

Referendum on the council's governance model

Why is Croydon holding a referendum?

The Local Government Act 2000 (as amended) (LGA 2000) sets out the statutory process which councils must follow before they can change their governance arrangements. A change in governance arrangements can be made by the council itself, or by giving local electors a choice by holding a referendum. Croydon Council received a petition requesting a change in governance from the campaign group known as DEMOC (Democratically Elected Mayor of Croydon) on 3 September 2020 which was delayed by the changes to the referendum regulations due to the impact of the pandemic on councils and, at an Extraordinary Council meeting in February 2021 separately resolved to hold a referendum on this issue.

When will the referendum take place and when will pre-election restrictions come into force?

The referendum will be held on 7 October 2021. The council will enter a period of pre-election restrictions 28 working days before the election, from 30 August 2021.

What will the pre-election restrictions mean for council business?

Councils must abide by the [Code of Recommended Practice](#) which describes the pre-election period as a time of heightened sensitivity. The Code sets out the restrictions which apply to Council publicity during this period.

What will electors be asked to choose?

Electors will be asked to choose between:

- A. The current model of the leader and cabinet (the Leader Model) or
- B. The mayor and cabinet model (the Mayoral Model)

The format and wording of the ballot paper is prescribed by law – see appendix 1.

What is the difference between the two models?

Both models are executive models of governance. Most of the council's powers are held by the executive (cabinet) which takes policy and strategic decisions and delegates operational decisions to officers.

Important powers are reserved for decision by full council, including setting the budget and council tax, approval of specified major policies and decisions relating to regulatory decisions (such as planning and licensing) and governance matters.

Like the executive, council can delegate those powers to committees and officers.

Both leaders and directly elected mayors are the political leaders of the council and have overall responsibility for council policy and the delivery of services.

A key difference between the two models is that the leader and cabinet model enables other elected councillors to choose the leader, whereas the mayoral model

is elected at large – it allows the local electorate to decide who the overall leader of the council is and decision-maker for the executive.

The leader model:

The executive is comprised of a leader and cabinet. It is the model adopted in most councils.

The leader is a councillor who is elected by full council for up to 4 years. A leader stays in office except for death, disqualification, resignation or after being removed by a vote in full Council.

If a leader is removed, they must be replaced by another councillor by a vote at full council.

The leader must appoint a deputy leader, who acts when the leader is unable to act or on death, disqualification or resignation until a new leader is appointed by full council.

The leader must appoint a cabinet of between 2 to 9 councillors including the deputy leader and decide their portfolios.

The cabinet does not need to be politically balanced.

The leader holds all executive powers but may delegate them to the cabinet, cabinet committees, individual cabinet members and officers.

Council can only exercise powers reserved to it by law, including approval of the budget, major policies, regulatory and governance/constitutional powers.

This model must have at least one overview and scrutiny committee appointed by Council, which holds the executive to account.

The mayoral model

In the mayoral model, the executive is comprised of the elected mayor and cabinet.

Executive powers are held by the Mayor who may choose to delegate powers to the executive collectively, or to individual cabinet members or a committee of cabinet members or to officers. The mayoral model under consideration in Croydon is that the Mayor would delegate powers to the cabinet so that decisions are made collectively, as at present under the leader/ cabinet model.

The mayor is directly elected, by the local electorate, every four years and is not a councillor.

The mayor cannot be removed by council but only on resignation, disqualification or death, when a by-election is held.

The mayor must appoint a deputy mayor, who acts when the mayor is unable to act or on death or resignation until a by-election is held.

The mayor must appoint a cabinet of between 2 to 9 councillors including the deputy mayor and decide their portfolios.

The cabinet does not need to be politically balanced.

This model must have at least one overview and scrutiny committee appointed by Council, which holds the executive to account.

What happens if the referendum is passed?

If local electors vote to change the existing system to a mayoral model, then the council will continue to operate under the Leader/Cabinet model until the local elections in May 2022 at which point the council will move to the Mayor/Cabinet model. The election for the Mayor will be held at that time along with the elections for all the councillors

A report will be presented to the first council meeting following the referendum setting out the proposed transition arrangements.

If passed the result of the referendum is binding.

What happens if the referendum is not passed?

If the referendum does not agree to a change then the May 2022 local elections will be run on the current Leader Cabinet model.

If not passed the result of the referendum is binding.

If the electorate vote for a change in governance model, what are the timescales for implementation?

If the referendum result is in favour of a change in governance arrangements, the council must then resolve to make the change within 28 days of the referendum by a decision on any transitional arrangements at special full council meeting. The election for mayor would then be held on Thursday 5 May 2022.

How are mayors elected?

Directly elected mayors are elected by the 'supplementary vote' system, with each elector asked to choose their first and second preference for the position. Voters' first preferences are counted and if one candidate gets 50 percent of the vote, then he /she /they are elected. If no candidate gains 50 percent of the vote, the two highest scoring candidates are recounted to determine the winner, this time including second preference votes from all other (eliminated) candidates.

What does this mean for the current Mayor of Croydon?

The role of directly elected mayor is different to the role of the ceremonial Mayor. Other London Boroughs which have a directly elected mayor have adopted a variety of approaches to the ceremonial role. If the result of the referendum was a vote in favour of a directly elected mayor the full council meeting would decide what kind of model to adopt for the ceremonial mayor.

When can the council have another referendum?

Once the referendum takes place a further referendum cannot be held for another 10 years following any such referendum.

Appendix 1: Ballot paper:

The format and wording of the ballot paper is prescribed by law. As such this is what the front of the ballot paper would look like:

Referendum on how the London Borough of Croydon is run
Vote only once by marking a cross (X) in the box next to your choice
How would you like the London Borough of Croydon 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. <input type="checkbox"/>
By a mayor who is elected by voters. This would be a change from how the council is run now. <input type="checkbox"/>