
REFERENDUM

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

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

Purpose of Report

1. The purpose of this report is to invite Members to consider a programme of consultation leading up to the referendum and to consider draft proposals for new mayoral arrangements which will form part of the consultation.

Background

2. As Members are aware the Council made a decision on 21st March 2007 to proceed with a referendum for a directly elected Mayor. The date of the referendum was set as 27th September 2007. Before the referendum takes place the Council has to follow a number of steps. These are set out in the flowchart attached at **Appendix 1**. The dates for the consultation process are included in the flowchart.
3. The key stages are:

Stage 1: Consultation

- Consultation on type of mayor (either a Mayor with a Council Manager or a Mayor with a Cabinet).
- At the same time consultation on how the Council will operate under a mayor – including how Council and Scrutiny will work with a mayor

Stage 2: Proposals

- A decision by Council on which type of mayor should be put to the referendum, based on consultation.
- Submission of proposals to the Secretary of State.

Stage 3: Awareness Raising

- Awareness raising about the chosen form of mayoral arrangements and our current arrangements.
- Awareness raising about the referendum

Stage 4: The Referendum

- The referendum itself.

The immediate tasks are to:

- Agree draft proposals which will form the basis of the consultation.
- Agree a programme of consultation on the type of mayor and mayoral arrangements.

Stage 1: Consultation

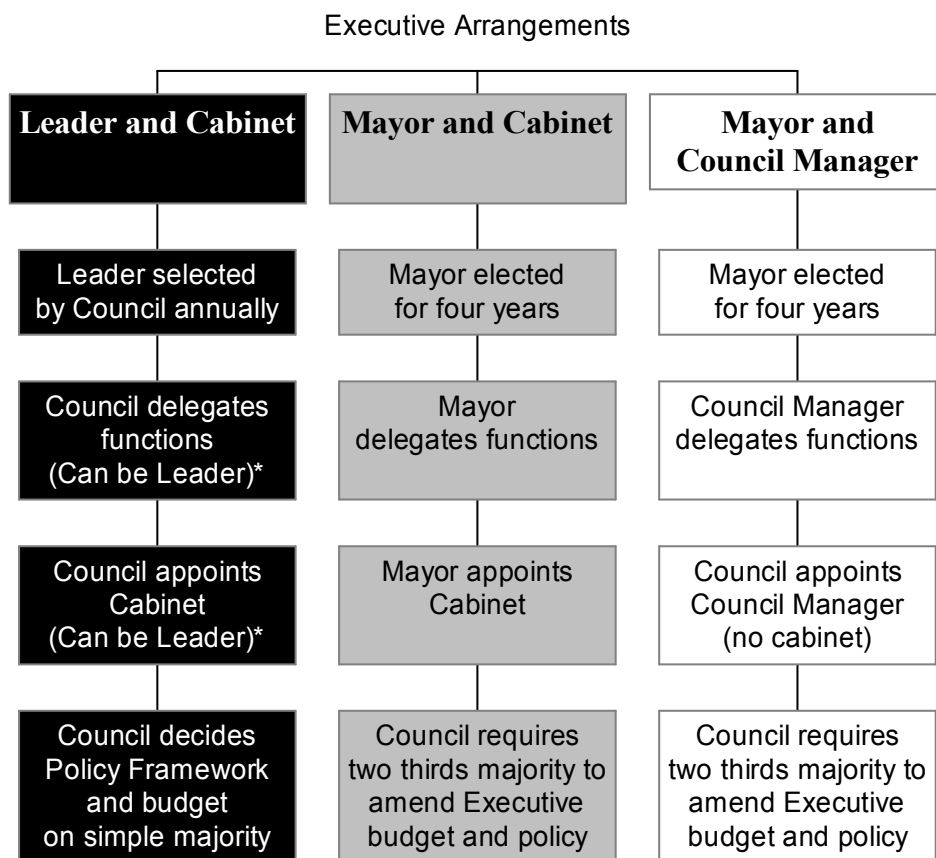
4. The consultation is mandatory and regulations prescribe the nature of the consultation.
5. They provide that where the petition does not specify the form of mayoral arrangement proposed, or the referendum is not prompted by a petition, the authority decides which form of mayoral arrangement will be put to the Referendum. Before it makes this decision the authority must consult the electorate and other interested persons in the authority's area on the two mayoral options.

Executive Arrangements

6. Under the current law the Council must consult on both the Mayor and Cabinet and the Mayor and Council Manager forms of Executive arrangements.
7. There are currently three types of Executive arrangements they are Leader and Cabinet, Mayor and Cabinet and Mayor and Council Manager.
8. In the Leader and Cabinet model the Council selects a Leader from amongst the serving Councillors, and that person is appointed annually. The Leader is the spokesperson for the Council and will represent the Council on certain outside bodies. He will also take responsibility for the overall strategy and budget preparation. In Darlington the arrangements are that the Cabinet is also appointed by Council. Decisions and delegations are made by the Leader and Cabinet together in a meeting of Cabinet. It is possible for the Leader to appoint the Cabinet, to make individual decisions and delegate powers, but this is not the case currently in Darlington.
9. In the Mayor and Cabinet model the Mayor is elected every four years by the electorate. The Mayor is the spokesperson for the Council, and takes responsibility for the overall strategy and budget preparation. The Mayor, appoints Cabinet, and decides portfolios. The Mayor can also make decisions individually, or with Cabinet, and makes delegation decisions individually. There is no discretion for Council to appoint Cabinet or alter powers to delegate.
10. In the Mayor and Council Manager model the Mayor is elected every four years by the electorate. The Mayor is the spokesperson for the Council, and takes responsibility for the overall strategy and budget preparation. There is no Cabinet, as decisions are taken and implemented by the Council Manager. The Council Manager is an unelected officer appointed by Council. The Council Manager makes decisions and delegates powers. The Council Manager also proposes the budget. The policy framework is proposed by the Mayor and Council Manager.

Setting the Budget and Policy Framework

11. In our current arrangements the budget and policy framework is proposed by Cabinet to Council. If Council disagree any amendments must be referred back to Cabinet before amendments can be made. If the Council continue to want an amendment which is not agreed by Cabinet, the Council make that amendment with a simple majority. In either form of Mayoral arrangement if the executive proposes a budget to Council, the Council must have a two thirds majority of Council to amend the budget. There is a dispute resolution procedure to go through to invite the Executive to reconsider a budget which the Council does not support but the amendment cannot finally be made unless it is supported by two thirds of the Council members. The same is true of amendments to the policy framework. If a new plan or strategy within the policy framework is proposed and the Council does not accept it, then the Council will invite the Executive to reconsider, if dispute continues then a two thirds majority of Council is required to amend a recommendation of the Executive. The Council must incorporate certain standing orders into the Constitution to ensure that this is the case for any Mayoral arrangement.
12. The following chart highlights some of the key differences between the three forms of Executive arrangements.
13. In summary the key differences are:-



- (a) the Mayor is elected and serves a term of four years, whilst the leader is chosen from Council annually.
- (b) A Mayor or Council Manager can make decisions and delegate as individuals, whilst the Leader and Cabinet delegate together in a meeting of Cabinet. *Although in Darlington this rests with Council, the Constitution can give this responsibility to the

Leader alone.

- (c) A budget or policy proposed by a Mayor can only be amended with a two thirds majority of Council; the budget and policy of a Leader and Cabinet can be amended by a simple majority.

- 14. Further detail of the differences between these arrangements are set out in a chart at **Appendix 2**.

Form of Consultation

- 15. The Local Government and Public Involvement in Health Bill proposes to abolish the Mayor and Council Manager option with effect, in Darlington, from 2011. Representatives from the Department of Communities and Local Government have advised that as a result we can engage in a 'light touch' consultation and the Council can inform residents of Darlington that the Council Manager option is likely to be abolished.
- 16. The Council must also consult, with both electors and other interested parties about the detail of those arrangements and about how the council will operate with either form of arrangement.
- 17. During the consultation exercise the authority must
 - (a) Describe and represent in a fair and balanced way each of the forms of executive which include an elected mayor.
 - (b) Ensure that in responding to that consultation local electors and other interested parties in the authority's area have an opportunity clearly to express their preference for either of the mayoral options.
 - (c) Use a combination of qualitative and quantitative methods of consultation.
 - (d) Ensure that all electors and other interested parties have an opportunity to respond to the consultation, and
 - (e) Ensure that the consultation does not include consultation on the Council's existing Executive arrangements, i.e. Leader and Cabinet. (which can be discussed at the next stage).
- 18. A detailed report setting out the proposed consultation throughout the period leading up to the referendum is attached at **Appendix 3**.

Stage Two: Proposals

- 19. The Council must draw up proposals about how the Council will operate under a Mayor before doing so the Council must consult the public about those proposals. The simplest way of achieving this is to draw up draft proposals prior to the consultation period, consult on those proposals and to reflect the results of the consultation in the final proposals. The Council does not have to decide on a final set of proposals until July.
- 20. In order to draw up the proposals the Council will need to make decisions about how the Council will operate. In making these decisions the authority must consider

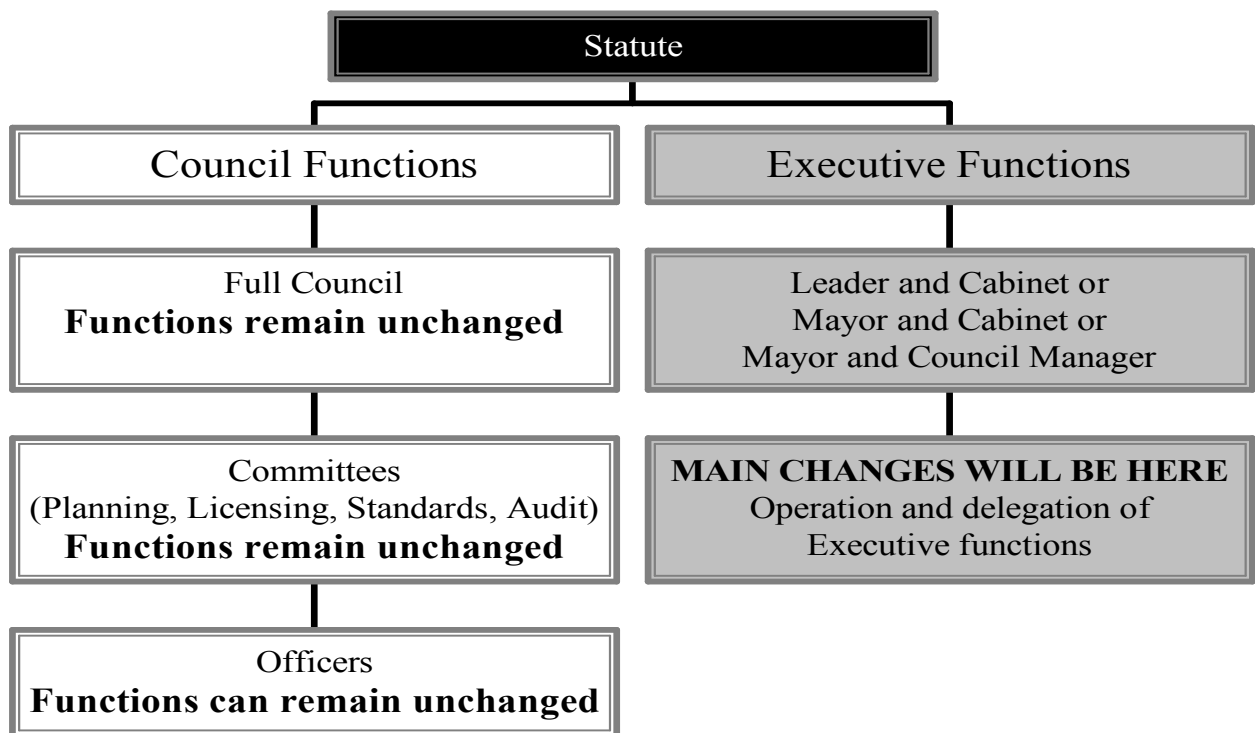
‘to what extent the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the authority’s functions are exercised having regard to a combination of economy, efficiency and effectiveness.’

21. The proposals must include:

- (a) Details of the Executive arrangements
- (b) A timetable for implementation
- (c) Details of any transitional arrangements

22. Either form of Mayoral arrangement will be based on similar requirements to the existing Executive arrangements and therefore the responsibilities of regulatory committees, the operation of many of the Rules of Procedure, and many other aspects of the constitution will remain unaltered. The following diagram illustrates how existing arrangements will be affected.

The Effect of a Mayor on Existing Arrangements



23. The main changes will be in the Executive and how the Executive works with Council and other committees. There is however a number of areas where the Council has discretion to decide how the authority will operate. When drawing up proposals for new arrangements the Council should consider the following areas:

- Policy Framework
- Scheme of Delegation
- Key Decisions
- Local Choice Functions

Overview and Scrutiny

The Ceremonial Mayor
The term of office of the Mayor
The arrangements for the appointment of the council manager (where applicable)

24. The key areas for consideration are:

Policy Framework

25. Within legislation Council must approve certain plans and strategies and their approval can not be delegated to the Executive. The Executive proposes the plans to Council for approval and if the plans are approved must make decisions within the agreed plans and strategies. There are also a number of plans which guidance strongly recommends are approved by Council. If Councils wish they may add discretionary plans and strategies to the Policy Framework. Darlington has added a small number of discretionary plans and strategies to the Policy Framework and these are set out in the Council's constitution. In drawing up proposals for new mayoral arrangements, a draft policy framework could include a wide range of discretionary plans or remove the existing discretionary plans.
26. It is the officers view that if the policy framework includes a large number of discretionary plans this will have an impact on the economy and efficiency of the Council, because any changes to these plans could only be approved by Council. This will also make it more difficult to hold individual members accountable for key plans and strategies when the decision is made collectively. At the awareness raising stage it will be easier for the public to compare the merits of an elected mayor with those of a leader and cabinet, if the policy framework is the same.
27. Officers therefore recommend that the existing policy framework should be included in the draft proposals.

Scheme of Delegation

28. When drawing up proposals, the Council can decide to delegate significant powers to officers or have a limited scheme of delegation. If broad this will pass responsibility for decision making to officers, it may increase efficiency but will reduce accountability. This scheme can be amended by the Mayor (in Mayor and Cabinet) or the Council Manager (in Mayor and Council Manager) and this does not require the support of Council, as the decision to delegate powers to officers rests with the Mayor or Council Manager. There is limited benefit in drawing up a new scheme of delegation to include within the draft proposals.
29. Offices recommend that the existing scheme of delegation to officers and committees is incorporated into the draft proposals.

Key Decisions

30. A broad definition will ensure that a wide range of decisions would be required to be included on the forward plan, it will also ensure that a wide range of officer decisions would be subject to scrutiny. This could reduce efficiency but does make decision making more publicly transparent. The Council sets the definition of key decision, so the Mayor would require the support of a Council majority to change this definition. The Council considered the definition of key decision when Executive arrangements were introduced and

considered that the current model achieved an appropriate balance between efficiency and accountability.

31. Officers recommend that the existing definition of a key decision is included within the draft proposals.

Local Choice Functions

32. There are a small number of functions which statute says can be decided by local choice. This means that the Council can decide whether the Council or the Executive is responsible for these areas of decision making. The areas are limited (a full list of the local choice functions is attached to the draft proposals in **Appendix 4**).
33. Officers recommend that the existing list of Local Choice Functions is included as an appendix to the draft proposals.

Overview and Scrutiny Arrangements

34. As with a leader and cabinet arrangement the Council must have at least one Scrutiny committee. The arrangements for Scrutiny are well established in Darlington and will need to be reviewed, in the autumn this year in response to the legislative changes to Scrutiny. Scrutiny continues to have the same powers under either form of mayoral arrangement to scrutinise decisions of the Executive. The current arrangements for Scrutiny have been worked out in detail. Any review of those arrangements can be undertaken as part of the proposed changes later this year.
35. Officers recommend that the current arrangements for Overview and Scrutiny be included within the draft proposals.

The Ceremonial Mayor

36. There are three issues:-

- (a) The title of the ceremonial mayor
- (b) The duties of the ceremonial mayor
- (c) Social Precedence

- (a) The Ceremonial Duties

The elected mayor cannot chair meetings of Council. However it is a matter for local choice whether the elected mayor discharges the ceremonial duties previously performed by the ceremonial Mayor. The guidance states that in a constitution which involves a Mayor and Cabinet form of executive in particular, it is unlikely that the elected mayor will have enough time to discharge many ceremonial duties and therefore the Secretary of State considers it would be appropriate for these duties to remain with the ceremonial mayor of the authority.

- (b) The Title of Mayor

The guidance says that 'where there is an elected mayor and deputy mayor the titles can only be used by the elected mayor or his/her chosen deputy'. The title of Mayor cannot be used for the current role of ceremonial mayor. The ceremonial mayor can

continue to carry out the same roles and duties, including chairing meetings of full Council, but must have a new title. The draft proposals attached to this report have left this question open, to be decided following public consultation.

(c) Precedence

The ceremonial mayor currently has social precedence in the district. This will be pass to the elected mayor unless the Council opts to include in the arrangements that the ceremonial mayor (under a new title) will have precedence. The issue of social precedence is associated with the status of the ceremonial mayor.

37. Officers recommend that the ceremonial mayor should continue to have the same duties and responsibilities, including chairing meetings of full Council, and that the ceremonial mayor should have social precedence. Officers further recommend that the draft proposals should indicate that the new title of the ceremonial mayor should be a matter for public consultation without recommendation.

Appointment of a Council Manager

38. The guidance suggests that the appointment of a council manager is one of the areas that the Council will need to consider when drawing up proposals. This authority has procedures in place for the appointment of Chief Officers including the Chief Executive, and these are set out in the Staff Employment Procedure Rules. The Chief Executive appointment is approved by Council, the council manager must be appointed by Council.
39. Officers recommend that if the appointment of a council manager is necessary that the existing arrangements for the appointment of the Chief Executive is adopted for the appointment of the council manager.

Term of Office of the Elected Mayor

40. The normal term of office for an elected mayor is four years. The first term of office can however be between two and five and a half years to bring the mayoral election into step with a normal electoral cycle. Darlington, which has all out elections, can choose which year should be the normal year for election of the elected mayor. The choices therefore range between two years, i.e. May 2010 and five and a half years, i.e. October 2013, and can be in either May or October of any year between those dates.
41. If the first election takes place in May 2008 a term of office of three years would mean that the second mayoral election would co-incide with the election of other councillors in May 2011, which would have the benefit of reducing election costs. However, guidance suggests that where possible elections for Mayor should fall in a fallow year. This has the benefit of ensuring that the mayoral election does not co-incide with the election of other councillors which can lead to complications in the conduct of the elections. All candidates for local elections would be caught by the rules on elections leading up to a mayoral election, and the voters are more likely to become confused in the election process about the role of the mayor and other councillors. Discussions with officers in local authorities with an elected mayor support the view that it should not co-incide with a local election. The Parliamentary and European elections are more difficult to predict but may take place in either 2009 or 2010 and 2013. The year that is most likely to be free of other elections is 2012.

42. Officers recommend that the term of office for the first Mayor should be four years, with a second election in May 2012.
43. The term of office of the elected mayor begins on the fourth day after she or he is elected and she or he holds office until the successor comes into office on the fourth day after the next election.

Points for Consultation

44. The Council is required to consult with inhabitants of the area and other interested parties about the proposals it puts forward. Many of the issues detailed are technical and it may prove difficult to engage people in a debate about them. A set of draft proposals based on the existing arrangements is attached at **Appendix 4**. These proposals will allow for easy comparison with our current arrangements at the awareness raising stage, just before the referendum.
45. In the draft proposals the Executive arrangements change to the extent that the Leader and Cabinet executive, is replaced by an elected Mayor and Cabinet or a Mayor and Council Manager.
46. Otherwise all arrangements remain as they are, with the same committees and scrutiny arrangements.
47. There are three key questions for consultation these are:
 - (a) If there is to be a Mayor what is the preferred form of mayoral arrangement, Mayor and Cabinet or Mayor and Council Manager?
 - (b) What is the preferred new title for the Council's ceremonial mayor?
 - (c) Is there agreement with the Council's proposals for mayoral arrangements?
48. These are matters that will need to be addressed prior to submission of the proposals to the Secretary of State. It is open to the Council to decide that there is a limit to the number of issues in which it is possible to engage in meaningful consultation. The Council can focus consultation on these areas, whilst providing a broad overview in the proposals to enable anyone who wished to do so, to comment in detail, on those arrangements.

Proposals to the Secretary of State

49. Following the first phase of consultation the Council will need to decide at its meeting on 19th July which form of mayoral arrangement to put forward to the referendum, and will consider the results of the consultation when making these decisions. At that meeting the Council will also consider a final draft of the proposals. The final proposals will be submitted to the Secretary of State on 26th July 2007. The proposals submitted to the Secretary of State must include a statement which describes what steps the authority took to consult; the outcome of the consultation and how the outcome is reflected in the proposals. These proposals will be implemented if the referendum results in a 'yes' vote.

Once the proposals have been submitted, a stage of information sharing and awareness raising will take place which will inform the public about the two options which will be the

subject of the referendum.

Stage 3: Awareness Raising

50. The awareness raising will focus on the two options to be put to the referendum. These are the chosen form of mayoral arrangement, and the fall back proposals which are our current arrangements. The awareness raising can also focus on the referendum itself, and encourage debate and participation in the vote.
51. At this stage the authority has greater discretion about the format of the information, but there is increasing restriction on publicity.

Restrictions on Publicity throughout the period leading to the Referendum

At all Times

52. Consultation material is publicity within the meaning of the Code on Local Authority Publicity. This imposes various restrictions on publicity issued by local authority which apply at all times. The Code has specific provisions about referendums which require that at all times leading up to a referendum any information published by the authority is 'factually accurate and objective'.

During Consultation

53. There is also specific guidance about the consultation process which emphasizes the need to avoid bias in the presentation of facts. If a statement is factual it does not mean that it is safe to use in consultation. It is also important that the statement is balanced. For example if a statement is made that a feature of mayoral arrangements will have a particular outcome, which may be perceived to be negative, then it must be balanced with a statement about any positive effects of that feature. The guidance provides examples of statements that display bias which should be avoided.

During the Referendum Period

54. The submission of the proposals to the Secretary of State (26th July 2007) marks the start of the 'Referendum Period', greater care is required during this period and
55. 'the publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group'.

In the last 28 days

56. In the final 28 days prior to the referendum the local authority cannot publish any material which :-
- (a) provides general information about the referendum
 - (b) deals with any of the issues raised by the question to be asked in the referendum; or
 - (c) puts any arguments for or against a particular answer to that question
57. Although the authority can :-
- (a) respond to questions asked by individuals
 - (b) publicise the poll itself
 - (c) issue press releases to correct factual inaccuracies published by someone else.

Council Members

58. The Council members are not bound by these rules and can make their own personal statements in the press or in personally produced newsletters or in direct conversation, provided that Council resources are not used to make those statements. Individuals are subject to a general restriction on referendum expenses of £2000 and 5p for every elector.

Stage 4: The Referendum

59. All local government electors can vote at the referendum. The question which will be put to the electorate is
- ‘Are you in favour of the proposal for Darlington Borough Council to be run in a new way, which includes a mayor, who will be elected by the voters of that borough, to be in charge of the Council’s services and to lead Darlington Borough Council and the community which it serves?’
- (if the Mayor and Council Manager option is selected the phrase ‘to be in charge of the Council’s services’ would be deleted).
60. There is no discretion about the question to be put, as this is prescribed by regulations.
- (a) If a majority of voters reply ‘no’ to the questions, the existing arrangements will continue and there will be no change.
 - (b) If the majority of voters reply ‘yes’, an election will be held for a mayor in May 2008 and the proposals that the authority put forward to the electorate will be implemented in accordance with the timetable set out.

All Postal Ballot

61. There have been 21 previous mayoral referendums following the implementation of the 2000 Act. All of those referendums have been conducted using an all postal ballot. All postal ballots have produced higher turnouts. In Darlington the all postal pilot resulted in 51.54% turnout compared with 33% in 1999 and an estimated 40% in 2007. The discretion to hold an all postal ballot remains however difficulties experienced nationally in relation to

postal voting have raised concerns about all postal ballots.

62. In 2006 the Electoral Administration Act and its subordinate legislation introduced a new system for postal voting which is designed to minimise fraud and restore confidence in postal voting, but this system has not been introduced for all voters, only those who have requested a postal vote. If an all postal ballot is permitted a two tier system will require verification for existing postal voters but not for those who had not requested a postal vote. The Department for Constitutional Affairs which has responsibility for elections, have indicated that, it will be introducing regulations which prohibit an all postal ballot for this referendum. At the time of writing this report those regulations have not been laid before parliament. The cost of an all postal ballot is approximately £25,000 higher.
63. Officers recommend that the Council should use an all postal ballot if it lawful to do so, and a conventional poll if an all postal option is not available.

Financial Implications

64. There are inevitably costs in the conduct of the consultation, the awareness raising and the conduct of the referendum itself. These are unavoidable if a referendum is to be held. The following chart details the estimated costs

Activity	Cost
Consultation:	£25K
Awareness raising	£20,000
Conduct of the Referendum: Equipping and manning Polling Stations Equipping and manning Count Stationery and postage Advertising	£125,000 (£100,000 if not all postal)

Legal Implications

67. This report contains significant legal issues which are detailed throughout the report. The Borough Solicitor has highlighted legal implications within the report.

Section 17 of the Crime and Disorder Act 1998

68. 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

69. This report does not recommend any changes to the Council's policy framework, however this report is required to be considered by Council.

Conclusion

70. The report explains the process leading up to a referendum for an elected mayor. The report presents a programme of consultation for approval and a set of draft proposals for new mayoral arrangements which will be subject to consultation. Members will need to consider whether they are content to proceed with consultation on the basis of the programme and draft proposals put forward.

Recommendation

71. Council is requested to :-

- (a) Approve the programme of consultation as set out in Appendix 3.
- (b) Approve the budget of £70,000 for the consultation, awareness raising and conduct of the referendum, assuming an all postal ballot.
- (c) Approve the draft proposals set out in Appendix 5 to be the subject of public consultation.
- (d) Conduct the referendum using an all postal ballot until that option is removed by legislative change.

Reasons

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

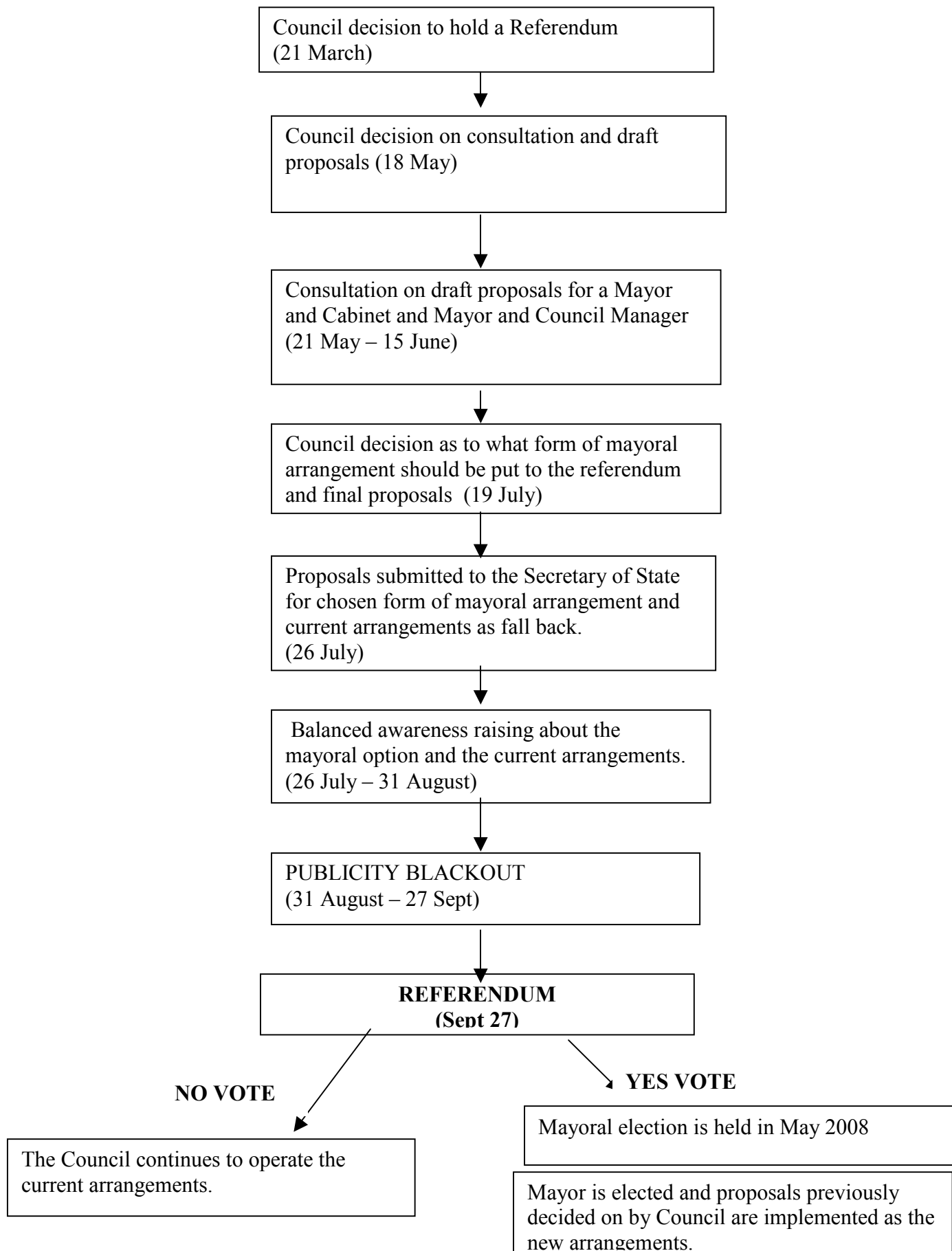
- (a) The Council is required to consult with the public prior to the referendum, and the programme follows the guidance for effective consultation.
- (b) There is a requirement to carry out the consultation, raise public awareness and to conduct the referendum itself but there is currently no budget allocation to support this.
- (c) The Council is required to submit proposals to the Secretary of State prior to the referendum and to consult the public on draft proposals.

Paul Wildsmith
Director of Corporate Services

Background Papers

Catherine Whitehead : Extension 2306
TAB

MAYORAL REFERENDUM FLOWCHART



APPENDIX 2

Key Questions	Leader	Mayor (with Cabinet)	Mayor (with Council Manager)
How are they chosen?	Leader is appointed by Council	Mayor is elected	Mayor is elected
How long is the term of office	Leader is appointed annually	Four years. The Council can decide on the first term of office.	Four years. The Council can decide on the first term of office.
What is their role?	Chair and lead the Cabinet Spokesperson for the authority Represent the authority on outside bodies selected by Council Take responsibility for the overall strategy, budget, policy arrangements and service reviews	Chair meetings of the executive Spokesperson for the authority Represent the authority on outside bodies selected by the Mayor Give overall political direction to the Council Decide on the scheme of delegation executive functions Appoint the executive and deputy Mayor	Spokesperson for the authority Give overall political direction to the Council Propose the policy framework to Council (with Council Manager) Advise Council Manager on implementation of policy Appoint deputy Mayor Appoint advisory committees (if any)
Who appoints the Cabinet?	Cabinet is appointed by Leader or Council (in Darlington it is recommended by the Leader and appointed by the Council)	Cabinet is appointed by the Mayor	There is no Cabinet. The Council Manager is appointed by Council
Who decides the portfolios?	Portfolios are drawn up by the Leader and decided by Leader or Council (in Darlington they are recommended by the Leader and decided by Council)	Portfolios are decided by Mayor	No portfolios
Who has automatic responsibility for Executive functions?	Leader and Cabinet collectively.	Mayor and Cabinet collectively	Mayor and Council Manager collectively
Who can carry out those functions?	Leader and Cabinet collectively, the Leader or other Cabinet Members within a portfolio, officers or a committee of the Executive	Mayor and Cabinet collectively, the Mayor or Cabinet Member within a portfolio, officers or a committee of the Executive	Council Manager, or Council Manager and Mayor collectively or an officer (in this form the Mayor cannot make decisions on

			his own).
Who decides how functions should be carried out?	The Executive arrangements agreed by Council or the Leader (in Darlington it is the Council through the Executive arrangements set out in the Constitution).	The Mayor	The Council Manager
Who decides the budget?	Council. The Leader and Cabinet recommend the budget to Council. Council cannot change the budget without referring it back to the Executive.	Council. The Mayor and Cabinet recommend the budget to Council. Council cannot change the budget without referring it back to the Executive. Even so a two thirds majority is required.	Council. The Mayor and Council Manager recommend the budget to Council. Council cannot change the budget without referring it back to the Executive even so a two thirds majority is required.
Who decides the broad policy and strategic direction of the authority?	The Council through the policy framework of the Council. This is recommended to Council by the Executive.	Same as Leader and Cabinet but the Council cannot amend a plan or strategy recommended without a two thirds majority.	Same as Leader and Cabinet but the Council cannot amend a plan or strategy recommended without a two thirds majority.
Who decides Scrutiny arrangements?	Council	Council	Council
Whose decisions are subject to Scrutiny?	Leader, the Cabinet, Executive Committees and Portfolio and key decisions by officers	Mayor, Cabinet, Executive Committees and Portfolio holders and key decisions by officers	Council Manager, Mayor and Council Manager collectively and key decisions by officers.

MAYORAL CONSULTATION

The Council must consult the public on:

- (a) The two mayoral options, Mayor and Cabinet and Mayor and Council Manager
- (b) The other arrangements that would be put in place alongside the new mayor which are outlined in the draft proposals.

When the Council has decided on the form of mayoral arrangement to put to the vote in the referendum, the Council will also need to embark upon an awareness raising campaign, in relation to both the mayoral option and the current arrangements, to enable the voters to make an informed decision.

This paper deals with the programme of activity for both the consultation and awareness raising stages.

Consultation Monday 21st May 2007 – Friday 15th June 2007

The consultation stage is subject to detailed guidance and regulations which prescribe the form of the consultation. These requirements are reflected in the proposed programme.

Core principles

1. The consultation undertaken by the authority will:
 - (a) comply with the Local Government Act 2000 statutory duty to consult on the proposed introduction of any new political management arrangements;
 - (b) be fair and balanced in the way it represents the different forms of political management arrangements;
 - (c) provide an opportunity for consultees to express a preference for any of those forms of arrangement;
 - (d) provide an opportunity for all local electors and other interested parties to participate;
 - (e) use both quantitative and qualitative methods;
 - (f) examine the question of what difference any change might make;
 - (g) use a variety of styles and communication channels;
 - (h) demonstrate the Council's understanding that as well as being a promoter of debate it must also act as a referee (to ensure fairness and balance) and a judge (to assess, finally, which option should be put forward for the referendum).

Process

2. It will be important for the Council's reputation, particularly since the Council itself will exclusively manage the consultation process, that there is a formal process. The Council must make it clear that the consultation on the mayoral referendum is fully local authority controlled.
 - (a) The debate will be launched with an initial three-week period of consultation;
 - (b) The authority will consult on the two mayoral options available, and the decision arrangements that are put in place alongside the Mayor
 - (c) Individual members of the public as well as key stakeholders will be targeted;
 - (d) The three-week process will enable the Council to draw up proposals which will be submitted to the Secretary of State;

- (e) After the proposals are submitted, awareness raising will focus on the chosen mayoral option, the current arrangements and the referendum itself..

Outline framework

3. The Department for Communities and Local Government has said that a “light touch” approach can be taken to the consultation.
4. It is important to note that the consultation period is an information-giving process as well as helping to inform decisions. We want to build understanding among local people so that the judgment they make in the referendum is an informed one. We are able to comment that the Council manager option will be phased out by 2011.

Objectives

5. (a) To consult on which of the two options should be selected
 (b) To consult on the arrangements that should be in place in the areas identified
 (c) To inform and raise awareness

Method of consultation	Quantitative	Qualitative
Launch <ul style="list-style-type: none"> • Northern Echo splash, including tear-off reply slip; • Town Crier full page special. 		✓
Citizens' Panel postal mail shot.	✓	
Targeted mail shot to businesses on the Economic Regeneration list (approx. 600)		✓
Darlington Partnership members and the voluntary and community sector		✓
Website content with provision for on-line submission of preferences.		✓
Information points at all authority public buildings, with opportunities for residents to give their views.		✓
Town Crier and Flyer articles		✓
Staff and member briefings		✓
Members of the Local Government family: (eg LGA; SOLACE; CIPFA; ACSES, IDeA; ANEC) <ul style="list-style-type: none"> • Unison and other Trade Unions; • Tees Valley local authorities; • Other neighbouring local authorities; 		✓
Additional meetings		
There are further meetings that are also possible consultation forums. However, only a handful are scheduled to commence within the three-week consultation period. Further work is needed as to whether some meetings could be or need to be scheduled within the period.		✓

Analysing the Results of Consultation to Make a Judgment

6. It will be important for consultees to have confidence in the consultation process. To achieve this it is vital for the Council to be clear from the outset about how it will analyse the results of consultation.
7. It is expected that in balancing and sifting the results of consultation that public opinion (recorded largely through quantitative survey evidence) should be balanced with the views of partner agencies/other stakeholders. The Council will be expected to demonstrate how its proposals reflect the preferences of those consulted. It is not necessary for the Council to accept public opinion but it is important to be able to demonstrate that the Council has considered the results of the consultation and taken it into account when reaching a decision. The final decision will be made by full Council at its meeting on 19th July 2007.
8. Care will be taken in feeding back the results of the consultation and subsequent referendum to use the kind of broad variety of communications channels used in the original consultation.

Awareness raising – Friday 20th July 2007 – Friday 31st August

9. Objectives

- (a) To feedback the chosen mayoral option
- (b) To raise awareness and sustain interest
- (c) To promote referendum poll

Town Crier – July and August editions (proposed special 4-page article, and/or wrap around local paper, e.g. The Advertiser)
Continue with website information refresh
Continue to work with the Northern Echo
Market Stall
Alpha Radio advertising continues but not as intensive as 3-week activity
Additional meetings attendance and stakeholder briefings

Resources

10. The consultation necessary does not come without cost, both in terms of financial and human resource. Some example financial costs include:

Consultation	
Quantitative survey with Citizens' Panel	Approx. £8.5K
Town Crier advertising	Approx. £6K for 3 x 2-page spread
Wrap around advertising (Advertiser)	Approx. £4K
Website development and Stationery	Approx £6.5K
Awareness Raising	
A detail programme of awareness raising has not been worked out, estimated costs	Approx £20K

11. A total of £25,000 is not unrealistic, and is comparable to the spending on the 2001 consultation on local governance. Human resource is difficult to quantify, although the

consultation will require intensive support on a practically full-time basis for some officers. Affected sections would include Policy, Democratic, Legal and the new Connecting with Communities team, although resource from other areas may also be required.

Conclusions

12. A successful mayoral referendum consultation will contain a mixture of qualitative and quantitative consultation methods and a high-profile public debate (at least among stakeholders). The well-informed views of the public (which have been sought in an open and honest way) will be “centre stage”. In this way, the Council will be able to be confident in the integrity of its processes. For effective consultation to be held, work needs to begin now.

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Ext. 2014