
MAYORAL PETITION

Responsible Cabinet Member(s) – Councillor John Williams, Leader

Responsible Director(s) - Paul Wildsmith, Director of Corporate Services

Purpose of Report

1. This report is to advise Members of the results of the validation of the mayoral petition and seek members' views on whether a referendum should be held.

Background

2. The Council received a petition on 26th February 2007 calling for a mayoral referendum.
3. The Borough Solicitor as Proper Officer is responsible for validation of the petition. The chart below sets out the results of the validation.

Total signatures collected	4736
Number of signatures required for a valid petition`	3,887
Entries excluded because the person signing could not be identified on the electoral register	569
Entries excluded because the date of the signature is more than 12 months before the petition date (26.2.07)	0
Entries excluded because they were duplicated elsewhere on the petition	246
Entries excluded because the name or address were not legible	7
Entries excluded because either the first name, or the surname or the date were not shown or there was no signature	122
Entries validated	3808
Signatures short	79
Percentage short	2%

NB Please note some signatures are invalid for more than one reason.

4. The petition has therefore been declared invalid. In reaching this opinion the Proper Officer followed the detailed regulations which set out the validation process. There is no discretion within those regulations to the Proper Officer to choose to accept an entry which is invalid for one of the reasons set out.
5. As there are insufficient signatures to validate the petition, the referendum is not automatically triggered but the Council has powers under s25 –27 Local Government Act 2000 to decide to put forward proposals to the Secretary of State which include an elected mayor. If the authority decides to do so, then it must also hold a referendum. This is a voluntary step by the local authority and there is no statutory obligation on the authority to

hold a referendum if the petition is one signature short of the required number of signatures. The Council may however decide to proceed with a referendum because, for example, it considers that the petition represents a significant expression of public support for an elected mayor. In doing so the authority must make it clear that the referendum is being held on a voluntary basis.

Referendum Date

6. If the petition had been validated there would be a requirement to hold a referendum within six months of the 26th February i.e. not later than 23rd August 2007. This does not apply if the referendum is held on a voluntary basis. The Council therefore has the option to hold the referendum at any time. The guidance states that Local Authorities should wherever possible ensure that referendums are not held at a time when participation in the electoral process is likely to be low (e.g. around public holidays). The 23rd August is close to 27th August, which will be the August bank holiday and the date will also fall within the school summer holidays. The Council has the option to hold the referendum at a time when it can ensure maximum turnout, and will allow those returning from their summer holidays to participate in the democratic process. A date in early September could be disruptive for children who have just started a new term or even a new school, where schools need to close. If the referendum is held on a date later in September such as 27th September 2007 this would maximise turnout whilst minimising disruption to parents and children.

Legal Implications

7. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

8. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

9. This report does not affect the policy framework, however issues contained within this report are required to be considered by Council.

Conclusion

10. The validation process has resulted in the number of signatures verified falling just short of the required amount for validation. The Council can decide that sufficient signatures have been collected to warrant a referendum and can choose to do so on a voluntary basis. If the decision is made to do so, the most appropriate time to hold a referendum to maximise turnout and minimise disruption is 27th September 2007.

Recommendation

11. Council is requested to :-

- (a) Consider holding a referendum for an elected mayor on a voluntary basis.
- (b) If a referendum is to be held, the date for a referendum will be 27th September 2007.

Reasons

12. The recommendations are supported by the following reasons :-

- (a) The number of signatures on the petition fell just short of the required number.
- (b) A date outside the school holidays and away from the start of the school term will maximise turnout and minimise disruption to parents and children.

Paul Wildsmith
Director of Corporate Services

Background Papers

No Background papers were used in the preparation of this report.

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