

APPENDIX A

LEADER OR MAYOR – THE CHOICE FOR HUNTINGDONSHIRE

The following questions and answers are intended to explain the main differences between the new types of executive which will be introduced in local authorities in England and Wales (other than small district and parish councils) and the decision which the council needs to make in choosing which system to adopt.

What's in the legislation?

The Local Government Act 2000 swept away the old committee style of administration in county and larger district councils in England and Wales, replacing it with three types of executive –

- An elected mayor with a cabinet appointed by the mayor from among the elected councillors or
- An elected mayor with a council manager who is an officer of the council or
- A leader and cabinet comprising the councillors elected by the voters for that authority.

The role of the executive, irrespective of whichever form it takes, is to undertake most of the functions and responsibilities of the authority within a policy and budgetary framework adopted by the council as a whole. The principal exceptions are regulatory functions such as planning and licensing which continue to be dealt with by elected councillors.

Which system operates in Huntingdonshire now?

Following public consultation when the Act came into force in 2002, the council has operated with a leader who is a councillor elected each year at the annual meeting by the council as a whole. Three councillors have been leader since that time.

The council also appoints a number of overview and scrutiny panels whose role it is to challenge the leader and cabinet in a constructive way and hold them to account for their decision making.

At any time, a petition signed by 5% of the electorate (currently 6,270 electors) can be submitted asking for a referendum to be held in Huntingdonshire on whether there should be an elected mayor. The result of the referendum is binding on the council.

Why consult on change now?

Another piece of legislation, the Local Government and Public Involvement in Health Act 2007, has reduced the choice of executive to two –

- An elected mayor with a cabinet appointed by the mayor from among the elected councillors, or
- An executive leader who is a councillor and who is elected to that position by the other councillors. The executive leader then appoints a cabinet from those councillors.

All authorities (with the exception of smaller districts and parishes) must move to one or other of the new types of executive. In the case of county councils, the change had to be made by May 2009 and Cambridgeshire County Council already has adopted the executive leader and cabinet model. In the case of district councils such as Huntingdonshire, the change must be implemented by May 2011.

Before adopting a new form of executive, the council must consult locally before drawing up proposals to implement the new arrangements. A decision on which form of executive to adopt must be made at a full meeting of the council convened for that purpose by the end of December this year.

What's the difference between an executive leader and an elected mayor?

The principal difference is the way in which they are elected and can be removed from office.

An executive leader would be a councillor who has already been elected for one of the wards in Huntingdonshire. The executive leader is then elected at an annual meeting of the council by the other councillors for a four year period or until his term of office as a councillor comes to a close, whichever is the shorter. The leader then appoints up to nine councillors to form a cabinet. At any time during that four year term, the leader can resign or be removed from office by the council. If that happens, the council will elect another leader for a new term of four years or until he ceases to be a councillor.

By contrast, an elected mayor is directly elected at a district-wide election which may or may not be held in conjunction with another election. The term of office is also four years. Once elected, the mayor appoints up to nine councillors to form a cabinet. The mayor cannot be removed from office during his four year term but if he or she resigns or dies during that period, a further district-wide election will be need to be held to elect a new mayor.

Once elected, the functions and responsibilities of the leader and mayor are broadly similar. Both are responsible for the executive functions and responsibilities of the council and decide who sits on the cabinet to assist them in that role. Both are responsible for formulating policy and its implementation within the broad policy and budgetary framework set by the council. Both are held to account for their actions by the council itself and the overview and scrutiny structure. Neither is responsible for the regulatory functions of the council such as the determination of planning and licensing applications, although they can sit on the relevant committees.

So what's the advantage of an executive leader?

The executive leader is a councillor who has already been elected by voters for one of the wards in Huntingdonshire and who is then elected as leader by the council as a whole. The election of leader does not involve any additional cost, as he or she has already been elected as a councillor in the normal way. If an executive leader proves unpopular, he can be removed from office by the council and a replacement chosen. Whenever a vacancy occurs, whether by removal from office, death in service, resignation or dismissal, no additional election costs are involved, as the successor will already be an elected councillor.

Conversely, the cost of an election for a mayor in Huntingdonshire would be in excess of £125,000 every four years, although this could be less if the election is

held jointly with another election being held on that day. Any vacancy would have to be filled by a fresh election but this would be unlikely to coincide with another election, resulting in the full cost having to be met by the council.

An executive leader is likely to be a member of the same political party as the majority of councillors on the council. The leader will therefore have the general support of the majority of the electorate in the district, even if he has not been elected directly by them. The leader is also likely to be able to work with the majority of his fellow councillors and especially those that he has appointed to the cabinet.

And what's the advantage of an elected mayor?

The mayor is likely to be a high profile figure who is popular locally. He or she may be a local politician or may be completely unconnected with local politics. The mayor may be better able to focus decision making in one person and be able to be held accountable for decisions. The Mayor of London is the most obvious example, although the Greater London Authority is not directly comparable with other local authorities. An elected mayor might encourage greater interest in local politics and a higher turnout at elections.

Conversely an elected mayor may deter people from standing as a councillor or cause a reduction in turnout at council elections as people think the role of a councillor has become less important.

The mayor may or may not be a member of a political party and a few that have been elected elsewhere are wholly independent. However once elected, the mayor still has to form a cabinet from councillors with a potential for disagreement and conflict if they are members of a different party. The mayor also has to propose a budget and policies that have to be approved by the council as a whole.

What's happened elsewhere?

Since the option of an elected mayor first was introduced in 2000, it has not proved as popular as some of the political parties nationally had envisaged. To date, there have been 37 referenda in England and Wales on whether to elect a mayor. Of those, 12 have resulted in a majority in favour of a mayor and in 25, the proposal has been rejected. 22 of the referenda were promoted by councils themselves, 14 were the result of a public petition and 1 was called by the government. The cost of a referendum is roughly the same as a whole district election which in Huntingdonshire is about £125,000.

There are currently 12 directly elected mayors in England. There has been some public reaction recently about what is perceived to be the excessive power of directly elected mayors. Campaigns have been held in four of the twelve areas to hold a referendum to abolish the post and, following a vote in Stoke-on-Trent, that authority has already returned to a leader and cabinet system.

Elsewhere in Cambridgeshire, all of the authorities have a leader and cabinet system. A referendum in Fenland in 2005 resulted in an overwhelming rejection of an elected mayor by a 3:1 majority. Cambridgeshire County Council which had to choose between an executive leader and elected mayor earlier than the districts has already moved to the executive leader arrangements with effect from 2009.

What happens to elected councillors?

The role of the 52 ward councillors in Huntingdonshire remains unchanged, whichever system is chosen. Councillors remain responsible collectively for the budget and policy framework and those functions that parliament has defined as non-executive such as planning and licensing. Councillors also form the basis of the overview and scrutiny arrangements with responsibility to hold the executive and partner organisations to account, not dissimilar to the parliamentary select committees. Some will be appointed to the cabinet to take executive decisions and they all undertake constituency work on behalf of the residents of their wards.

Which option does the Council favour?

Huntingdonshire District Council believes the executive leader and cabinet system is the more easily understood and flexible option. Elected mayors might be confused with the wholly different position of mayors in each of the five town councils in the district. Cambridgeshire County Council has already implemented the executive leader arrangements and none of the other district councils in the County have elected mayors. Leaders can be chosen without the additional cost of a separate election and can be removed from office if they become unpopular. At a time of financial restraint when savings need to be made in the public sector, the cost of electing a mayor every four years at £125,000 is high, even if it's possible that this might be shared with another election from time to time.

What's the next step in the process?

The council is currently consulting the public on which option they think should be adopted. In addition to the council's website, information has been published in District Wide, the council's own in-house magazine, which is delivered to all households throughout the district. The views of other public sector and business interests in Huntingdonshire are also being sought.

The council has rejected the idea of a referendum asking the public for their views on the basis of cost. Although this would have enabled everyone to express their views individually, there is no guarantee of a high turnout and the cost is the same as a whole district election. A yes vote in a referendum followed by a mayoral election would cost £250,000 which could only be funded at the expense of local services.

That doesn't mean that the electorate won't have an opportunity to ask for a mayor in the future. At any time a petition signed by 5% of the electorate can ask for a referendum to be held and the council is obliged to comply.

Where can I send my comments?

You can let us have your views either by e-mail to democratic.services@huntsdc.gov.uk or by writing to the Head of Democratic & Central Services, Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN.

The closing date for comments is 31st July 2010.