

Government plans to impose mayoral referendums have not been thought out properly and should be abandoned

Blog Admin

As part of its flagship localism agenda, the coalition government will introduce powers to require certain authorities to adopt the mayoral model currently in place in London. The first step is to impose 'shadow mayors' and local referendums on mayors. [George Jones](#) and [John Stewart](#) write that proposals are actually against the principle of localism, and may even undermine the constitutional position of local government.



The Localism Bill gives the Secretary of State powers to require authorities to adopt the mayor and cabinet model and to appoint the existing leader as shadow mayor with the powers of an elected mayor with the exception of the powers of the mayor as chief executive. The Government has indicated it will use its powers early in 2012 in the large cities where it intends to impose mayoral referendums. The issues raised concern more than those cities, since the Government has indicated it could later require further referendums in other towns and cities, again appointing shadow mayors. The Government has indicated it will use its shadow mayor powers early in 2012 in the large cities such as Nottingham, where it intends to impose mayoral referendums.



It is strange to find such proposals in a so-called Localism Bill. The proposal to require referendums denies localism. It imposes referendums on local people and local authorities, not sought by either. Both the council directly or local people could now through a petition signed by just 5% of the electorate hold a referendum if they wanted one. Instead central government imposes referendums. The local authority will be required to adopt the mayoral model before the referendum. It is difficult to see the logic of this proposal, since the authority will have to abandon the mayoral model if it is rejected in the referendum. It is not based on a logic of localism, but on a logic of centralism, imposing, if only for a month or two, a new political structure on local people and the local council.

The Government goes further in denying localism by its proposal for shadow mayors. The Secretary of State is given a unique power to appoint the most important political position on the council in defiance of the principles on which local government is based. It is a dangerous precedent, undermining the constitutional position of local government where political positions on the council have rightly been determined by the elected councillors accountable to local people ever since elected councils were created in the early nineteenth century. Instead, appointments will for the first time be made by the Secretary of State. What is now proposed for shadow mayors can be proposed later for other positions on the council by a Secretary of State who has little regard for the principles of local government or for the authority of the local council.

What is the justification for this proposal? One would expect major reasons to be put forward for such an unprecedented provision. All we are told is it would enable local people to judge the mayoral model before they vote in the referendum. They will not have much to go on, if the appointment is made in January or February and the referendum is held in early May. The electorate will not have had experience of an elected mayor but of an appointed mayor. Yet the main advantage of an elected mayor, put forward by its advocates, is that the mayor has a strong mandate based on election by the whole electorate and the wide public recognition given by that election. These arguments are not applicable to appointed mayors, so the experience of a shadow mayor does not give the electorate any basis on which to judge elected mayors.

The shadow mayor is to be given greater powers than the leader. The shadow mayor's budgets and policy plans cannot be amended or rejected by the council, except by a two-thirds majority, as with elected mayors. The justification commonly given for this qualified majority is that the elected mayor has a superior mandate to that of the council.

The mayor is elected by the whole area of the authority, but so is the council as a corporate whole. This argument cannot apply to a shadow mayor, who has no electoral mandate, and therefore no justifiable claim for special powers. If the referendum adopts the mayoral model, the Government intends the shadow mayor to continue in office until the mayoral election, even if the majority on the council changes after the 2012 election. The shadow mayor will still be able to use the special powers although the only claim to any electoral authority for the shadow mayors is their past position as council leaders. The Government has not offered any reason why shadow mayors should continue in office with the right to set a budget and draw up

policy plans even if the mayor's party or coalition has lost its majority – which will arise in Birmingham unless there is a marked change, and possibly in other authorities. The Government is creating a context for conflict and confusion.

Another unresolved problem in the present proposals is that the shadow mayor is to be treated as an elected mayor in accordance with the provisions of legislation. An elected mayor who is a councillor for a ward has to vacate that council seat. Does that mean the shadow mayor has to vacate his council seat? If not, what happens if the shadow mayor due to stand in the 2012 election is defeated? It is hardly an incentive to stay in office. What happens if a leader appointed by the Secretary of State refuses to become a shadow mayor, as some who see the threat to local democracy may well do?

The Bill makes provision for dealing with a vacancy in the leadership, but in this case there is no vacancy although the Government assumes unrealistically that in these circumstances the leader would resign and the Government would then appoint the deputy when the same issue would arise. The Government then argues it would have the power to appoint any member of the council as shadow mayor (Public Bill Committee 1/2/20-11 col. 277) – a remarkable power for the Secretary of State.

These problems show that the proposal has not been thought through. It has not been justified. It should be abandoned as unnecessary and dangerous. The Bill is now before the House of Lords. The provisions about shadow mayors require their close scrutiny and revision.

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