

# **Petitioning for an elected mayor - information pack**

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On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government.

Department for Communities and Local Government  
Eland House  
Bressenden Place  
London SW1E 5DU  
Telephone: 020 7944 4400  
Website: [www.communities.gov.uk](http://www.communities.gov.uk)

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*Note: The responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to Communities and Local Government in May 2006. All references to ODPM in the following pages now refer to Communities and Local Government.*

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## Introduction

New laws<sup>1</sup> mean that you can now petition your council<sup>2</sup> to hold a referendum on whether local people should elect a mayor to lead the council and the community it serves. For the first time this gives you a direct influence over how you are governed locally.

If you want to organise a petition you should read this pack. It tells you how to do this and gives you information to answer questions people may ask.

If you are asked to sign a petition and have questions, this pack tells you what you need to know and where to find out more.

1 The Local Government Act 2000 and the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000

2 County councils and district councils in England and London borough councils

## **In this pack**

### **The pack includes:**

1. this booklet which summarises the key facts;
2. fact sheets which describe-
  - the steps you as a petition organiser need to take,
  - answers to questions you may be asked, and
  - what your council is required to do once it has received a petition; and
3. templates for a petition.

### **Should I seek legal advice before proceeding with a petition?**

It's your choice. This pack sets out what you need to do and where to go for more information but it is not an authoritative guide to all the relevant law.

## The big picture

**What your council does can have a big effect on your overall quality of life. Your council delivers a range of essential local services. These can include schools, care for children and older people, collecting household waste and keeping the streets clean and safe.**

Your council should also be the leader of your community with a vision for the future of where you live. It should be working with others in the public, private and voluntary sectors to achieve this vision. To do this your council needs effective leaders who are in touch with local people and responsive to their needs.

The Government has put in place a ten-year programme of local government reform. The simple aim is to give people a bigger say in what their council does and a better deal on local services.

## Arrangements for running local councils

**Central to the reforms of local government are changes to the way your council works. Decision-making will be more efficient, transparent and accountable. Changing the way a council is run means it must have a new constitution.**

The Local Government Act 2000 requires each council to draw up proposals for a new constitution and before doing so to consult local people and other interested parties about how they want their council to be run. The Government expects councils to have drawn up proposals by June 2001 and adopted their new constitution by June 2002.

Two of the options for new constitutions available to councils involve a mayor elected by local people. Before adopting a constitution which involves a directly elected mayor, councils must hold a local referendum. This will allow all voters in a council's area to vote on whether they want a directly elected mayor. There are three main ways in which such a referendum can be triggered:

- if following consultation the council decides to draw up proposals for a directly elected mayor;
- if the council receives a valid petition signed by at least 5% of the local electorate asking for a directly elected mayor; or
- if the Government intervenes because for example, the council has failed in its duty to consult on or draw up proposals for changing the way it works.

## **New constitutions for councils**

**For most councils there are three broad options for their new constitution. All of these involve the council having an executive - a group of people who will be in charge of what the council does. Small shire district councils have an extra option of a streamlined committee system.**

## **Who is in the executive?**

This depends on the option which is chosen locally. These options are:

- a directly elected mayor and a cabinet of councillors; or
- a leader elected by the council and a cabinet of councillors; or
- a directly elected mayor and a council manager appointed by the council.

## **What does the executive do?**

It is in charge of what the council does. This means that it prepares proposals for the council's budget and main policies. Once the council has agreed these the executive implements them. It takes the important decisions needed to do this. This will be a more efficient way of doing things than the traditional committee system. People will know better who has done what - who to praise and who to blame for what the council does.

## **What do councillors do?**

They represent you on the council. They decide the council's budget and main policies. Some may be members of the executive. Others will be members of overview and scrutiny committees.

## **What are overview and scrutiny committees?**

Overview and scrutiny committees are a new and essential part of every constitution and counter-balance the work of the executive. People on these committees will mainly be councillors. Members of the executive cannot be on these committees. These committees will also involve local people in their work. This work will be to hold the executive to account, to review policy and to contribute to policy development. These committees will question what the executive does and what it is planning to do. They will also look at wider issues such as how the council works with other local service providers.

## **What is a directly elected mayor?**

A directly elected mayor will be elected by all the voters in the council's area, not by local councillors. A directly elected mayor will have a range of policies to implement while in office with the help of her or his cabinet or the council manager. The directly elected mayor will lead the whole council. She or he will become well-known and therefore more directly accountable to local people.

### **What about the mayor we already have?**

Many councils have a ceremonial mayor who normally chairs council meetings. The directly elected mayor will lead the council and can be in charge of local services. The elected mayor may carry out ceremonial functions or the council may decide to keep the traditional mayor as well. If they do, she or he will normally get a new title. The directly elected mayor will hold the formal title of 'mayor'.

### **How do the executive options differ?**

The differences are in the way the executive is chosen.

- In the mayoral options a directly elected mayor is elected by local voters and will have a mandate from them to deliver a programme. In the mayor and cabinet option the mayor will appoint a cabinet of councillors to help her or him. In the mayor and council manager option the council manager is appointed by the council to work with the mayor. In both options the mayor will have a bigger say over policy than a leader appointed by the council.
- In the leader and cabinet option the leader is appointed by the council, has a less strong personal position and may or may not appoint the cabinet. While the executive powers of the leader may be wide in this option, the leader will have to rely on council support and is less likely to take a contrary view to that of the council.

### **How do the mayoral options differ?**

The first is the mayor and cabinet. In this option the directly elected mayor will appoint a cabinet of up to nine councillors who together with the mayor form the executive. The executive may be made up of people from more than one party and members of the executive may take decisions individually or as a group.

The second option is the mayor and council manager. In this option the directly elected mayor will work with an officer of the council appointed by the full council. That officer will be the council manager. The mayor will be the political leader. The council manager will take the important day-to-day decisions.

### **Why is a referendum necessary?**

The introduction of a directly elected mayor is a significant constitutional change. The

Government believes that all local people should be able to have their say before a council adopts a constitution involving a directly elected mayor.

### **Will a directly elected mayor cost the council taxpayer more?**

The Government's view is that the reform of local government will give people a better deal on services and a bigger say in how their communities are run. The overall package of reforms means that councils can make better use tax payers' money. It will help them be more efficient.

Any transitional costs of local government reform will be more than offset by the efficiency gains it will bring. Across all councils, the Local Government Association valued the cost of modernisation at £150 million over three years. The Government's target for efficiency gains of two percent will be worth some £1 billion in lower taxes or better services every year.

## Glossary

**Alternative arrangements** - also known as the streamlined committee system or the '4th Option'. This is a new constitution without an executive and therefore without a directly elected mayor. It is available to small shire district councils and to all councils as a fall-back option if local people reject a mayoral form of constitution in a referendum.

**Cabinet** - the team of councillors who will work with the directly elected mayor or council leader to implement the council's policies.

**Ceremonial mayor** - many councils have a ceremonial mayor who is normally the chair of the council. Where a ceremonial mayor is to continue carrying out ceremonial duties, she or he will normally have a new title. The directly elected mayor will be known as 'mayor'.

**Combined petition** - two or more petitions can be added together either before or after they are submitted to the council.

**Constitution** - once a council has begun to operate its new way of working it must publish a constitution so that everyone can find out who is responsible for taking decisions which affect them and how they can have a say in those decisions.

**Council manager** - the council manager is an officer of the council and is responsible for making day-to-day decisions. In making those decisions she or he must take into account advice from the directly elected mayor. The full council appoints the council manager.

**Directly elected mayor** - a directly elected mayor will work with either a cabinet or a council manager to implement policy. All the voters of an area will elect the directly elected mayor. She or he will become a leader well-known in the community and therefore more directly accountable to local people.

**Executive arrangements** - executive arrangements involve the establishment of an executive to propose the budget and main policies to the full council. The executive will then implement the policies adopted by the full council and be held to account by overview and scrutiny committees. There are three forms of executive under the new legislation:

- a mayor and cabinet;
- a leader and cabinet; and
- a mayor and council manager.

**Fall-back proposals** - when a council sends proposals involving a directly elected mayor to the Secretary of State it must also send outline fall-back proposals for a new constitution which do not involve a directly elected mayor. The council must implement these fall-back proposals if the referendum rejects the mayoral proposals.

**Leader** - a councillor elected by the other councillors to work with a cabinet to implement the

council's policies. There is no directly elected mayor in the leader and cabinet form of executive.

**Non-specific petition** - a petition must specify that it is for a referendum for a directly elected mayor. However, it does not have to specify which form of mayoral option it is seeking a referendum on. In such cases the council will decide this following consultation with local people.

**Overview and scrutiny** - councillors outside the executive will hold it to account through overview and scrutiny committees. They will scrutinise executive decisions and contribute to policy development.

**Petition date** - the petition date is the date that the council received the petition. If two or more petitions are added together by the council then the petition date is the date that the council received the last petition. The petition date dictates the timetable within which the petition must be validated, and if it is valid, within which the referendum must be held.

**Petition organiser** - the petition organiser is the person named on the petition or in an accompanying statement. The council will correspond with her or him about the petition following its submission.

**Petition statement** - this must be on each page of the petition. It is the form of words which states that a referendum for a directly elected mayor is sought. The statement may or may not specify that the petition is for a mayor and cabinet or a mayor and council manager.

**Post-announcement petition** - this is a petition that a council receives after it has already announced its intention to hold a referendum and the date of that referendum.

**Post-direction petition** - this is a petition that a council receives after it has a direction from the Secretary of State to hold a referendum on a form of executive arrangements.

**Proposals** - all councils must draw up proposals for a new constitution and send them to the Secretary of State. Once a council has received a valid petition it must draw up proposals for a mayoral form of constitution on which the referendum will be held. The proposals will set out the main features of the new constitution and should be drawn up following consultation with local people.

**Referendum** - the referendum following a petition will be for the mayoral option set out in the proposals. All local electors will be eligible to vote. A simple majority will decide the outcome. **Small shire district councils** - these are district councils with a population of less than 85,000 (as estimated by the Registrar General on 30 June 1999) which are in an area for which there is also a county council.

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**Valid petition** - when a council receives a petition for a directly elected mayor and it meets all

the requirements of the law it will trigger a referendum.

**Verification number** - each year in the second half of February councils have to publish a figure that is equal to 5% of the number of local electors in the area. This is the number of signatures needed to trigger a referendum (see fact sheet 4).

## Further information

### On the contents of this pack:

Local Government Sponsorship Division  
DETR  
Eland House  
Bressenden Place  
London SW1E 5DU  
Tel 020 7944 3503  
Fax 020 7944 4109  
Email: [lgsp@communities.gsi.gov.uk](mailto:lgsp@communities.gsi.gov.uk)

### Where to get hold of useful publications

"Modern Local Government: In Touch with the People": White Paper, published July 1998, Cm 4014, ISBN 010 140 1426.

"Local leadership, local choice" DETR paper accompanying the draft Local Government (Organisation and Standards) Bill, published March 1999, Cm 4298, ISBN 0101429827.

### Copies of both are available from Office of the Deputy Prime Minister Publications

Information on how and where you can obtain this document and other publications produced by the Office of the Deputy Prime Minister is available from the ODPM publications home page

### Where can I find details of the relevant law?

Local Government Act 2000

Visit the Stationery Office website at: [www.hmso.gov.uk/acts/acts2000/20000022.htm](http://www.hmso.gov.uk/acts/acts2000/20000022.htm)

And the Explanatory Notes:

[www.hmso.gov.uk/acts/en/2000en22.htm](http://www.hmso.gov.uk/acts/en/2000en22.htm)

The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 on the Stationery Office website at: [www.hmso.gov.uk/si/si2000/20002852.htm](http://www.hmso.gov.uk/si/si2000/20002852.htm)

The Guidance Pack: Local Government Act 2000 - Guidance on new constitutions for English local authorities first published and issued to local authorities on 26 October 2000, ISBN 0-10-0-11-753566-4.

**Copies are available from The Stationery Office.**

Information on how and where you can obtain this document and other publications produced by the Office of the Deputy Prime Minister is available from the ODPM publications home page

## Fact Sheets

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## **Fact Sheet 1: Who can organise a petition?**

Anyone can organise a petition for a referendum for a directly elected mayor. There are no restrictions on the number of petitions anyone can organise nor is there a requirement for a petition organiser to be on the electoral register. Anyone who is on the electoral register can sign such a petition and hence in a two-tier area can sign a petition to the county and district councils.

Executive arrangements apply to London borough councils and county councils and district councils in England (including metropolitan and unitary authorities). You can submit a petition to any of these types of council. A petition for a referendum for a directly elected mayor cannot be addressed to a parish council, the Common Council of the City of London or the Council of the Isles of Scilly.

Councils may not hold more than one legally binding referendum for a directly elected mayor in any five year period. So depending on the circumstances, a petition may not automatically trigger a referendum. (see fact sheet 7)

## **Why organise a petition?**

A council that receives a valid petition must hold a binding referendum on proposals for executive arrangements involving a directly elected mayor. In other countries such arrangements have helped people know more clearly who is responsible for decisions which affect them and have led to more efficient councils with stronger leadership.

A petition is one of the principal ways of getting to a referendum for a directly elected mayor. It is a route open to anyone who thinks that a mayor would benefit their local community.

## **What is the role of a petition organiser?**

The petition organiser is responsible for collecting the required number of signatures and submitting the petition to the council. Once the petition organiser has submitted the petition she or he will be the person with whom the council will correspond about it.

If a petition organiser is not identified this does not make the petition invalid. However, if you want the council to keep you informed of developments you will need to make your identity known when you submit the petition. This means the petition should contain or be accompanied by a statement which sets out your name and address.

## **How much money can be spent on a petition campaign?**

There are no restrictions on how much an individual petition organiser or organisation can spend on the collection of signatures during a petition campaign.

### **Councils may not spend money on:**

- publishing material designed to influence local electors in deciding whether or not to sign a petition for a directly elected mayor;
- helping anyone to publish material designed to influence local electors in deciding whether or not to sign a petition for a directly elected mayor; or
- influencing or assisting anyone to influence local electors in deciding whether or not to sign a petition for a directly elected mayor.

The council may publish factual information so long as it is presented fairly.

### **What is the position in Wales, Scotland and Northern Ireland?**

The Local Government Act 2000 only applies to England and Wales. The National Assembly for Wales will make the rules about petitions and referendums in Wales.

Scotland and Northern Ireland have different arrangements for local government which are the responsibility of the Scottish Parliament and the devolved administration in Northern Ireland.

The guidance in this pack is only about organising petitions in England.

## Fact Sheet 2: What does the petition need to say?

As the petition organiser, you can decide which form of mayoral option to petition for by drafting the petition statement specifically for a referendum for a mayor and cabinet or a mayor and council manager. Alternatively, you can leave it to the council to decide between these two options in consultation with local people. In this case the petition would simply ask for a referendum for an elected mayor. In this pack we refer to this as a 'non-specific' petition.

The law provides a petition statement which can be tailored to reflect these three possibilities. The suggested wording for each type of statement is provided below. You should include the name of your council in place of the made-up names in the square brackets. You should use one of the suggested forms of words. However your council cannot rule your petition invalid provided the words you use have similar effect. You must include the petition statement on each sheet of the petition. Each sheet of the petition must also state the name of the council to whom it is addressed.

### Petition statements

#### **For a mayor and cabinet:**

We, the undersigned, being local government electors for the area of [Newtown City Council], to whom this petition is addressed, seek a referendum on whether the electors for that area should elect a mayor who, with a cabinet, will be in charge of our local services and lead [Newtown City Council].

#### **For a mayor and council manager:**

We, the undersigned, being local government electors for the area of [Oldville Borough Council], to whom this petition is addressed, seek a referendum on whether the electors for that area should elect a mayor who, with a council manager, will be in charge of our local services and lead [Oldville Borough Council].

#### **For a mayor (a non-specific petition):**

We, the undersigned, being local government electors for the area of [Ruralshire County Council], to whom this petition is addressed, seek a referendum on whether the electors for that area should elect a mayor who will be in charge of our local services and lead [Ruralshire County Council].

### **Fact Sheet 3: What information do people need to provide?**

A valid petition must include the signatures of at least 5% of the local electorate as published by the council in the verification number (see fact sheet 4).

Each signature on the petition must be of someone who is registered to vote in the council's area and must be accompanied by:

- the person's first name and surname;
- the person's address; and
- date of the signature.

This information must be legible and the address must provide enough detail to allow the person to be identified by the council officer who will verify the petition.

Examples of petitions are provided in this pack. These are available on the Internet and you can download them and tailor them to your needs.

### **What about verbal or e-mail commitments to sign the petition?**

Verbal or e-mail commitments to sign the petition will not be valid. The Government is keeping this under review and may change the law in the future to allow signatures to be collected by telephone or e-mail once the technology needed to verify them is available.

### **What about tear-off slips in a newspaper or magazine?**

A petition can take the form of a tear-off slip in a newspaper or magazine or community newsletter. Each slip must have the details shown in fact sheet 2 (the name of the council to whom it is addressed and the petition statement). The signature must also be accompanied by the person's first name and surname, address and the date of the signature. For such a petition each tear-off slip would represent a sheet of the petition.

### **How can you collect signatures?**

It is up to you how to collect signatures. You will need to design your campaign yourself and consider the best way of collecting the required number of signatures.

### **Petitions in two-tier areas**

Many people live in areas where there is a county council and a district council. In these areas

it is not possible to submit a single petition to both councils. As each sheet of the petition must include the name of the council to whom it is addressed, one or more petition organisers will have to collect two separate petitions for the district and county council to trigger a referendum in both.

In addition different numbers of signatures will be needed for a valid petition to a district council and a county council due to the different populations. Those people who are registered to vote in two-tier areas can sign either or both petitions addressed to the county council and the district council.

## **Fact Sheet 4: The verification number**

### **What is the verification number?**

Each year in the second half of February your council will have to publish a figure which is equal to 5% of the number of local electors in their area. This is known as the verification number.

This figure will be 5% of the number of local electors on the council's electoral register (or registers) which is in effect in mid-February.

That is to say it will be 5% of the number of people registered to vote in the council's area.

### **When exactly is the verification number published?**

Councils must publish the verification number by the end of February each year. It will apply for petitions submitted between 1 April and 31 March that year.

From 16 November 2000 - the date that the rules about petitions became law - councils were required to publish the verification number within four weeks. This figure applies for petitions submitted before 1 April 2001.

Each year, between the publication of the verification number in February and 1 April there will be two published verification numbers. Councils must use the lower of these as the verification number for any petition submitted during this period.

### **Where is it published?**

The council is also required to publish in at least one newspaper circulating in the whole of their area, a notice that they have published the verification number, what the number is and the period for which it is valid for the purposes of verifying a petition. Councils should also publicise it more widely such as on their website.

### **How can you find out the verification number later in the year?**

Your council will be able to tell you how to find out what the verification number is later in the year.

### **How can you find out who is on the electoral register?**

You may want to check the electoral register or registers in your area to make sure the

signatures you have collected are valid.

Your council has in its offices a full register of local electors. The full register must be available for inspection for example at public libraries and it is advisable to check signatures you have collected against that register.

## **Fact Sheet 5: When is a signature invalid?**

A signature will not be valid if it is dated more than 12 months before the petition date (see fact sheet 8 for the definition of petition date). Broadly speaking, this is the date that the council received the petition. In other words, if a valid petition was received on 1 May 2001, signatures dated on or before 30 April 2000 would not be valid.

A signature will not be valid if the signatory is not registered to vote in the area of the council on the day the petition is submitted.

A signature will not be valid if it is not accompanied by legible information as described in fact sheet 3.

A signature will only be counted once and duplicate signatures will be disregarded.

## **What if my petition contains an invalid signature?**

If a petition contains an invalid signature for any of the reasons listed above the petition remains valid but that signature must not be counted.

## **How many signatures should I collect?**

The Government recommends that petition organisers should collect significantly more than the number of signatures equivalent to the verification number in order to guarantee that the petition is valid. Inevitably, some signatures will be from people who are not registered to vote in that area or who have moved away from the area. It is also likely that there will be some people who sign the petition more than once.

## **What if a signature is collected before the law about petitions came into force?**

If a signature is dated before the rules about petitions came into force - 16 November 2000 - it will be valid. Similarly if it is dated before the Act got Royal Assent - 28 July 2000 - it remains valid. Nevertheless a signature would not be valid if it is dated more than 12 months before the petition date or is otherwise invalid for any of the other reasons described above.

## Fact Sheet 6: What if someone else in my area is petitioning?

Adding together petitions before they are submitted to your council

It is possible that someone else in your area is organising a petition. Both petitions may be for the same type of mayoral option or they may be for different options. Similarly, one or both may be 'non-specific' petitions. It is also possible that petitions have already been submitted to your council (see fact sheet 12).

Any two or more petitions can be added together **before they are submitted to the council.**

### Petitions of the same type

If those petitions are for the same type of change, or are all 'non-specific' the petition organisers must decide who is going to be the nominated petition organiser that the council will correspond with.

### Petitions of a different type

If those petitions are for different types of mayoral option, or one is 'non-specific' they may also be added together. The petition organisers must again decide who is going to be the nominated petition organiser that the council will correspond with. The effect of adding together two or more such petitions is that the petition submitted to the council will be treated as 'non-specific'. If the petition is valid, the council would then have to consult on which form of mayoral option the referendum would be on. The combined petition must be accompanied by a statement signed by the nominated petition organiser, stating that it is presented with the agreement of the petition organiser of each of the other petitions. If it is not, the council does not have to accept it as valid.

## **Fact Sheet 7: Submitting the petition**

You may submit a petition at any time. However, because of the rules for the timing of referendums there may be consequences of submitting a petition at certain times of the year (see below).

A petition does not have to have the required number of signatures to allow you to submit it because two or more petitions can be combined together (see fact sheets 6 and 12).

### **Where should the petition be submitted?**

You must deliver the petition to an office of the council to whom it is addressed, either by hand or by post. This means any office of the council. There is no requirement to address a petition to any particular member or officer of the council. However, it would be sensible to address it to the chief executive.

The Government advises that you take it by hand to the principal office of the council and deliver it to an officer of the council and ask for a record of receipt.

The petition should be accompanied by a statement including the name and address of the petition organiser (see fact sheet 1). This is the person the council will correspond with about the validity of the petition.

### **What is the timescale for collecting signatures and submitting a petition?**

Fact sheet 8 shows that the petition process has some timings laid down by law within which the council must respond to a petition, whether or not it is valid.

There is no deadline for submitting a petition but the date you submit it will affect when the referendum will be held. For example, if you submit a petition between January and March it is likely that the referendum will be held in the summer between July and September, when many people are on holiday. To ensure a higher turnout at the referendum the Government advises that the best time to submit a petition is between October and November, which is likely to result in the referendum being held in April or May or between April and May which is likely to result in the referendum being held in October or November (see fact sheet 15).

However, a council cannot hold more than one referendum in a five-year period. Any petition submitted in the period four years after a referendum (known as the moratorium period) will not be a valid petition.

### **Public inspection of petitions**

Councils must make all petitions submitted to them available for public inspection for six years

after the petition date, whether they are valid or not.

## **Fact Sheet 8: Verifying the petition**

### **What does the council have to do when it receives the petition?**

As soon as reasonably practicable after receiving a petition the council must notify the petition organiser of the petition date (see below). The person who does this is known as the 'proper officer' - it will probably be the officer of the council who is responsible for electoral matters. Your council will be able to tell you who this is in your area.

As soon as reasonably practicable after the petition date, and within one month of that date, the proper officer must check whether the petition is valid or not. This involves checking, for example, whether it has enough valid signatures and whether it meets the requirements set out in fact sheet 1.

### **What is the 'petition date'?**

The petition date is the date that the council received the petition. If the council adds two or more petitions together (see fact sheet 12) then the petition date is the date that it received the last petition. When two or more petitions are added together each of the petition organisers must be informed of the new petition date.

The petition date dictates the timetable within which the council must check if the petition is valid, and if it is valid, within which it must hold the referendum.

When a petition is submitted in the period between four years and four years and six months after a previous referendum the petition date will be the date six months before the council can next hold a referendum. Signatures will have to be dated within 12 months of this petition date to be valid.

### **Which electoral register will the petition be verified against?**

The petition will be verified against the electoral register that is in effect at the time of the petition date, in other words, when the petition was received. From January 2002 the electoral register will be updated monthly. The number of signatures required will be the same as the verification number.

## **Fact Sheet 9: How does a petition impact on my councils current plans?**

### **Isn't my council already consulting on its plans for a new constitution?**

By June 2002 all councils should have put in place a new constitution. Since 26 October 2000 all councils have been required to consult on proposals for their new constitution. This means that you might submit a petition while the council is already consulting local people about the changes it must make. While you are collecting signatures for your petition the council must carry on consulting according to its own plans. Organising a valid petition will help to raise the profile of the debate and is a way of guaranteeing that local people can have the final say.

Only when the petition is validated will the council have to begin consulting specifically on the proposals set out in the petition. However, they will be able to take earlier consultation into account.

### **My council has already sent its proposals for a leader and cabinet or alternative arrangements constitution but has not yet implemented them - what happens if I submit a valid petition?**

The council should continue to implement those plans in line with its proposed timetable. However, it should also plan for a referendum by drawing up proposals for a mayoral form of constitution following the petition. The leader and cabinet or alternative arrangements constitution would be the 'fall-back' position in the referendum (see fact sheet 13).

### **What if my council has already announced it is going to hold a referendum?**

#### **Post-announcement petition**

If you submit a petition after your council has formally announced its intention to hold a referendum and the date for it the council must notify the petition organiser and the Secretary of State

State that the petition is a 'post-announcement petition' and therefore that they propose to take no further action in relation to it.

In these circumstances, the officer of the council must notify the petition organiser that she or he may request the Secretary of State to consider whether to direct the council to hold a referendum. A petition organiser may wish to do this if, for example, her or his petition is requesting a referendum for a different mayoral option to that proposed by the council. The Secretary of State will consider such a request on the facts of the case.

Such a request from a petition organiser should be made by writing to the Secretary of State

for the Environment, Transport and the Regions at:

Department of the Environment, Transport and the Regions  
Eland House  
Bressenden Place  
London  
SW1E 5DU

## **What if my council has already received a direction from the Secretary of State to hold a referendum?**

### **Post-direction petition**

There may be circumstances when a council receives a direction from the Secretary of State to hold a referendum because it has failed to comply with the law. If this happens, but the council has not yet announced the date of the referendum (perhaps because it is consulting on the proposals), there are two scenarios:

- if the petition and direction are for the same type of mayoral option, then the council should continue to draw up proposals for that form of constitution;
- if the petition and the direction are for the different types of mayoral option (or if the direction requires the council to hold a referendum on a leader and cabinet form of constitution) then the council should check that the petition is valid. If it is, the direction cannot have effect. The council must draw up proposals for the form of mayoral option set out in the petition.

## **What if my council has implemented a new constitution?**

If your council has implemented a new constitution which does not involve a directly elected mayor then you can still submit a petition in the same way as if your council had not yet implemented a new constitution.

If your council has implemented a new constitution which involves a directly elected mayor then a petition must be a specific petition (see fact sheet 2) and cannot request a referendum on the same mayoral option as that which is already in place. You should also be aware that no two referendums can be held within five years of each other and a petition submitted less than four years after a referendum is invalid.

## **Fact Sheet 10: Invalid petitions**

### **What if the petition is invalid?**

If the petition is invalid or the council lawfully proposes not to take any further action on it (for example if they have already announced the date of a referendum) the officer of the council must tell the petition organiser this within one month of the petition date and explain why she or he has made this decision.

The council officer must also notify the Secretary of State for the Environment, Transport and the Regions of this decision.

### **Publicity for an invalid petition**

The council must also publish a notice in a newspaper saying that it has received an invalid petition. This notice must also set out why the petition is invalid, the type of mayoral constitution it sought, the petition date and that the petition is available for inspection at the council's main office. If the petition can be added to petitions submitted in the future the council must explain this.

The council should also publish this notice more widely for example on their web-site.

### **What if a petition does not have enough valid signatures?**

If a petition is only invalid because it does not have enough signatures the council must tell the petition organiser that it may be added to by other petitions which are subsequently submitted to the council (see fact sheet 12), including petitions submitted by the same petition organiser.

### **What if your petition is invalid for some other reason?**

If your petition is invalid and you do not agree with the council's decision you may write to the Secretary of State for the Environment, Transport and the Regions requesting him to consider whether to direct the council to hold a referendum on one of the forms of executive arrangements. The Secretary of State will consider such a request on the facts of the case.

Such a request from a petition organiser should be made by writing to the Secretary of State for the Environment, Transport and the Regions at:

Department of the Environment, Transport and the Regions  
Eland House  
Bressenden Place  
London

SW1E 5DU

## **Fact Sheet 11: Valid petitions**

### **What if the petition is valid?**

If the petition is valid the officer of the council must tell the petition organiser within one month of the petition date that it is valid and that there will be a referendum.

The council officer must also notify the Secretary of State for the Environment, Transport and the Regions of this decision.

### **Publicity for a valid petition?**

The council must also publish a notice in a newspaper saying that it has received a valid petition. This notice must also set out the type of mayoral constitution sought, the petition date, that the petition is available for inspection at the council's principal office and that a referendum will be held.

The council should also publish this notice more widely, such as on its web-site.

### **What next?**

The council must normally hold a referendum within six months of the petition date. However, the council must draw up proposals on which the referendum will be held and send them to the Secretary of State for the Environment, Transport and the Regions two months beforehand. In effect, this means the council normally has a maximum of four months from the petition date in which to draw up its proposals.

Your role as petition organiser has now ended except that the Government intends that you will be entitled to attend the count at the referendum and to nominate other people to attend the count (see fact sheet 14). If you choose to campaign in the referendum you will need to be aware that the Government intends that the law will place a limit on how much you can spend in that campaign (see fact sheet 14).

## Fact Sheet 12: What if someone else in my area is petitioning?

Adding together petitions after they have been received by your council

It is possible that someone else in your area is organising a petition. Both petitions may be for the same type of mayoral option or they may be for different options. Similarly, one or both may be 'nonspecific' petitions. It is also possible that petitions have already been submitted to your council.

### Adding together petitions by the council after submission to the council

The council must add together any two or more petitions *after they have been received* if they are valid in every way except that the petitions received so far do not have enough valid signatures between them to trigger a referendum.

#### Petitions of the same type

If those petitions are for the same type of change, or are all 'non-specific' the council must notify all the organisers that the petitions have been added together and also notify them of the petition date. This will be the date that the council received the last petition to be added to the others to include the required number of signatures. The council must then treat the petitions as a single valid petition with more than one organiser if between them they include enough signatures.

#### Petitions of a different type

If those petitions are for different types of mayoral option the council must add them together. The council must also add 'non-specific' petitions to petitions for one or other of the mayoral options. Before adding them together the council must get written agreement from the petition organisers. It must explain to the petition organisers that the combined petition would be treated as 'nonspecific'. The effect of adding together two or more such petitions is that the council will treat them as a 'non-specific' petition.

The council would then have to consult on which form of mayoral option the referendum would be on. The council will then notify each petition organiser of the petition date. This will be the date that the council received the last petition to be added to the others to include the required number of signatures. The council must then treat the petitions as a single valid petition if between them they include enough signatures.

The council will validate signatures according to the same rules described in fact sheet 5. For example, this means that it cannot count signatures twice. If a signature is in one petition then the council will not count it if it appears on another petition that is added to it.

## Cases where the council does not have to add the petitions together

There are three reasons why a council may not have to add petitions together:

- if the council has already announced its proposals for a referendum and when it will hold it, it must treat any petition submitted after that date as a 'post-announcement petition'. (see fact sheet 9);
- if any of the petitions are invalid for some reason other than that they are short of signatures to reach the verification number, for example, because the petition does not contain a proper petition statement; or
- if the council has already received a petition or combined petitions which contain enough signatures to reach the verification number. In such cases the council will take no further action in relation to any further petition.

## **Fact Sheet 13: Proposals for a referendum for a directly elected mayor**

### **What are proposals?**

Although the petition may specify the form of mayoral option that the referendum will be held on, the council must also consider what other arrangements will be part of the new constitution. In particular, this includes how the executive will be held to account by overview and scrutiny committees.

The proposals will include a timetable for implementation which should include the date of the referendum.

### **Does the petition organiser have a say in this process?**

The council has a duty to consult local people about the proposals drawn up following a valid petition. This means the public and other stakeholders, including you, will have a say in shaping the proposals. The council must consult in a way that is:

- comprehensive and inclusive;
- gives everyone who wants to respond the chance to do so; and
- uses a range of methods to engage with people.

### **What if the petition does not say specifically whether it is asking for a referendum for a mayor and cabinet or mayor and council manager system?**

If the petition is 'non-specific' the council must also consult on which of the two mayoral options the referendum should cover, as well as the detail of the proposals as described above.

### **Fall-back proposals**

The council must also draw up what are known as fall-back proposals. These are the arrangements which the council will have to adopt as its new constitution in the event that the referendum rejects the proposals for a mayor. These proposals can be for either the leader and cabinet option or the so-called "streamlined committee system" or "4th Option" called alternative arrangements in the Act. These fall-back proposals will only be an outline and the council will have to do more detailed work if the referendum rejects the idea of a mayor. Whatever happens, the council must, if it hasn't already, adopt a new constitution.

If the council has already adopted a new constitution and the referendum rejects the proposals for a directly elected mayor the council will be required simply to continue with its existing arrangements.

## **What happens if the council fails to take any of the action it must do in response to a petition?**

If a council does not comply with the law on petitions the Secretary of State has powers to direct it to hold a referendum on a specified form of executive arrangements. A petition organiser may contact the Secretary of State to ask him to consider whether to direct a council to hold a referendum. The Secretary of State will consider such a request on the facts of the case.

Such a request from a petition organiser should be made by writing to the Secretary of State for the Environment, Transport and the Regions at:

Department of the Environment, Transport and the Regions  
Eland House  
Bressenden Place  
London  
SW1E 5DU

In addition the Secretary of State has the power to take any action which the council would normally take, such as verifying the petition, drawing up proposals or holding the referendum if the council fails to do so itself.

## **Fact Sheet 14: The referendum**

### **The referendum process and campaign**

Once the council has drawn up its proposals, including the timetable for implementation, and sent them to the Secretary of State it will hold the referendum. It must normally send its proposals to the Secretary of State four months after the petition date (at the latest), as they must be sent two months before the referendum.

The law containing the rules about referendums will, subject to approval by Parliament, be in place shortly. The Government has consulted on these proposed rules and has published guidance setting out the intended requirements of the law.

If you choose to campaign in the referendum you will need to be aware that the Government intends that the law will place a limit on how much you can spend on that campaign. That limit will apply to money spent on the referendum campaign between the date the council sends its proposals to the Secretary of State and the date of the referendum. Shortly after the council has sent its proposals to the Secretary of State the Government intends that it will have to publish a notice describing these limits.

### **The referendum question**

The referendum will be for proposals including the form of mayoral executive which is required by the petition. If the petition was non-specific, the referendum will be for those proposals involving a directly elected mayor that the council has chosen following consultation. The Government intends that the exact question will be set out in law. The council will have no discretion about the content of the question.

### **The proposals**

The Government intends that councils will be required to publish details of the proposals as soon as they send them to the Secretary of State along with other information about the fall-back proposals so that people understand what will be asked at the referendum.

### **Timing**

As described above the referendum must normally be held within six months of the petition date, and at least two months after proposals are sent to the Secretary of State for the Environment, Transport and the Regions.

The Government has advised councils to hold the referendum on dates that will maximise voter turnout. As far as possible councils should time the referendum to coincide with other

polls such as a local or a General Election.

Unless it is held on the same day, the Government intends that a council will not be able to hold the referendum in the period of 28 days either side of:

- an ordinary local election in the council's area or by-election in the council's area;
- a General Election or Parliamentary by-election in the council's area;
- a European Parliamentary election or by-election in the council's area; or
- in the case of a London borough, an ordinary election for the Greater London Authority and the Mayor of London or a by-election for the Mayor of London.

If the referendum has already been announced when a General Election is called this requirement will not apply.

In some instances the six-month period will need to be extended for a few weeks. The Government intends that this will allow the council to hold the referendum in the week after the 28 day period, or for the polls to be held on the same day.

### **Attendance at referendum count**

The Government intends that the law about the conduct of referendums will allow the petition organiser to attend the count following the referendum and to nominate other counting observers who will be allowed to attend. To do this the petition organiser will have to write to the counting officer of the council including the names and addresses of her or his nominees. The petition organiser will have to do this at least five days before the referendum. The counting officer will not be able to decline this request without good reason.

If there is more than one petition organiser the number of observers that each nominates will have to be the same.

The number of observers that a petition organiser can nominate will be no greater than the number of counting clerks divided by the number of petition organisers. In other words, if there were 50 clerks and two petition organisers each petition organiser could nominate a maximum of 25 observers.

### **The result**

If the result of the referendum is to approve the proposals, the council must implement its new constitution in line with the timetable included in the proposals. This will involve the election of a directly elected mayor.

If the referendum rejects the proposals, the council must draw up its detailed fall-back proposals and implement those. Where the fall-back proposals are the existing arrangements,

the council will continue operating them.

### **The mayoral election**

The Secretary of State intends to make the law governing the rules of mayoral elections in time to allow the first such elections to take place in October 2001. The Government has consulted on proposals for this law and has published guidance setting out some of the intended requirements of the law.

The Government intends that the council will have to wait three months after the referendum before it can hold the election. It will then have to hold the election in the first week of the next May or the third week of the next October, whichever comes first.

## Fact Sheet 15: Example timetable

This table shows the consequences of submitting a petition at different dates. These are examples only. In particular the table shows that a petition submitted in November is likely to result in a referendum in May and petition submitted in February is likely to result in a referendum in August (which would be a bad time to hold a referendum).

SUBMIT PETITION IN FEBRUARY	
SUBMIT PETITION IN NOVEMBER	
JANUARY	
FEBRUARY	VALID PETITION SUBMITTED BY THE PETITION ORGANISER
MARCH	COUNCIL TO NOTIFY THE SECRETARY OF STATE AND THE PETITION ORGANISER
APRIL	
MAY	
JUNE	COUNCIL SENDS PROPOSALS TO THE SECRETARY OF STATE
JULY	
AUGUST	REFERENDUM TO BE HELD (AT LEAST TWO MONTHS AFTER PROPOSALS SENT)
SEPTEMBER	
OCTOBER	
NOVEMBER	VALID PETITION SUBMITTED BY THE PETITION ORGANISER
DECEMBER	COUNCIL TO NOTIFY THE SECRETARY OF STATE AND THE PETITION ORGANISER
JANUARY	
FEBRUARY	
MARCH	COUNCIL SENDS PROPOSALS TO THE SECRETARY OF STATE
APRIL	
MAY	REFERENDUM TO BE HELD (AT LEAST TWO MONTHS AFTER PROPOSALS SENT)
	MAYORAL ELECTION* TO BE HELD IN THE FIRST WEEK IN MAY
JUNE	
JULY	
AUGUST	
SEPTEMBER	
OCTOBER	MAYORAL ELECTION* TO BE HELD IN THE THIRD WEEK IN OCTOBER

\*The mayoral election will only take place after a "yes" vote in a referendum and must take

place at least three months after the referendum at the first possible opportunity - either in the first week in May or the third week in October.

## FactSheet 16: Checklist

Have you checked the following?	✓ Yes. Please Tick	✗ No. Then for information check the references below (to cross refer to fact sheets)
<b>Before Collecting Signatures</b>		
Whether or not the council concerned has announced or held a legally binding referendum in the last five years.		If the council has, then your petition will not be valid if it is submitted in the 4 year period after the referendum. SEE FACTSHEET 7
The form of mayoral constitution you want to petition for.		You will need to determine whether you wish your petition to be specific or not. SEE FACTSHEET 2
That your petition makes clear that it is asking either for a referendum on a mayor and cabinet, mayor and council manager or is non-specific.		The petition statement should be worded to achieve the desired outcome. SEE FACTSHEET 2
If a petition has been submitted in your area.		Your council should be able to tell you this. If they have and the date of the referendum has already been announced the council will take no further action on your petition. Alternatively your petition could be added to a petition already submitted if the petition does not have enough signatures. SEE FACTSHEETS 7 and 12
If a petition is circulating in your area.		Your council, local people or the local media may be able to tell you this. It would be in your interests for people to know that you are collecting signatures, not just so people can sign your petition but also so that other potential petition organisers are aware. SEE FACTSHEET 6
If you are aware of a petition currently circulating, that you understand the effect and possibilities of petitions being combined.		You may wish to combine your efforts and/or consider the implications of your petition being added to another petition. SEE FACTSHEETS 6 and 12
That your petition is addressed to the council concerned.		For a petition to be valid it must include the name of the council on each page. SEE FACTSHEET 2
<b>Collecting Signatures</b>		
That you and your team know what you need from signatories.		You must ensure that the necessary information is collected. SEE FACTSHEET 3

That anyone helping you to collect signatures is aware of the issues in this pack.		The public may well ask you questions about mayors and petitions. This pack aims to provide most of the answers and advises you who to contact for further information. SEE ALL FACTSHEETS
That you know how many signatures you will need to collect.		This is known as the verification number equivalent to 5% of local government electors in the councils area. The council must publish this number each year. SEE FACTSHEET 4
<b>Before Submitting your Petition</b>		
That you understand the criteria against which the petition will be verified.		The council is under a duty to verify the petition, but you should know how this works. SEE FACTSHEETS 5, 8, 10 and 11
That you know which signatures count and which do not.		In order to assure yourself the petition is valid you may wish to check that the signatures are accompanied by all the information required for them to be valid. The duty to verify your petition falls to the council to which it is addressed. SEE FACTSHEET 5
That you know where you may check whether the names and addresses on the petition are on the electoral register (if you feel this is necessary).		In order to assure yourself the petition is valid you may wish to check the signatures against the electoral register. The duty to verify your petition falls to the council to which is addressed. SEE FACTSHEET 4
That your petition or an accompanying statement includes the name and address of the petition organiser.		The council will contact the petition organiser to keep him or her informed about the petition. SEE FACTSHEET 1
That you know when to submit the petition.		When you submit your petition will have an effect on the timing of any subsequent referendum. SEE FACTSHEETS 7 and 15
That you know where the petition must be submitted.		Your petition should be submitted at the appropriate office of the council. SEE FACTSHEET 7







