

**Oversight and Governance**

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CITY COUNCIL - EGM

Monday 28 April 2025

11.00 am

Council House, Plymouth

Members:

Councillor Tuohy, Chair

Councillor Murphy, Vice Chair

Councillors Allen, Allison, Aspinall, Bannerman, Mrs Beer, Blight, Briars-Delve, Mrs Bridgeman, Coker, Cresswell, Cuddihee, Dann, Darcy, Dingle, Evans OBE, Finn, Freeman, Gilmour, Goslin, Haydon, Hendy, Holloway, Krizanac, Laing, Lawson, Loveridge, Lowry, Luggier, McCarty, McLay, McNamara, Moore, Morton, Ney, P.Nicholson, S.Nicholson, Noble, Penberthy, Penrose, Poyser, Raynsford, Reilly, Ricketts, Simpson, M.Smith, R.Smith, Sproston, Steel, Stephens, Stevens, Taylor, Tippetts, Tofan, Ms Watkin and Wood.

Members are invited to attend the above meeting to consider the items of business overleaf.

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Tracey Lee

Chief Executive

City Council - EGM

Agenda

1. Apologies

To receive apologies for absence submitted by councillors.

2. Declarations of Interest

3. Referendum for Proposed Alternative Executive Governance (Pages 1 - 22) Arrangements

City Council



Date of meeting: 28 April 2025

Title of Report: **Referendum for Proposed Alternative Executive Governance Arrangements**

Lead Strategic Director: Tracey Lee (Chief Executive)

Author: Liz Bryant (Monitoring Officer)

Contact Email: liz.bryant@plymouth.gov.uk

Your Reference: Referendum 2025

Key Decision: No

Confidentiality: Part I - Official

Purpose of Report

The Council has received a valid petition seeking a referendum on whether the Council should change its form of governance from a Leader and Cabinet model to a Mayor and Cabinet model, led by an elected mayor who is elected by voters for the area which the Council serves.

This report sets out the procedures that the Council needs to follow before and after holding the referendum in accordance with the relevant Regulations.

Recommendations and Reasons

1. Note the position concerning receipt of a valid petition, and the consequential process prescribed by legislation for a referendum to be held on 17 July 2025.

Reason: to comply with the requirements of Regulation 16 of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011

2. Agree that the following matters will remain in place until they can be reconsidered at the first meeting of the Council after the referendum in the event of a vote in favour of a Directly Elected Mayor:

- 2.1 The current arrangements for the (local choice) functions specified in regulations under section 9D (3) (B) of the Local Government Act 2000 which are to be the responsibility of the executive;

Reason: to comply with the requirements of Section 9D(3)(B) of the Local Government Act 2000

- 2.2 The current arrangements for Overview and Scrutiny

Reason: to comply with the requirements of Section 9MA and 9MB of the Local Government Act 2000

- 2.3 Whether the Directly Elected Mayor is to hold the Royal Charter title

Reason: to comply with the requirements of Section 9HF of the Local Government Act 2000

- 2.4 The title by which the Directly Elected Mayor is to be known in the event the two roles are to remain separate

Reason: to comply with the requirements of Section 9HF of the Local Government Act 2000

- 2.5 The length of the first term of office of the Directly Elected Mayor

Reason: to comply with the requirements of regulation 4 of the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012

3. Agree the draft proposals in Appendix B for the operation of executive arrangements based on a Directly Elected Mayor and Cabinet form of governance, should this model be implemented as a consequence of the outcome of the referendum.

Reason: to comply with the requirements of Regulation 17(1) and (2) of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011

4. Note the draft Notice of Referendum and Information Statement to be published by the Proper Officer following approval by Council.

Reason: to comply with the requirements of Regulation 17(1) and (2) of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011

5. Note that, in the event of a vote in favour of a change to the Directly Elected Mayor form of governance in the referendum, that Council's Independent Remuneration Panel be asked to make recommendations on the arrangements for remuneration that should apply to a Directly Elected Mayor Model and that the Panel's report and recommendations be submitted to the Council for determination before a mayoral election in May 2026.

Reason: to comply with the requirements of Regulation 4(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012.

Alternative options considered and rejected

1. To not hold a referendum. This option is rejected as it would be a breach of the relevant legislation.
2. To not make any proposals for the operation of executive arrangements based on a Directly Elected Mayor and Cabinet form of governance arrangements. This option is rejected as it would breach the relevant legislation.

Relevance to the Corporate Plan and/or the Plymouth Plan

The Corporate Plan commits the Council to engaging with and listening to our residents, businesses, and communities. The Council's values include a commitment to Plymouth being a place where people can have their say about what is important to them. The recommendations of this report seek to deliver these commitments in respect of a key element of the Council's democratic arrangements.

Implications for the Medium Term Financial Plan and Resource Implications:

As the referendum will not be held as a combined poll the full costs will have to be borne by the Council, and there is no scope for re-claiming any of these costs from any other source.

As reported at Full Council in February 2025, it is estimated that the costs arising from the referendum to be £0.410m. The budget has been identified from the Council's Working Balance.

In the event of an affirmative outcome in the referendum, the first Directly Elected Mayoral election would be held on the 7 May 2026 and will be combined with the local city council elections. There is no scope for this process and timescale to be varied by the Council.

Financial Risks

If the Council moved to a Mayoral model of governance following the referendum, it would need to revise its Scheme of Members Allowances. The Scheme can only be agreed or amended by the Council itself, after taking into account the recommendations of the Independent Remuneration Panel that would have to be convened in the event of an affirmative outcome in the referendum.

The mayor's salary would be determined by the Council on the recommendation of the IRP, but benchmarking would indicate a figure of £75,000. There may well be other costs associated with a move to directly elected mayor, which have not been yet identified and may arise once the elected Mayor has taken office. In addition, the Elected Mayor may appoint one Assistant at a cost to the Council. Other Executive and Democratic Service resources may be allocated to support the delivery of Executive functions and responsibilities, included as part of the budget presented by the Elected Mayor each year in the budget setting process.

Legal Implications

(Provided by Liz Bryant/LB)

As set out in the body of this report

Carbon Footprint (Environmental) Implications:

N/A

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

There is speculation that the Directly Elected Mayor form of executive arrangements for Principal Councils may be abolished as a result of the Government's English Devolution White Paper.

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing Report							
B	Draft Proposals for Future Governance under a Directly Elected Mayor including: <ul style="list-style-type: none"> - Appendix 1 Future Decision Making - Appendix 2 Responsibility for Local Choice Functions 							

Fin	ITG.2 5.26.0 01	Leg	LS/00 0033 90/22 /LB/I 6/04/ 25	Mon Off	N/A	HR	N/A	Assets	N/A	Strat Proc	N/A
Originating Senior Leadership Team member: Tracey Lee (Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 16/04/2025											

APPENDIX A- REFERENDUM FOR PROPOSED ALTERNATIVE EXECUTIVE GOVERNANCE ARRANGEMENTS



Briefing Note for City Council 28.04.2025

I. EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to inform the Council of the position following the receipt of a valid petition requesting a referendum on a move to a Directly Elected Mayor and Cabinet Executive form of governance, as required by Regulation 17(1) and (2) of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 ('The 2011 Regulations') and Regulation 4(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012 ('the 2012 Regulations').
- 1.2. The report also sets out the arrangements for following the process required by legislation including the drawing up of proposals for the operation of the form of governance that is the constitutional change proposed by the petition: a Directly Elected Mayor and Cabinet Executive model.
- 1.3. A Directly Elected Mayor (Elected Mayor) is an individual elected by the local government electors for the area for a four-year term of office. The Elected Mayor is not a councillor of the authority, but is governed by the same rules on conduct, qualification and payment of allowances.
- 1.4. Moving to a Directly Elected Mayor and Cabinet form of governance, following a decision by voters at a referendum, would represent a significant change to the way in which the Council operates. Details of the key differences between Directly Elected Mayor and Cabinet and the current Leader and Cabinet forms of executive are set out below.

2. BACKGROUND

- 2.1. The Council received a petition on 6 February 2025 seeking a referendum on whether the Council should be run in a different way by an Elected Mayor who is elected by voters for the area which the Council serves. The petition was amalgamated with earlier petitions (dated 14 January 2025 and 28 January 2025).
- 2.2. In assessing and verifying the amalgamated petition, the Council followed the strict guidance set out in the 2011 Regulations. Regulation 9 requires the Council to check each entry individually against the current register of local government electors. As a result of this detailed check against a total of 16,547 signatures on the amalgamated petition, the Council established that there were 10,856 valid signatures. The total number of valid signatures required to validate the petition and trigger a referendum was 9,789.
- 2.3. Therefore, on 17 February 2025, the Proper Officer was satisfied that the petition was valid and, in accordance with Regulation 13 of the 2011 Regulations, informed the petition organiser of that conclusion, and that a referendum would be held. On 17 February 2025 the Proper Officer published a notice containing a statement confirming the receipt of a valid petition, the constitutional change sought by the petition, the date of the petition, that the petition is available for public inspection, the address of the Council offices and that a referendum would be held.
- 2.4. Under regulations made under sections 9MC and 9MG and 105 of the Local Government Act 2000, a local authority in receipt of a valid petition requesting a referendum on a change in its

form of executive governance arrangements is required to take certain steps in a prescribed period before the holding of the referendum. These steps include the publication of how the local authority proposes to operate the alternative form of executive arrangements in the event of an affirmative vote in the referendum.

- 2.5. Under Regulation 4(1) of the 2012 Regulations, the Proper Officer is required, at least 56 working days before the referendum (i.e. by 29 April 2025), to publish a notice which contains, among other things, a statement that proposals for the operation of a directly elected mayor and cabinet form of governance have been drawn up, and a description of the main features of such proposals.

3. PROPOSED CHANGES AND REASONS

Requirement for a referendum

- 3.1. Under Regulation 16 of the 2011 Regulations, the Council must hold the referendum no later than the end of the next 'ordinary day of election' after the Petition Date.¹ However, where the Petition Date is less than four months before the next ordinary day of election, then the Council has a period of six months beginning with the Petition Date within which to hold the referendum. It is the latter which applies in this case. Therefore, the referendum must be held no later than 5 August 2025.
- 3.2. The Proper Officer has set the date for the referendum for **Thursday 17 July 2025** (polling hours 7am to 10pm).
- 3.3. In accordance with the provisions of Regulation 9 of the 2012 Regulations, the conduct of the referendum is the responsibility of the Counting Officer, who is the returning officer at elections of councillors for the area in which the referendum is to be held.
- 3.4. The question to be asked in the referendum is prescribed by the 2012 Regulations, and the Council does not have a choice in this regard:

“How would you like Plymouth City 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.”

Executive Governance Arrangements under Directly Elected Mayor Model

- 3.5. Regulation 17 of the 2011 Regulations requires the Council to take the following action before the referendum:
 - To decide the extent to which local choice functions are to be the responsibility of the executive under a Directly Elected Mayor and Cabinet form of governance should that be approved at the referendum; and
 - To draw up proposals for the operation of a Directly Elected Mayor and Cabinet form of governance should that be approved at the referendum.
- 3.6. It is recommended to Council that that no change be made to the allocation of responsibility for local choice functions as set out in Appendix C at this stage.

¹ Usually the first Thursday in May

- 3.7. Draft proposals for the operation of a Directly Elected Mayor and Cabinet form of governance are set out in Appendix C. These draft proposals are, of necessity, high level at this stage. If the voters at the referendum opt for a change to an Elected Mayor, the details of the various constitutional changes required would need to be considered separately by the Council at its first ordinary meeting after the referendum in September 2025.
- 3.8. A draft copy of the Proper Officer's notice referred to in 2.5 is included as Appendix B.
- 3.9. It should be noted that a change to a Directly Elected Mayor model of executive governance would replace the Council's existing model (Leader and Cabinet). The Elected Mayor would choose his or her cabinet from among the serving councillors, subject to a minimum of two and maximum of nine plus the mayor him/herself, one of whom must be designated the Deputy Mayor.
- 3.10. The Elected Mayor would have authority to delegate Executive functions to Executive members, officers and Committees as they see fit. The position of other councillors would remain unchanged, as would the remaining features of the Council's democratic structure, including meetings of the full Council, overview and scrutiny committees and regulatory committees. Elected Mayors do not have more powers than are available to Council leaders.
- 3.11. The key differences between a Directly Elected Mayor and Cabinet / Leader and Cabinet form of executive are set out in the table below:

Council Leader	Elected Mayor
The Council Leader is elected by the council for a period of up to four years but can be voted out of office if they no longer have the support of the majority of other councillors.	The Elected Mayor holds office for four years and cannot be voted out of office by the councillors.
The Council Leader is elected by the full council of 57 locally elected councillors.	The Elected Mayor would be directly elected by the local government electorate of the city.
The Council Leader is one of the 57 elected councillors.	The Elected Mayor would be in addition to the 57 elected councillors and would not be a councillor themselves.
Each year the Council Leader presents a budget and major policies at an agreed frequency to the council. They can be approved by a majority, and in the same way, any changes proposed by the council require a majority.	Each year the Elected Mayor would present a budget and major policies at an agreed frequency to the council. Those plans could be approved by a majority. However, any changes proposed by the Council would require the support of at least two-thirds of the council.
The Council leader is held to account through full council and at least one overview and scrutiny committee. He or she also has to stand for election as a local councillor every four years.	The Elected Mayor would be scrutinised through full council and at least one overview and scrutiny committee, as well as through direct elections across the city, every four years.

- 3.12. Neither a Council Leader nor Elected Mayor can be removed from their post by the voters during their term of office. However, the Leader can be removed by a vote at Council.
- 3.13. In the event of a vote in the referendum for changed arrangements, the first election for a directly elected mayor would be combined with Local Elections on 7 May 2026. The Elected Mayor elected at the May 2026 Mayoral election will be subject to a second election which must be held on the ordinary day of election in the year which ordinary elections of councillors are held, but it must take place between 23 and 67 months after the first election. The length of the Elected Mayor's first term of office (the date of the second election) will be

agreed at the first ordinary meeting of full Council after the referendum. After the second election, the Elected Mayor shall serve for a term of four years unless the Elected Mayor dies, resigns or is otherwise disqualified from office. The date of each subsequent mayoral election shall coincide with the date of ordinary elections of Councillors. Unlike the Leader of the Council, an Elected Mayor cannot be removed from office or be required to resign as a result of any vote or resolution of the Council, during their term of office.

- 3.14. It would be possible for an existing Councillor to stand for election as Elected Mayor; but if elected, upon that person taking office as Elected Mayor, an immediate casual vacancy would arise in that Councillor's seat on the Council.
- 3.15. The requirement to have certain statutory officers in place (e.g. Head of Paid Service, Monitoring Officer, Chief Finance Officer, Director of Children's Services) would remain unchanged.
- 3.16. Regulation 2(b) of the Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2022 provides that an elected mayor of a local authority is to be treated as a councillor of the Local Authority for the purposes of Section 18 (1), (3), (4) and (5) of the Local Government and Housing Act 1989 which provides for the schemes of Basic and Special Responsibility Allowances for local authority members.
- 3.17. As a scheme of member allowances can only be agreed or amended by the Council itself, after taking into account the recommendations of the Independent Remuneration Panel, it is proposed that, in the event of an affirmative outcome in the referendum, the Independent Remuneration Panel should be asked to make initial recommendations on what remuneration arrangements should apply in an Elected Mayor model, including remuneration of the Elected Mayor, after the referendum but before the Mayoral election. Such recommendations would be provisional only, however, because as noted above, it will be for the Elected Mayor themselves to decide how many Executive members to appoint, and the extent of the Executive responsibilities (if any) to delegate to each of them. It is likely that the final remuneration package will depend at least partly on such factors. It is suggested that in fairness to those who choose to stand in any Mayoral election, some indication of likely levels of remuneration to the successful candidate should be given in advance of such an election.

Moratorium period

- 3.18. If the Elected Mayor model is introduced following a referendum, the Council is effectively locked into that model for ten years from the date of the referendum and may only change it at a subsequent referendum
- 3.19. The 2011 Regulations provide that a petition seeking a referendum on a change in governance cannot be valid (even if it contains the required number of valid signatures) if it is presented to the Council during the moratorium period. The moratorium period is defined as the period of nine years commencing from the date on which a referendum was last held.
- 3.20. If the result of the referendum is to reject the proposal for an Elected Mayor, the Council can make its own constitutional change without a referendum by a resolution of Full Council (unless the Council wishes to hold a referendum of its own volition). However, the Council can only make such resolutions once every five years, unless it first holds a referendum (which can be held once every ten years).

The name and role of the Lord Mayor

- 3.21. The law provides that in those local authorities where there is an elected mayor, the titles of Mayor and Deputy Mayor can only be used by the elected mayor and their chosen deputy mayor. However, government guidance makes clear, that in very few cases, such as where the title of Lord Mayor derives from a Royal Charter, as in Plymouth's case, this title would continue whichever form of executive were chosen.

- 3.22. In those instances, it is for the local authority to ensure that the two mayoral titles are distinguished from each other in some way.
- 3.23. A decision as to whether or not the Elected Mayor is to hold the Royal Charter title will be taken after the first ordinary meeting of the Council following the referendum along with a decision as to the title that will be used by the Elected Mayor in the event that the two roles are to remain separate.
- 3.24. Paragraph 9HF of the Local Government Act 2000 enables a local authority to change the title by which the Directly Elected Mayor of the authority is to be known as from one of the following alternative titles:
- County commissioner
 - County governor
 - Elected leader
 - Governor
- 3.25. Alternatively, the authority may choose a title that it considers more appropriate than the alternative titles mentioned above. An example might be referring to the Elected Mayor as the Mayor of Plymouth, and the Lord Mayor for the ceremonial Mayor.

Referendum Period Publicity

- 3.26. As with any election or referendum, the Council is required to abide by strict rules concerning the publication of material about the referendum. This period runs from the publication date of the Information Statement (a minimum of 56 working days before the date of the referendum) ending with the date of the referendum (Regulation 5, the 2012 Regulations) with further and specific restrictions on the 28 days before the referendum. The Council is permitted to:
- Make available materials to persons in response to specific requests for information or person specifically seeking access to it;
 - Public information relating to the holding of the poll at the referendum; or
 - Publish press notices containing factual information where the sole purpose of the publication is to refute or correct any inaccuracy in material published by a person other than the local authority.
- 3.27. Members of the Council will be advised that they should not use Council resources to make statements or comments which might be interpreted as an expression of support for one side or other in the referendum debate.

Guidance for Campaigners

- 3.28. The Council will publish an Information Pack for Campaigners, which will include helpful information including the referendum timetable, the statutory restriction on referendum expenses that campaigners may incur, campaign material, and other matters.
- 3.29. There is no requirement to register as a campaigner or campaign group in such referenda. However, campaigners will need to apply to the Counting Officer to observe certain aspects of the poll, and there are strict rules which control referendum expenses.
- 3.30. Referendum expenses cover things such as advertising, unsolicited materials, rallies and events etc. They also include circumstances where certain property, services or facilities are made available free of charge or at least at a discount.
- 3.31. The referendum expenses limit in respect of this referendum is £14,048.43. Referendum expenses incurred by or on behalf of any individual or body during the

referendum period (from 28 April 2025 to the date of the referendum) cannot exceed this limit.

- 3.32. As with similar material in other polls, imprints with details of the printer and promotor are required by the Counting Officer to be added to campaign material to show who is responsible for its production. Under the Elections Act 2022 the law requires imprints on some kinds of digital material.

4. FINANCIAL IMPLICATIONS AND RISK

- 4.1. As the referendum will not be held as a combined poll the full costs will have to be borne by the Council, and there is no scope for re-claiming any of these costs from any other source.
- 4.2. Total costs associated with the referendum and the first Mayoral election will be in the region of £0.410m. The budget has been identified from the Council's Working Balance.
- 4.3. In the event of an affirmative outcome in the referendum, the first Elected Mayoral election would be held on the 7 May 2026 and will be combined with the local city council elections. There is no scope for this process and timescale to be varied by the Council or by any other authority including central government.
- 4.4. There is speculation that the Directly Elected Mayor and executive forms of governance arrangements may be abolished as part of the Government's English Devolution White Paper. However, the Council must continue with the Referendum process until such time as existing legislation governing the process for a change in governance arrangements is repealed.

5. TIMESCALES

- 5.1. The timetable for the referendum is prescribed in the 2012 Regulations and the Local Government Act Referendum Rules:

Event/Action	Timeline Date
<p>Proper Officer to publish Notice of Referendum (Information Statement) containing:</p> <p>(a): statement that proposals have been drawn up</p> <p>(b): a description of the main features of the proposals</p> <p>(c): a statement that a referendum will be held, and details including the date of referendum, the question to be asked, the referendum expenses limit, and procedures for inspecting or obtaining copies of the proposals</p> <p><i>Regulation 4 (1), the 2012 Regulations</i></p>	<p>Not fewer than 56 working days before the referendum date (17 July 2025).</p> <p>Publication date: 28 April 2025</p>
<p>Publish Notice of Referendum</p> <p><i>Rule 3, Schedule 3, the 2012 Regulations</i></p>	<p>By no later than the 25th working day before the referendum day.</p> <p>By 12 June 2025</p>
<p>Notice of Poll</p> <p><i>Rule 3, Schedule 3, the 2012 Regulations</i></p>	<p>By no later than the 6th working day before the referendum:</p> <p>By 9 July 2025</p>
<p>Polling Day</p>	<p>Between 7am and 10pm</p> <p>Thursday 17 July 2025.</p>

Appendix B**DRAFT****Plymouth City Council**

**Proposals under Regulation 17 (2) of The Local Authorities
(Referendums) (Petitions) (England) Regulations 2011 (“the 2011
Regulations”)
for executive arrangements based on a Directly Elected Mayor and
Cabinet form of governance**

I. Introduction

- I.1 A petition requesting a referendum on the introduction of a Directly Elected Mayor (“Elected Mayor”) for Plymouth City Council was received by the Council on the 6 February 2025. The petition was amalgamated with petitions dated 14 January 2025 and 28 January 2025 which sought a referendum on the same constitutional change. The petition states:

“We, the undersigned, being local government electors for the area of Plymouth City Council to whom this petition is addressed, seek a referendum on whether the council should be run in a different way by a mayor who is elected by voters for the area which the council serves”

- I.2 Within the notice period stipulated by the 2011 Regulations, each of the 16,547 entries on the amalgamated petition were verified to ensure that all signatories were local government electors within the City of Plymouth and have provided all necessary information required by the 2011 Regulations. The Proper Officer has satisfied herself that the amalgamated petition is valid in accordance with the 2011 Regulations. It was established that the amalgamated petition contains 10,856 valid signatures. A valid petition is required to contain not fewer than 9,789 signatures of local government electors in the borough, which is the published ‘Verification Number’ for Plymouth for the period including the petition date. The verification number represents 5% of the registered local government electors of the borough for the year in question.
- I.3 The petition is therefore valid and, in accordance with the 2011 Regulations, the Council is required to hold a referendum within six months of the petition date. Under Regulation 13 of the 2011 Regulations, the Petition Organiser, Angus Forbes, has been informed that a valid petition was received and a referendum will be held, and a notice published.
- I.4 The Council currently operates the Leader and Cabinet model of executive arrangements.

- 1.5 The referendum triggered by the receipt of the valid petition will be held on Thursday 17 July 2025.
2. Proposals for Elected Mayor and Cabinet form of governance
- 2.1 In accordance with the 2011 Regulations, the Council has drawn up these proposals for the operation of an Elected Mayor and Cabinet form of governance.
- 2.2 The proposals for the timing and method of implementing changes in the operation of governance arising from the election of the Elected Mayor are included in the table at Appendix 1.
- 2.3 In the event of a majority vote at the referendum in favour of the change to a Mayor and Cabinet form of governance, the Council will move from the Leader and Cabinet form of governance and will start to operate a Mayor and Cabinet form of governance with effect from four days after the date on which the first Elected Mayoral election in Plymouth would be held (Thursday 7 May 2026), coinciding with the commencement date of the Elected Mayor's term of office.
- 2.4 The term of office of the current Leader of the Council, together with the Deputy Leader and Cabinet Members will end on the date the Elected Mayor's term of office begins.
- 2.5 If the result of the referendum is to reject the proposals, the Council will continue to operate the Leader and Cabinet model of executive arrangements.

Eligibility to stand for election as Elected Mayor

- 2.6 Any person can stand for election as Elected Mayor, provided they satisfy the eligibility and qualification requirements for standing as a Councillor (which also apply to an Elected Mayor) as set out in section 79 of the Local Government Act 1972¹. It is possible for an existing Councillor to stand for election as Elected Mayor. If elected this would create a casual vacancy in their ward on taking office. This is because an Elected Mayor is not a Councillor.
- 2.7 The Elected Mayor elected at the May 2026 Mayoral election will be subject to a second election which must be held on the ordinary day of election in the year which ordinary elections of councillors are held but the first term may be shortened or lengthened to between 23 and 67 months in order to achieve this. The date of the second election will be established at the first ordinary meeting of the Council following the referendum. Following the second election, the Elected Mayor shall serve for a term of four years unless the Elected Mayor dies, resigns or is otherwise disqualified from office. The date of each subsequent mayoral election shall also coincide with the date of

¹ [Qualifications and disqualifications for standing for election | Electoral Commission](#)

ordinary elections of Councillors. Unlike the Leader of the Council, an Elected Mayor cannot be removed from office or be required to resign as a result of any vote or resolution of the Council, during their term of office.

The Executive

- 2.8 The Executive is responsible for carrying out all of the authority's functions that are not reserved to the City Council or another part of the Council by law or the Council's constitution. This means that the Executive is responsible for delivery of most of the Council's services. The Executive also has a key role in formulating plans and strategies, including the budget, for approval by the full Council as part of its policy framework.
- 2.9 The form of the Council's Executive Arrangements will be a 'Mayor and Cabinet' model. The Executive will consist of:
- an Elected Mayor, directly elected by the local government electors of the city; and
 - between two and nine other councillors appointed by the Elected Mayor. These councillors are known as the Cabinet.
- 2.10 The Elected Mayor will decide how many Executive members there shall be (subject to the statutory minimum of two and maximum of nine plus the Elected Mayor him/herself) and shall appoint those Executive members from among the serving Councillors, and may allocate to each Executive member a portfolio of responsibilities.
- 2.11 The Elected Mayor will have power to replace or remove Executive members and to vary or delete their portfolio responsibilities at any time.
- 2.12 The Elected Mayor shall appoint a Deputy Mayor from among the Executive members. The Elected Mayor may replace the Deputy Mayor at any time but otherwise the Deputy Mayor shall remain in post for the duration of the Elected Mayor's term of office. The Deputy Mayor must exercise the Elected Mayor's powers in the event that the Elected Mayor is unable to act at any time, or the office of Elected Mayor is vacant.
- 2.13 All executive functions of the Council shall be vested in the Elected Mayor. The Elected Mayor may exercise those functions him/herself or may delegate any specified executive function to be exercised by the Executive collectively, a committee of the Executive, an individual Executive member, an area committee or an officer. The Elected Mayor may revoke any such delegations at any time.
- 2.14 Where the current Leader's Scheme of Delegation to Council officers as set out in the Council's Constitution currently provides for the exercise of executive functions by officers of the Council, such delegations will remain in place until such time as they may be reconsidered by the Elected Mayor after taking office.

- 2.15 Where the Leader's Scheme of Delegation currently provides for the exercise of executive functions by Cabinet Members, such delegations shall terminate immediately upon the Elected Mayor taking office.
- 2.16 In the event that the Elected Mayor from May 2026 wishes to delegate decision-making powers, he/she will be advised as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so delegated.

The allocation of functions between the Council and the Executive

- 2.17 Section 9D of the Local Government Act 2000 and associated regulations make provision for a division of the authority's functions between the Council and the Executive. Most functions are the responsibility of the Executive, whichever form that takes. The exceptions are in two categories:
- i. certain specific functions that statute requires to be reserved to the Council or to non-executive committees, or officers discharging functions on their behalf (these include agreeing the budget and policy framework, amending the Constitution, planning and licensing functions etc.); and
 - ii. a further list of functions each of which the Council can choose either to reserve as non-executive functions or to allocate to the Executive. These latter functions are known as 'local choice functions'.
- 2.18 The change in executive arrangements to an Elected Mayor model will not in itself alter the powers and duties of non-executive councillors, including overview and scrutiny and regulatory functions, and the delegation of non-executive functions to committees of the Council and to officers.
- 2.19 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the Functions and Responsibilities Regulations") set out the functions in respect of which the Council can decide whether the Council or the Executive is responsible for decision making (Local choice functions). The current arrangements for Local Choice Functions are set out in Appendix 2. The Council has determined that no changes shall be made for the time being to the current division of local choice functions between the Executive and the Council. The responsibility for the functions set out in Appendix 2 will be reviewed at the first ordinary meeting of the Council after the Referendum.
- 2.20 The functions which must not be responsibility of the Executive are set out in Schedule 1 of the Functions and Responsibilities Regulations.

Budget and Policy Framework

- 2.21 By legislation, Council must approve the budget and certain plans and strategies ('the Policy Framework') and their approval cannot be undertaken by the Executive. The Executive proposes the budget and plans and strategies

to Council for approval and if the budget and policy framework plans/strategies are approved, must make decisions in accordance with the approved budget and plans and strategies. Decisions involving a departure from them are non-executive matters. Alongside the Budget and Council Tax setting, the following documents make up the Policy Framework of Plymouth City Council, being the plans and strategies which the Functions and Responsibilities Regulations require must be non-executive matters:

- Licensing Authority Policy Statement – Gambling Act 2005
- Control of Borrowing, Investments or Capital Expenditure Plan or for determining minimum revenue provision.
- Plymouth Plan incorporating the:
 - Local Development Framework (Documents)
 - Local Transport Plan
 - Sustainable Community Strategy
 - Safer Plymouth Partnership Plan
 - Child Poverty Plan
 - Youth Justice Plan
 - Health and Wellbeing Strategy

(Note: the Health and Well Being Board is responsible for the Joint Health and Wellbeing Strategy)

The Executive will present a budget each year and, periodically, major plans and strategies to the Council. The budget, major plans and strategies could be approved by a majority of Councillors present. However, any changes proposed by Councillors would in the case of many of the plans and the budget need to have the support of at least two-thirds of them, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

Other plans and strategies currently form part of Plymouth City Council's Budget and Policy Framework and as such must be decided upon by full Council. However, they may be decided upon by the Executive and are as such local choice plans and strategies for the purposes of the Policy Framework. These are:

- Medium Term Financial Plan
- The Housing Strategy
- Plymouth Economic Strategy
- Waste Management Strategy
- Children and Young People's Plan
- Cultural Strategies
- Licensing Policy and Taxi Licensing Policy

A decision as to whether the local choice plans and strategies will remain as part of Plymouth City Council's Budget and Policy Framework will be made at the first meeting of the Council after the referendum.

Overview and Scrutiny Arrangements

- 2.22 The Council's current arrangements for overview and scrutiny shall continue unchanged unless changed at the first ordinary meeting of the Council after the Referendum.

The Lord Mayor

- 2.23 The Council currently has a Lord Mayor, which is a ceremonial title bestowed by Royal Charter. This role is separate from that of an Elected Mayor and will remain whether or not the proposals for a Mayor and Cabinet Executive are approved in the referendum. A decision as to whether or not the Elected Mayor is to hold the royal charter title will be taken at the first ordinary meeting of the Council following the referendum along with a decision as to the title that will be used by the Elected Mayor in the event that the two roles are to remain separate. The statutory alternative titles which an Elected Mayor may be known by are:

- County commissioner;
- County governor
- Elected leader
- Governor; or
- A title that the authority considers more appropriate than the titles above, having regard to the titles of other public office holders of the authority.

Elected Mayor's allowance

- 2.24 In accordance with the Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002, the Elected Mayor is to be treated as a Councillor of the authority for the purposes of allowances. Accordingly, the Elected Mayor would be entitled to receive an allowance, the amount of which would be approved by the Council after recommendations by its Independent Remuneration Panel in the same way as allowances are approved for the Leader and other elected members.

Staffing arrangements

- 2.25 An Elected Mayor may appoint one assistant who would be employed by the Council at a cost to be met by the Council. Other Executive and Democratic Service resources may be allocated to support the delivery of Executive functions and responsibilities, included as part of the budget presented by the Elected Mayor each year in the budget setting process. The requirement to have certain statutory officers in place (e.g. Head of Paid Service, Monitoring Officer and Chief Finance Officer, Director of Children's Services) would remain unchanged.

APPENDIX I

Future Decision Making

Table of decisions to be made by Council

Date / Timescale	Matter to be decided
28 April 2025	<p>No change to current delegation of local choice functions</p> <p>No change to the local choice plans and strategies which make up the Budget and Policy Framework</p> <p>No change to current overview and scrutiny arrangements</p> <p>Not being asked to make any changes to levels of delegation between Council, the Executive and Officers</p>
<i>If the proposed alternative executive governance arrangements are approved at the referendum</i>	
15 September 2025	<p>Note the outcome of the referendum</p> <p>Approve the proposals for alternative executive governance arrangements including:</p> <ul style="list-style-type: none"> ▪ Local Choice matters ▪ Overview and Scrutiny arrangements ▪ Agree whether the elected Mayor to hold the Royal Charter title ▪ Agree the styled title of the elected Mayor in the event the two roles are to remain separate¹ ▪ Set the date for the second Mayoral Election <p>Approve the date from which that change comes into effect</p>
<p>AGM (first meeting of the Council after the Election)</p> <p>May 2026</p>	<p>Approve any further changes to the new Executive arrangements which the Elected Mayor may wish to make, including the overview and scrutiny arrangements, the Cabinet and Scheme of Delegation.</p>

¹ Section 9HF, Local Government Act 2000

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APPENDIX 2
Responsibility for Local Choice Function

‘Local choice functions’ are those statutory functions of the Council which can be exercised by either the Council (or a committee of officer of the Council) or by the Executive. Local choice functions are set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Any function under a Local Act other than a function specified ‘not to be the responsibility of the Executive’ by virtue of the Regulations	Executive	Authority to undertake some of these functions may be delegated to officers in accordance with the Officer Scheme of Delegation of Functions
The determination of an appeal against any decision made by or on behalf of the authority	Non-executive/Executive	
The making of arrangements to appeals against the exclusion of pupils from maintained schools	Executive	
The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).	Executive	
The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Executive	
Any function relating to contaminated land	Executive	
The discharge of any function relating to the control of pollution or the management of air quality	Executive	
The service of an abatement notice in respect of a statutory nuisance	Executive	
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	

The inspection of the authority's area to detect any statutory nuisance	Executive	
The investigation of any complaint as to the existence of a statutory nuisance	Executive	
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive	
The making of agreements for the execution of highways works	Executive	
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Misc. Provisions) Act 1976	Executive	
<p>The appointment of any individual –</p> <p>(a) to any office other than an office in which he is employed by the authority</p> <p>(b) to any body other than –</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment</p>	Non executive/Executive	
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Executive	

APPENDIX C - NOTICE OF REFERENDUM (INFORMATION STATEMENT)

In the Matter of Plymouth City Council and a Petition to Change the Council's Constitutional Arrangements

In the Matter of The Local Authorities (Conduct of Referendums) (England) Regulations 2012

Notice of Referendum under Regulation 4(1)

Notice is hereby given that, following receipt of a valid petition seeking a referendum on whether Plymouth City Council's executive arrangements should change, a referendum will be held on Thursday 17 July 2025 and will be conducted in accordance with procedures similar to those used at local government elections.

The question to be asked in the referendum as prescribed by regulations is as follows:

“How would you like Plymouth City 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.”

The Council has drawn up proposals under Regulation 17 (2) of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 for the operation of the form of governance that is the constitutional change proposed in the petition.

The main features of these proposals are as follows:

- The Elected Mayor would be directly elected by the local government electors of the city of Plymouth.
- Any person can stand for election as Elected Mayor, provided he/she satisfies the eligibility and qualification requirements for standing as a councillor (which also apply to an 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.
- Unlike the Leader of the Council, an Elected Mayor cannot be removed from office or required to resign as a result of any vote or resolution of the Council, during their term of office.
- Like the Leader of the Council, the Elected Mayor would be required to appoint at least two and not more than nine councillors, one of whom must be designated “Deputy Mayor”, to be members of the Executive with the Elected Mayor. This is known as a mayor and cabinet executive.
- The Elected Mayor would be responsible for all executive decisions of the authority and would be able to delegate Executive functions to the Executive collectively, to individual members of the Executive, to committees of the Executive, to area committees, or to officers as they see fit.
- The Executive will present a budget each year and, periodically, major plans and strategies to the Council. The budget and major plans and strategies could be approved by a majority of councillors. However, any changes proposed by councillors would need to have the support of at least two-thirds of voting members.

- The Council would continue to be required to have at least one overview and scrutiny committee and the current arrangements for the discharge of non-Executive functions by committees and officers would continue.
- The Elected Mayor would be entitled to receive an allowance, the amount of which would be approved by the Council after recommendations by its Independent Remuneration Panel in the same way as allowances are approved for the Leader and other elected members.
- The Council currently has a Lord Mayor, which is a ceremonial title bestowed by Royal Charter. This role is separate from that of an Elected Mayor and will remain whether or not the proposals for an Elected Mayor and Cabinet Executive are approved in the referendum. A decision as to whether or not the Elected Mayor is to hold the Royal Charter title will be taken at the first ordinary meeting of the Council following the referendum along with a decision as to the title that will be used by the Elected Mayor in the event that the two roles are to remain separate.
- An Elected Mayor may appoint one assistant, who would be employed by the Council at the Council's cost. Other Executive and Democratic Service resources may be allocated to support the delivery of Executive functions and responsibilities, included as part of the budget presented by the Elected Mayor each year in the budget setting process. The requirement to have certain statutory officers in place (e.g. Head of Paid Service, Monitoring Officer, Chief Finance Officer, Director of Children's Services) would remain unchanged.

If the Elected Mayor model is introduced following a referendum, the Council is effectively locked into that model for ten years from the date of the referendum and may only change it at a subsequent referendum.

A copy of the proposals to adopt a form of governance with an Elected Mayor may be viewed on the Council's website (www.plymouth.gov.uk) or inspected by members of the public at the Council's principal office at Ballard House, 26 West Hoe Road, Plymouth, PL1 3BJ between the hours of 10am and 4pm on weekdays, in both cases free of charge. A copy of the proposals, free of charge, may be obtained from the Council's website or by emailing electoral.referendum@plymouth.gov.uk

The following referendum expenses limit (as defined in Regulation 6 (1) of the 2012 Regulations) will apply in respect of this referendum:

The aggregate of £2,362 and the amount found by multiplying by 5.9 pence the number of entries in the register of local government electors that has effect on the day on which the referendum period begins (198,075 electors). Applying this formula, the referendum expenses limit for this referendum will be **£14,048.43** which will be applicable from the start of the Referendum Period on the 28 April 2025.

Where any referendum expenses are incurred in excess of the referendum expenses limit, a person who knew or ought reasonably to have known that that limit would be exceeded, or who, without reasonable excuse, authorises another person to exceed that limit, is guilty of an offence.

The address of the principal office of the Council (referred to as the authority in the Regulations) is Ballard House, West Hoe Road, Plymouth PL1 3BJ.

Tracey Lee
Proper Officer
Chief Executive
28 April 2025