

Member briefing on the mayoral model of governance

8.12.21

1. Summary

- 1.1 The mayoral model has aspects in common with the leader/ cabinet model, and some other points of key difference.
- 1.2 Some of the points of difference must be reflected in the council's constitution for implementation as at 9th May 2022: others will only be determined when the mayor announces their scheme of delegation.
- 1.3 There are some choices to be made by the council in designing the constitutional changes for May 2022: other choices will be made by the mayor when they take up their office.

2. Points of similarity between the mayor/ cabinet and leader/ cabinet models

- 2.1 Both are executive models of governance: the mayor/ cabinet and leader/ cabinet are the executive, taking policy and strategic decisions and delegating operational decisions to officers. The leader/ mayor hold all executive powers but may delegate them to the cabinet, cabinet committees, individual cabinet members and officers.
- 2.2 Important powers are reserved for decision by full council, including setting the budget and council tax, approval of specified major policies (as set out in the budget and policy framework) and decisions relating to regulatory matters (such as planning and licensing) and governance matters. Like the executive, the council can delegate those powers to committees and officers.
- 2.3 Both leaders and elected mayors are the political leaders of the council and have overall responsibility for council policy and the delivery of services.
- 2.4 Both the leader and the elected mayor must appoint a deputy leader/ mayor who acts when they are unable to act, and must also appoint a cabinet of between 2 to 9 councillors, including the deputy mayor. The leader/ mayor must decide the portfolios of the cabinet members: the cabinet does not need to be politically balanced.

- 2.5 Access to information rules for the public and members still apply and key decisions must be published in advance and taken with due regard to professional officer advice.
- 2.6 There must be at least one overview and scrutiny committee appointed by council, which holds the executive to account.

3. Points of difference between the two models

- 3.1 The elected mayor has a mandate to **represent the whole borough** and will speak on its behalf. This may lead to a wider perspective for their work and priorities.
- 3.2 Under the leader/ cabinet model and the council's current constitution, if the full council meeting does not agree to the executive's proposals for the budget or for a policy/ strategy listed on the **budget and policy framework**, council may instruct the executive to reconsider or substitute its own proposal. The council's budget and policy framework appears as an appendix to [Article 4.02](#) in the constitution and is currently as follows:
- Equality strategy
 - Health and Well Being Strategy
 - Community Safety Strategy
 - Children and Young Persons Plan
 - Initial Local Implementation (Transport) Plan
 - Annual Council Budget
 - Licensing Statement
 - Gambling Strategy
 - The admission arrangements for community schools
 - The plans and strategies for planning, development and conservation in the borough comprising the Croydon Plan and other approved and adopted development plan documents and supplementary planning documents which make up the Local Development Framework for Croydon
 - Plans, policies and strategies which together make up the Housing Strategy
 - Youth Justice Plan
 - The making or revising of a Council Tax Reduction Scheme
 - Exercise of the power to determine further discounts for certain dwellings and set higher amount of council tax in respect of long term empty dwellings under sections 11A and 11B of the LGFA 1992, as amended
- 3.3 The executive then has 5 working days to consider, submit revised proposals or state their disagreement. At a further meeting of council, a simple majority of the council is required to approve the executive's proposal or approve a different one.

- 3.4 Under the mayor/ cabinet model, if the council disagrees with their proposal for the budget or any other policy/ strategy listed in the budget and policy framework and refers it back for reconsideration, the executive has at least 5 working days to consider, submit revised proposals or state their disagreement. At a further meeting of council, a simple majority is then required to approve the proposals presented by the mayor, or a two-thirds majority of council members is required to amend those proposals or impose their own budget or policy/ strategy.
- 3.5 While the elected mayor isn't normally defined as a member or Councillor of a local authority, there are limited circumstances where this does not apply. The mayor is able to vote at council meetings and therefore the total number of votes (if all are in attendance and voting) will be 71. In such circumstances, a two-thirds majority of council members would equate to 47 members voting to amend the mayor's proposals or impose their own budget or policy/ strategy.
- 3.6 The **budget** is the mayor's budget – they do not have to involve members in its development if they do not wish to. If members wish to put forward their own ideas they have to propose an alternative budget – this has its own process, involving the s151 officer – and cannot just put forward amendments on the night of the budget council meeting.
- 3.7 To differentiate between the elected and **ceremonial mayor**, most councils have a post of 'speaker' or 'chair' of council.
- 3.8 The **scheme of member allowances** must include provision for the mayor's allowance. The council is required to have regard to the report of the independent remuneration panel for London in designing this scheme.

4. What does this mean in practice?

- 4.1 There is a range of practice in councils with the mayoral model. For example, in relation to mayoral decision-making:
- Leicester: the mayor decides who will take decisions on a case-by-case basis
 - Newham: the mayor takes decisions having heard the views of both cabinet members and mayoral advisers
 - Bedford: each executive member has delegated authority relating to their portfolio, subject to consulting the mayor and a £100,000 threshold
 - Doncaster: all decisions are delegated to the executive, acting collectively
 - Watford: all decisions are taken at cabinet meetings following a vote.

4.2 The nature of the role and the extent to which ceremonial/ representative duties are held by the speaker/ chair or the elected mayor also varies from place to place. For example:

- Hackney: the speaker has a 'civic ambassador' role, determined by the mayor
- Newham: the elected mayor is the first citizen and undertakes civic/ ceremonial duties, the chair's role is limited to chairing council meetings
- North Tyneside: the chair has a remit to promote the council as a whole, with the mayor.

4.3 There is varying practice in relation to enabling engagement by the public and members of the council, for example:

- Hackney: the constitution lists rights and responsibilities specific to non-executive members
- Lewisham: the mayor may invite non-executive members to act as assistants to the executive with a remit to be a point of liaison between executive portfolio holders and non-executive members (but without any formal decision-making powers)
- Newham: the mayor may set up advisory non-decision making bodies to look at particular issues in detail, ensure members are briefed, act as a consultation process or help in the formulation of draft policies, bringing together relevant members and officers as required
- North Tyneside: the mayor calls a state of the area conference annually in September, to a format agreed with the chair of council and aiming to achieve the widest possible public involvement. The results of the conference are disseminated within the community and considered by the mayor in proposing the budget and policy framework in the coming year.

4.4 Given the concentration of power in one individual, with the potential for them to limit its delegation, other councils have paid particular attention to the checks and balances in their constitution. For example, in Tower Hamlets:

- Requiring the mayor to attend council to answer questions
- Provision for the Monitoring Officer, in consultation with the Chief Executive and Chief Finance Officer, to halt implementation of a potentially unlawful decision to enable consideration by the executive/ council of a report by the Monitoring Officer.

The council may also wish to consider increasing the frequency of reporting by scrutiny/ audit to council.

4.5 It is to be expected that the way the model works in practice will develop over time, influenced by a number of factors, including:

- The choices made by the mayor in the design of their scheme of delegation

- Whether the mayor appoints any advisors in addition to their cabinet (and any political assistant)
- Any amendments to the constitution which the mayor wishes to recommend to council (via GPAC in the first instance).

5. When are decisions on the constitution required?

- 5.1 The mayoral model of governance takes effect on 9th May 2022.
- 5.2 The council is required to have a lawful constitution in place at all times: therefore it is necessary for the council to have agreed the changes ready for them to come into effect on 9th May 2022.
- 5.3 It is therefore intended to bring proposed changes to the constitution relating to the mayoral model to council on 23rd March 2022 (rescheduled from 28th March to avoid the pre-election period).
- 5.4 The Constitution Working Group will consider options for revisions to the constitution, informed by practice in other councils with the mayoral model, and will prepare proposals for consideration by General Purposes and Audit Committee in the first instance. The Constitution Working Group comprises the following members:
 - Cllr Mario Creatura
 - Cllr Jason Cummings
 - Cllr Sean Fitzsimons
 - Cllr Maddie Henson
 - Cllr Stuart King
 - Cllr Joy Prince
 - Cllr Helen Redfern

6. Learning from elsewhere

- 6.1 Officers are in contact with several councils with the mayoral model and the Local Government Association will facilitate further contacts as required.
- 6.2 A table showing the councils which currently have the mayoral model appears below.

15 local authority elected mayors

Local Authority	Type of council	Mayor	Party	Councillors			
				Lab	Con	LibDem	Ind/ Green
Bedford BC	Unitary	Dave Hodgson	Lib Dem	11	11	15	3
Bristol	Unitary	Marvin Rees	Labour	24	14	8	24
Copeland BC	District	Mike Starkie	Conservative	17	11		5
Doncaster MBC	Unitary	Ros Jones	Labour	40	11		4
Leicester CC	Unitary	Sir Peter Soulsby	Labour	52	1	1	
Liverpool CC	Unitary	Joanne Anderson	Labour	67	1	12	4 (+3 Lib/Ind)
LB Hackney	Unitary	Philip Glanville	Labour	52	5		
LB Lewisham	Unitary	Damian Egan	Labour	53			1
LB Newham	Unitary	Rokhsana Fiaz	Labour	60			
LB Tower Hamlets	Unitary	John Biggs	Labour	40	2	1	2
Mansfield DC	District	Andy Abrahams	Labour	14	2		20
Middlesbrough BC	Unitary	Andy Preston	Independent	18	3		26
North Tyneside MBC	Unitary	Norma Redfearn	Labour	51	9		
Salford CC	Unitary	Paul Dennett	Labour	51	7	1	
Watford BC	District	Peter Taylor	Lib Dem	10		24	2

NB:

- Bristol were mandated to hold a referendum by the government (the only mandated city which voted for the mayoral model)
- Torbay (currently No Overall Control, LibDem/Ind) had a directly elected mayor until their vote in 2016 to move back to the leader and cabinet model. The council was in Conservative control until 2015.