

Parishes Liaison 24 February 2016

Referendum on Elected Mayor for Bath and North East Somerset

Briefing Note from Maria Lucas, Monitoring Officer

1. Bath & North East Somerset Council has received a valid petition under The Local Authorities (Referendums) (Petitions) Regulations 2011 seeking to change the way the Council is run from a Leader and Cabinet Executive (the current model) to an Elected Mayor and Cabinet Executive.
2. Under these regulations a Referendum will be held to consider the proposed change. The poll for the Referendum will be held on Thursday 10 March 2016 between the hours of 7am and 10pm.
3. The question to be asked in the Referendum is–

How would you like Bath & North East Somerset Council to be run?

By a leader who is an elected councillor chosen by a vote of the other elected councillors. This is how the council is run now.

OR

By a mayor who is elected by voters. This would be a change from how the council is run now.

4. The Council has drawn up proposals on the operation of the governance arrangements proposed in the petition and the extent of the functions which will be the responsibility of a Directly Elected Mayor. These are summarised below:
 - i. Any person can stand for election as Directly Elected Mayor, provided he/she satisfied the eligibility and qualification requirements for standing as a councillor (which also apply to elected mayor). It is possible for an existing councillor to stand for election as Elected Mayor, but if elected this would create a casual vacancy in the Council on taking office.
 - ii. The Directly Elected Mayor takes office on the fourth day following the election and would hold office until his/her successor comes into office unless he/she resigns or dies, or becomes disqualified from office under legislation governing the qualifications and disqualifications to hold office of councillor (which also applies to elected mayors). A Directly Elected Mayor cannot be removed from

office or required to resign as a result of any vote or resolution of the Council. The Directly Elected Mayor would be required to appoint a Cabinet of at least two and not more than 9 councillors, one of whom must be designated "Deputy Mayor". The Directly Elected Mayor would have authority to delegate Cabinet functions to members of Cabinet as he/she sees fit.

iii. The position of the current 65 councillors would remain unchanged, including meetings of Full Council, Policy Development and Scrutiny Panels and regulatory panels such as licensing and planning.

iv. There would be no effect on the Bath Mayoralty as these arrangements are determined by the Charter Trustees Regulations.

v. More details, including detailed impacts on the Council's constitution, are set out in Appendix 1 of the report to Council on this matter dated 12 November 2015.

5. The Referendum will be conducted in accordance with procedures similar to those used at local government elections. In the lead up to a referendum there is a 6 week pre-referendum period (commonly known as "purdah"). This restriction also applies to Town and Parish Councils. During this time, pre-referendum restrictions apply and Councils are required to take particular care over publicity to ensure that communications are balanced and without bias – that there is no appearance of support for one side or the other in the referendum. However the essential business of the Council should continue subject to the restrictions of the pre-referendum period. Guidelines on this have been issued to staff and elected members. Therefore the Parishes Liaison Meeting will not be able to take any questions or comments regarding the campaigns for or against. If necessary, Town and Parish Councils can contact the Monitoring Officer for further advice on this issue.