



Directly-elected mayors

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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.

The *Local Government and Public Involvement in Health Act 2007* reduced the leadership options for English councils to just two: directly-elected mayor with cabinet and indirectly-elected leader with cabinet. Councils could now adopt a mayoral system by simple resolution without the need for a referendum.

There have been some 38 mayoral referendums but only 12 authorities (excluding the Greater London Authority) currently have elected mayors. Stoke-on-Trent did have a mayor until 2009 but local electors have since opted for the leader-cabinet system. The latest council to have an elected mayor is the London Borough of Tower Hamlets.

The Coalition Government has promised to create directly-elected mayors in England's 12 largest cities outside London. These would be "subject to confirmatory referendums and full scrutiny by elected councillors". The Government has also said that mayors will be given additional powers.

There is a separate note on the Mayor of London (SN/PC/4999) whose powers and responsibilities derive from the Greater London Authority Acts.

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1 Background

Part II of the *Local Government Act 2000* required most of the 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 2002¹ 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. 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.² However, the number has become 12 again as a result of the 'yes' vote in a referendum in the London Borough of Tower Hamlets. The remaining 59 smaller authorities had adopted modified committee arrangements.

The Labour 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

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

² 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.

drop the requirement that a local authority must hold a referendum if it wished to adopt a mayoral system.

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 required all principal authorities operating executive arrangements to adopt one of the two leadership models now on offer. These were: (1) the **mayor and cabinet executive**, or (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.

2 Existing mayors

| Place | Name | Party | Last elected |
|--------------------|-------------------|-------------------|------------------|
| Bedford BC | Dave Hodgson | Liberal Democrat | 2010* |
| Doncaster MBC | Peter Davies | English Democrats | 2009 |
| Hartlepool BC | Stuart Drummond | Independent | 2009 |
| LB Hackney | Jules Pipe | Labour | 2010 |
| LB Lewisham | Sir Steve Bullock | Labour | 2010 |
| LB Newham | Sir Robin Wales | Labour | 2010 |
| LB Tower Hamlets | Lutfur Rahman | Independent | 2010 |
| Mansfield DC | Tony Egginton | Independent | 2007 |
| Middlesbrough 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 | 2010 |

*Following the death of Mayor Frank Branston

**Next election due in 2011

3 Coalition Government policy

3.1 Conservative Party

Lord Heseltine, former Conservative Environment Secretary, has long championed the cause of elected mayors. He chaired the Conservative's Cities Taskforce which reported to the Shadow Cabinet in 2007.³ The report asserted that local leadership of English cities had become "emasculated and hollowed out" by successive over-centralising governments so that it lacked the power to address problems such as poverty, low skills levels and physical decay.

In order to create dynamic local leadership and to attract high calibre individuals, we believe that directly-elected Executive Mayors for top-tier authorities is the best Governance model. Almost every major City in the world has a directly elected Executive Mayor.⁴

The report advocated directly-elected executive mayors for top-tier authorities and "pan-city executive mayors" in the case of Birmingham, Manchester, Newcastle and Liverpool. The mayors would take powers primarily from quangos. Such powers might include strategic planning, regeneration and development, vocational training, highways, transport planning, passenger transport, fire, waste disposal and police. Mayors should be subject to "loose scrutiny" by an assembly. Where the mayor covered a single existing authority, the assembly would consist of sitting councillors; where more than one authority was involved, the assembly could either be directly-elected or drawn from sitting councillors.

David Cameron, the Conservative Leader, affirmed his support for elected mayors in his speech to the 2007 party conference. He said:

I believe it's time in our big cities for elected mayors so people have one person to blame if it goes wrong and to praise if it goes right; great civic leadership that we heard from Mike Bloomberg in his great speech on Sunday.

The Conservatives' policy paper, *Control Shift*, published in February 2009, signalled an intention to legislate to hold a referendum in each of England's twelve largest cities (outside London). The cities were listed in order of size as: **Birmingham, Leeds, Sheffield, Bradford, Manchester, Liverpool, Bristol, Wakefield, Coventry, Leicester, Nottingham and Newcastle-upon-Tyne**. The paper cited turnout in London mayoral elections as evidence that the mayoral system boosted democratic engagement. The benefits for citizens were said to be:

- Strong leadership;
- Improved clarity of municipal decision-making;
- Enhanced prestige for their city.⁵

The 2010 Conservative manifesto carried over this commitment. It said:

We have seen that a single municipal leader can inject dynamism and ambition into their communities. So, initially, we will give the citizens in each of England's twelve

³ Conservative Party Cities Taskforce, *Cities renaissance: creating local leadership*, 2007

⁴ *Ibid*, p1

⁵ Conservative Party, *Control shift: returning power to local communities*, February 2009, p21

largest cities the chance of having an elected mayor. Big decisions should be made by those who are democratically accountable, not by remote and costly quangos.⁶

3.2 Coalition Government

The Coalition's *Programme for government* promised "...to create directly elected mayors in the 12 largest English cities, subject to confirmatory referendums and full scrutiny by elected councillors." The document also pledged to allow councils to return to the committee system should they wish to.⁷ These measures were not included in the outline summary of the *Decentralisation and Localism Bill*, announced in the Queen's Speech on 25 May 2010.⁸ The *Local Government Chronicle* suggested that:

...plans to hold referendums on directly elected mayors in England's 12 largest cities have yet to be finalised as ministers decide what powers they would be prepared to give the office-holders.

The plan to create executive mayors in single authority areas would not require legislation, but ministers might decide to give the mayors additional London-style powers, to make the proposal more attractive. This would require legislation.⁹

The Department for Communities and Local Government has published its *Structural Reform Plan* which sets broad timescales for the reforms which are to be introduced. Legislation is promised through the Localism Bill to enable the twelve largest cities to have Mayors from May 2012. The Department is developing "options for transition to Mayors" and the Bill is expected to be introduced in November 2010.¹⁰

3.3 Further policy announcements

Eric Pickles, Communities Secretary, said the following in a statement to the House following the 2010 party conference:

We will put local councils in the driving seat to join up public services, pooling resources across the public sector to tackle social problems. We want elected mayors to trail-blaze such initiatives, not least since elected mayors in our cities will be embraced by the public if they have real power. So we will create the opportunity for mayors to bring together different devolved budgets and pool them with our national payment-by-results systems. Together, mayors will be able to help design services specifically targeted at the hardest-to-help families. They will be able to add their own budgets-social services, care, housing, health improvement-to the national programmes. This will give local communities the power to change lives, and help save money at the same time. I would expect to make a further announcement to the House in due course.¹¹

Mr Pickles has stated that mayors will be given additional powers¹² and, further, that they will not be imposed on the 12 cities ahead of confirmatory referendums. He said:

The proposals will be subject to referendums. Once we know the views of the people in those 12 cities, we will move on to the election of a mayor if people vote for that.¹³

⁶ Conservative Party, *Invitation to join the Government of Britain*, 2010, p76

⁷ *The Coalition: our programme for government*, 2010, p12

⁸ Prime Minister's Office, *Queen's Speech – Decentralisation and Localism Bill*, 25 May 2010

⁹ "Localism proposals go out to consultation", *Local Government Chronicle*, 27 May 2010, pp2-3

¹⁰ DCLG, *Draft Communities and Local Government Structural Reform Plan*, July 2010, p9

¹¹ HC Deb 11 October 2010 c3WS

¹² HC Deb 21 October 2010 c1124

4 Mayoral powers

The existing powers which mayors have may be summarised as follows:

- The mayor is elected directly by the local electorate for a four year period. Indirectly-elected council leaders may now also enjoy a four year term of office although this can be terminated by a vote of no confidence in council;
- Mayors decide on the size of the cabinet, appoint cabinet members and decide how, and to what extent, executive functions might be delegated. The 2007 Act provides for these executive powers to be held by council leaders as well;
- Mayors set the Budget and formulate significant policy framework plans (as do council executives in non-mayoral systems) but amendment or rejection of the proposals requires a two-thirds majority of the council.

It should be noted that the situation in **London** is rather different. Here the Mayor's powers derive from the Greater London Authority Acts and he acts more as a strategic and regional coordinator than as the leader of a local authority. He may implement certain high-profile policies, particularly through his influence over the four functional bodies - Transport for London, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority and the London Development Agency. Nevertheless, in general, it is the boroughs which run local authority services in the capital.

5 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 binding¹⁴ 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).

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.¹⁵

There have been 37 mayoral referendums in England (excluding that for the Greater London Authority) and 1 in Wales. Of the 38 referendums, 13 have voted for a mayor and 25 have rejected the system. It should be noted that Stoke-on-Trent adopted a mayoral system in 2002 but, following the abolition of the mayor and council manager model, a referendum was

¹³ *Ibid*, c1117

¹⁴ Binding because of section 45(2) and (3) of the *Local Government Act 2000*.

¹⁵ The *Local Authorities (Conduct of Referendums) (England) Regulations 2007*, SI 2007/2089

held in October 2008 and electors rejected the mayoral system. The most recent referendum resulting in a 'yes' vote was held in Tower Hamlets in May 2010.

6 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*.¹⁶ The DCLG produced an information pack following the 2000 Act which gave guidance to petition organisers as well as a sample petition.¹⁷

The Labour 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%.¹⁸

These options were discussed in a DCLG consultation paper issued in December 2008.¹⁹ In the event, no change was made and a parliamentary answer indicated that there had been little support for the changes proposed.²⁰

7 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 subsection (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.

8 Mayoral effectiveness: the debate

A great deal has been written both for and against the concept of elected mayors. Wilson and Game offered a reasonably positive assessment in their book *Local Government in the United Kingdom*:

They may be few in number, but most, if not all, of these elected mayors have, in their own council areas, undoubtedly 'made a difference'. They are far better known than their predecessor council leaders ever were; they have raised their councils' profiles, and in several cases stimulated a change in their political complexion; and most are associated with a number of personal policy initiatives and campaigns.²¹

¹⁶ SI 2000/2852

¹⁷ DETR, *Petitioning for an elected mayor – information pack*

¹⁸ DCLG, *Communities in control: real people, real power*, Cm 7427, July 2008, para 5.17

¹⁹ DCLG, *Communities in control...changing council governance arrangements – mayors and indirectly elected leaders: a consultation*, December 2008, para 2.12

²⁰ HC Deb 5 January 2010 c229W

²¹ David Wilson and Chris Game, *Local government in the United Kingdom*, Palgrave Macmillan, 4th ed, 2006, pp109-110

Think tanks such as the Institute for Public Policy Research (IPPR) and New Local Government Network (NLGN) have long campaigned on behalf of the mayoral system. A recent NLGN pamphlet, *New Model Mayors*²², identified advantages in the following key areas:

- Greater visibility, engagement and accountability;
- Performance and delivery – The authors state that IPPR analysis of comprehensive performance assessment data had shown that mayors could improve performance and delivery in their localities;
- Leadership and direction – “The unique legitimacy and mandate of mayors, coupled with the stability of a political term in which mayors cannot be removed from office at the whim of political colleagues, can enable bolder and braver choices to be made” (p10);
- Partnership working and integration of policy – The report argues that mayors are better placed to lead an area, not just a council, and this again derives from their “unique mandate”(p9);
- Ambassador and champion of their area.

To take each of the above in turn, few would dispute the relatively high public profile and **visibility** of elected mayors. Professor Colin Copus, Director of the Local Governance Research Unit at De Montfort University, has written as follows:

Openness and accountability under mayoral governance is not only enhanced, when compared to the indirectly elected leader system, by direct election alone. The high public profile accorded to elected mayors – attested to by the mayors themselves and by public surveys...provides for an additional openness and accountability. Public knowledge of who the mayor is and that he or she is responsible for certain decisions forges a strong link of accountability between citizen and mayor.²³

The issue as to whether mayoral systems are more effective in delivering **performance** is rather more controversial. The authors of the 2008 IPPR report picked out examples of impressive achievements by elected mayors and spoke of a “considerable body of evidence to support the contention that mayors have enhanced and overseen improvements in local authority performance.”²⁴ By way of contrast Steve Leach, Professor of Local Government at De Montfort University, wrote the following in evidence to the Committee on Standards in Public Life (CSPL):

There is no evidence that mayoral authorities have performed better as a group than non-mayoral authorities, using Comprehensive Performance Assessment (CPA) ratings as the basis for comparison. There have been examples of failing authorities showing significant improvement following the adoption of an elected mayor (e.g. North Tyneside, L.B. Hackney) but also examples of elected-mayor-led authorities whose performance has declined (Doncaster MBC). In both cases the reasons for the improvement or decline are not necessarily a reflection of the effectiveness or otherwise of the elected mayor. In general, under the current legislative framework,

²² Nick Hope and Nirmalee Wanduragala, *New model mayors*, NLGN, January 2010

²³ Committee on Standards in Public Life, *Local leadership and public trust: openness and accountability in London and local government*, Written evidence: Professor Colin Copus, p7

²⁴ Michael Kenny and Guy Lodge, “Mayors rule”, *Public Policy Research*, Vol 15, Issue 1, March 2008, p13

some mayors have been more effective than others at exploiting the opportunities inherent in the position.²⁵

On the question of **leadership and direction**, several elected mayors provided examples in oral evidence to the CSPL of difficult but important decisions which they had been able to take because of their electoral mandate.²⁶ Sir Robin Wales, Mayor of Newham, has argued that “mayoral authorities are capable of stronger and quicker decision making than authorities headed by leaders. I would also argue their decisions tend to be more ambitious.”²⁷ As to **partnership working** he stated:

When dealing with public sector agencies mayors truly come into their own as democratic leaders for their community. As the mayoral system has become more established, other undemocratic public sector agencies have begun looking to the mayor for legitimacy and direction, especially as part of Local Strategic Partnerships. Local authority leaders have always sought to join up the police, NHS and others into their vision for an area. With the mayoral model those other agencies now recognise the political leadership of an area.²⁸

Critics of the mayoral model point to the dangers of concentrating power in the hands of a single person. Jane Martin, a senior research fellow in public leadership at Warwick Business School, wrote the following after publication of the local government white paper of October 2006:

To assume...that an increased concentration of executive authority will lead to even better government, and that this should be equated with strong leadership, needs further examination. Investing executive power (and control) in one individual may well allow them to act efficiently and decisively but it relies on charismatic individuals and leading from the front and does not necessarily guarantee decisions made in the public interest. On the contrary, the public is best served through inclusive and participative decision-making processes...strong leadership should be distributed and mobilised throughout the organisation rather than concentrated in one person.²⁹

Cllr Helen Holland, then Leader of Bristol City Council, took issue with Sir Robin Wales and emphasised the benefits of collective decision-making in the local authority context:

The leader-cabinet model emphasises collective responsibility. Our cabinet works as a team. We deliberate and question, ensuring that our policies are rooted in reality and in the best interests of our city.³⁰

9 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).³¹ Of **Wales** it states:

²⁵ Committee on Standards in Public Life, *Local leadership and public trust: openness and accountability in London and local government*, Written evidence: Professor Steve Leach, p7

²⁶ Committee on Standards in Public Life, *Local leadership and public trust: openness and accountability in London and local government*, Oral evidence, pp40-

²⁷ Sir Robin Wales and Cllr Helen Holland, “Mayors or leaders?” In *Powers to the people*, ed Nathan Yeowell and Dennis Bates, LGA Labour Group, 2008, p34

²⁸ *Ibid*, p33

²⁹ Jane Martin, “This is topsy turvy leadership”, *Public*, December 2006, pp42-3

³⁰ Robin Wales and Cllr Helen Holland, “Mayors or leaders?” In *Powers to the people*, ed Nathan Yeowell and Dennis Bates, LGA Labour Group, 2008, p36

³¹ CSPL, *Local leadership and public trust: openness and accountability in local and London government*, [Issues and Questions Paper](#), December 2008

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.³²

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.³³

³² *Ibid*, para 2.15

³³ *Ibid*, paras 2.16 and 2,17