, 3351

<sup>16</sup> See: DETR, *New council constitutions: guidance to English authorities*, chapter 4: "The Executive", 2000 (updated 2001), <http://www.communities.gov.uk/publications/localgovernment/newcouncilconstitutions2>

<sup>17</sup> See DCLG, *Strong and prosperous communities: the local government white paper*, Cm 6939, October 2006, para 3.17

Some commentators have suggested that mayors should be given specific additional powers. Professor Tony Travers has said:

If Whitehall believes mayors are good, both for civic leadership and to improve policing, then why not show confidence in the model by handing over more responsibilities and perhaps, greater capacities to direct the quangocracy within an area.<sup>18</sup>

The Government gave the following commitment in the community empowerment white paper:

We will make the move to a directly-elected mayoralty more attractive to local politicians with an expectation that directly-elected mayors, where they exist, would chair the Local Strategic Partnership and, be the new Crime and Policing representative, as announced by the Prime Minister in the draft legislative programme for 2008-09.<sup>19</sup>

## 9 Political party views

The **Government** said of mayors in the community empowerment white paper:

The Government supports the directly-elected mayoral model for local leadership, because it provides visible leadership for a local area. We believe that elected mayors make it clearer who is responsible for local services, and have the potential to engage more people in politics. A survey in 2004 showed that 57 per cent could name their elected mayor from a prompt list, compared to 25 per cent who could name their council leader.

[...]

We have also established a directly-elected Mayor for London and a Greater London Assembly, with a budget of £11.4 billion. This re-establishment of London-wide government, after an absence of 14 years following the abolition of the Greater London Council (GLC) in 1986, has been deemed a huge success and is now an accepted part of the lives of Londoners. No serious commentator, lobby group or political party now wants to reverse the decision to have a directly-elected mayor and assembly for London. The existence of a high-profile mayor for London helped our capital win the 2012 Olympics.<sup>20</sup>

The commitments in the white paper concerned petitioning, referendums and mayoral powers. These are discussed in the appropriate sections of this paper.

The **Conservative Party's** Green Paper on local government, published in February 2009, said:

In our biggest cities, there is a strong case for new powers being placed in the hands of a single accountable individual – an elected Mayor who can provide the city with strong leadership. Individual leadership of these councils can benefit local citizens by improving the clarity of municipal decision-making and enhancing the prestige of their city.

The paper pledged:

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<sup>18</sup> Tony Travers, "Bleas is optimistic, but don't be too hopeful on devolution", *Local Government Chronicle*, 10 July 2008 p5

<sup>19</sup> DCLG, *Communities in control: real people, real power*, Cm 7427, July 2008, para 5.18

<sup>20</sup> *Ibid*, para 5.14

We will legislate to hold a referendum in England's twelve largest cities on having an elected mayor. In these cities, a mayoral system will be established unless voters reject that change.

The cities in question are: Birmingham, Leeds, Sheffield, Bradford, Manchester, Liverpool, Bristol, Wakefield, Coventry, Leicester, Nottingham and Newcastle-upon-Tyne. The paper continued:

In each case the area to be governed by the mayor is the area of the existing single-tier authority. These are all Metropolitan districts except Bristol, Leicester and Nottingham which are Unitary authorities. As now, elected mayors will be held to account by the existing elected Councillors. If the referendums in these nine cities prove to be popular, we will consult on which other cities would benefit from the opportunity to adopt or reject a mayoral system.<sup>21</sup>

Elsewhere, it will be for local authorities to decide on their own governance arrangements. The paper states:

**A Conservative government will therefore amend existing legislation to remove the current prescription and allow councils to decide what particular structure they wish to adopt – including a return to the Committee system if they wish. The council will then need to get a democratic mandate by putting their proposed changes to their citizens, either in a referendum to be held at the same time as local elections, or by advocating such a change in the manifesto on which they stand for election.**

Of course this democratic accountability works both ways. So, where citizens have approved an existing council structure in a referendum or in a local election, a council will only be able to amend that structure by obtaining a further mandate in support of their proposed changes. In other words, if a mayoral system has been adopted by a referendum, it will require the backing of another referendum to remove it.<sup>22</sup>

A **Liberal Democrat** policy paper on local government, adopted at the Autumn 2007 conference, had the following to say about council leadership:

Local leadership is not something that can be imposed on a council or an area. Different communities will develop their own particular styles of leadership that work for them. Liberal Democrats would therefore repeal the provisions introduced in the Local Government Act 2000 (and due to be reformed in the Local Government and Public Involvement in Health Bill) limiting councils to establishing an executive body with all other councillors in a scrutiny role.

We have particular concerns about the routine concentration of power in the hands of one person as in the executive mayor model, especially in ensuring the leadership of a council reflects, as far as possible, the community it represents. Not only would the Liberal Democrats restore the requirement to hold a referendum before creating the post of a directly elected mayor, we would also provide local people with the power to abolish the post of directly elected mayor where it has been introduced.<sup>23</sup>

Of internal structures it states:

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<sup>21</sup> Conservative Party, *Control shift: returning power to local communities*, Policy Green Paper No. 9, February 2009, para 3.1

<sup>22</sup> *Ibid*, para 3.2

<sup>23</sup> Liberal Democrats, *The power to be different: policy paper 79*, August 2007, Paras 4.10.2 and 4.10.3

Just as we do not believe central government should be dictating to local authorities how leadership is exercised locally, we do not believe that central government should decide on council constitutions. Liberal Democrats believe councils should be able to set up their own constitutional arrangements subject to meeting basic requirements on openness, transparency, accountability and democracy.

Liberal Democrats would abolish the need for councils to have an executive scrutiny split in decision-making. Councils that wished to could return to the committee decision-making structure, which provided an opportunity for all councillors to be involved in decision-making.<sup>24</sup>

## 10 Scotland and Wales

The situation in Scotland and Wales is described in a paper published in December 2008 by the Committee on Standards in Public Life (CSPL).<sup>25</sup> Of **Wales** it states:

The scope of the Local Government Act 2000...includes Wales, although responsibility for local government policy in Wales has now been largely devolved to the Welsh Assembly Government. As in England, most local authorities in Wales have adopted the leader and cabinet model, although there are a few authorities that have opted for a fourth option, referred to as 'politically balanced boards'. There are no directly elected mayors in Wales, although one local authority held a referendum in response to a petition, in which the proposal for an elected mayor was defeated.<sup>26</sup>

The *Local Democracy, Economic Development and Construction Bill [HL] 2008-09* contains a clause which gives framework powers to the Welsh Assembly so that it may legislate in the area of executive arrangements.

The CSPL paper describes the situation in **Scotland** as follows:

Following the Macintosh Commission Report on local government under devolution, local authorities were encouraged on a voluntary basis, to examine their decision-making and scrutiny processes. Local authorities in Scotland have introduced a range of new political management structures. Some local authorities have maintained the committee system but streamlined it to try and improve the decision-making process. Some others have moved to executive structures and created formal scrutiny committees or panels. Unlike the executive models in England, there is no locus in law for a leader of a council in Scotland to take an executive decision without the agreement of other councillors.

The main drivers in Scotland for improving openness and accountability have been the Single Outcome Agreements and Best Value regimes arising from the Local Government in Scotland Act 2003. Additionally, the introduction of the Single Transferable Vote in the local government elections of 2007 has transformed the shape of many local authorities in Scotland with 30 out of 32 local authorities now being run by coalitions.<sup>27</sup>

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<sup>24</sup> *Ibid*, paras 4.11.1 and 4.11.2

<sup>25</sup> CSPL, *Local leadership and public trust: openness and accountability in local and London government*, Issues and Questions Paper, December 2008, [http://www.public-standards.org.uk/OurWork/11th\\_Report.html](http://www.public-standards.org.uk/OurWork/11th_Report.html)

<sup>26</sup> *Ibid*, para 2.15

<sup>27</sup> *Ibid*, paras 2.16 and 2.17