EXPLANATORY MEMORANDUM TO

THE CITY OF BIRMINGHAM (MAYORAL REFERENDUM) ORDER 2012

THE CITY OF BRADFORD (MAYORAL REFERENDUM) ORDER 2012

THE CITY OF BRISTOL (MAYORAL REFERENDUM) ORDER 2012

THE CITY OF COVENTRY (MAYORAL REFERENDUM) ORDER 2012

THE CITY OF LEEDS (MAYORAL REFERENDUM) ORDER 2012

THE CITY OF LIVERPOOL (MAYORAL REFERENDUM) ORDER 2012

THE CITY OF MANCHESTER (MAYORAL REFERENDUM) ORDER 2012

THE CITY OF NEWCASTLE-UPON-TYNE (MAYORAL REFERENDUM) ORDER 2012

THE CITY OF NOTTINGHAM (MAYORAL REFERENDUM) ORDER 2012

THE CITY OF SHEFFIELD (MAYORAL REFERENDUM) ORDER 2012

AND

THE CITY OF WAKEFIELD (MAYORAL REFERENDUM) ORDER 2012

2012 Nos. [XXXX]

1. This grouped explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instruments

Each of these Orders require the local authority named therein to hold a referendum, on 3 May 2012, on whether it should start to operate a mayor and cabinet executive form of governance (i.e. have a directly elected mayor).

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 Part 1A (Arrangements with respect to local authority governance in England) and new Schedule A1 (Executive arrangements in England: further provision) of the Local Government Act 2000 ("the 2000 Act") (as inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 ("the 2011 Act")), make provision for the governance of local authorities in England. One of the permitted forms of governance, under these provisions, is the mayor and cabinet executive.

4.2 Section 9N of the 2000 Act gives the Secretary of State the power by order to require a specified local authority to hold a referendum on whether the authority should have a directly elected mayor. Such an order can state the date of the referendum.

4.3 These 11 Orders are being made to require the specified authorities to hold a referendum on 3 May 2012 on whether that authority should have a directly elected mayor. This is the first time the Secretary of State has used his power to make orders under section 9N of the 2000 Act.

4.4 The referendums required by these Orders must be conducted in accordance with the Local Authorities (Conduct of Referendums)(England) Regulations 2012, which are being laid alongside these Orders.

5. Territorial Extent and Application

These instruments apply to England only.

6. European Convention on Human Rights

The Minister for Decentralisation and Cities, Greg Clark MP, has made the following statement regarding Human Rights:

In my view the provisions of:

The City of Birmingham (Mayoral Referendum) Order 2012,

The City of Bradford (Mayoral Referendum) Order 2012,

The City of Bristol (Mayoral Referendum) Order 2012,

The City of Coventry (Mayoral Referendum) Order 2012,

The City of Leeds (Mayoral Referendum) Order 2012,

The City of Liverpool (Mayoral Referendum) Order 2012,

The City of Manchester (Mayoral Referendum) Order 2012,

The City of Newcastle-upon-Tyne (Mayoral Referendum) Order 2012,

The City of Nottingham (Mayoral Referendum) Order 2012,

The City of Sheffield (Mayoral Referendum) Order 2012, and

The City of Wakefield (Mayoral Referendum) Order 2012

are compatible with the Convention rights.

7. Policy background

- ***What is being done and why***

7.1 The Coalition Programme for Government (May 2010) committed the Government to "create directly elected mayors in the 12 largest English cities, subject to confirmatory referendums and full scrutiny by elected councillors". Leicester already has a mayor, elected in May 2011. The Government is planning referendums in May 2012 in the other 11 cities - Birmingham, Bradford, Bristol, Coventry, Leeds, Liverpool, Manchester, Newcastle-Upon-Tyne, Nottingham, Sheffield, and Wakefield[1].

7.2 All 11 city councils specified in the Orders currently operate a form of governance known as a 'leader and cabinet executive (England)'. Under this model, the leader is a councillor elected by his/her fellow councillors in a vote of the full council; the 'cabinet executive' is appointed by the leader (consisting of two to ten members, including the leader). With a mayor and cabinet executive, the mayor is directly elected by the local electorate and he or she appoints the councillors to the 'cabinet executive'. Under both governance models, the mayor or leader, as the case may be, leads the council and is responsible for the day-to-day running of local services.

7.3 Based on the experience of London, and other towns and cities in Europe and beyond, the Government believes that directly elected mayors can provide strong and visible local leadership, increase accountability for local decisions, enhance their city's prestige and maximise the potential for local economic growth. Mayors will be clearly identifiable as the leader of the city and will have a unique mandate to govern as they will be directly elected by all local electors. So people will know who is responsible for a decision and where the buck stops. This will help strengthen the governance of the city, providing a direct mandate supported by a four-year term of office, allowing the mayor to focus on longer term strategic decisions, co-ordinate and facilitate partnership working and enhance inter-agency working in their cities.

7.4 Given the importance of the largest cities, and the benefits it believes mayors will bring, the Government's view is that our largest cities should all have the opportunity to be governed by elected mayors. Equally, the Government believes that it should be a local decision as to whether a city should have an elected mayor. It is for this reason that the Secretary of State intends to specify, by order, that the specified local authorities should hold a referendum on having a directly elected mayor in May 2012. The result of the referendum will be binding on the local authority concerned.

7.5 It is expected that all of the local authorities specified in the Orders will comply with the requirement in the Order to hold a referendum on 3 May 2012, thereby giving local people the opportunity to have their say on whether their city should have a directly elected mayor. Should one of the specified local authorities, however, not provide for such

[1] The listed cities are the largest local authorities in England, with city status, by population size, save for one exception. Sunderland although having a larger population than Newcastle-upon-Tyne is not included in the list as it held a referendum in October 2001 at which local people voted against having a directly elected mayor.

a referendum, then Article 5 of the Orders would allow the Secretary of State to make arrangements for such a referendum to be held, ensuring that local people are not denied their say on this important issue.

7.6 Overall, these policies are part of the Government's commitment to localism, and to the ongoing success of England's cities.

- ***Consolidation***

7.7 This is the first exercise of the enabling power.

8. Consultation outcome

Giving local people in the largest cities in England an opportunity to have a directly elected mayor for their city is a key Coalition Agreement commitment. The Government has not undertaken a consultation exercise in relation to these Orders.

9. Guidance

There is no guidance associated with these instruments.

10. Impact

A Regulatory Impact Assessment has not been prepared for these instruments as they have no impact on business, charities or voluntary bodies and the cost of conducting the referendums across the 11 cities is less than £5 million.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

These Orders require authorities to hold referendums in May 2012. Once those referendums have been held, these Orders will have no continuing effect.

13. Contact

Karl Holden at the Department for Communities and Local Government (Tel: 0303 444 2572 or email: karl.holden@communities.gsi.gov.uk) can answer any queries regarding these instruments.