

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.