

The World Will Be Your Oyster?

Reflections on The Localism Act 2011

Chapter Seven

March 2012

Elected mayors: the serpentine progress of an unloved reform
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Act 1 – the ministerial double U-turn and Leicester’s opt-out

The previous version of this chapter (Game, 2011a, pp.53-63), written shortly after the Localism Bill’s publication, opened with a section on ‘The ministerial double U-turn’, which seemed a fair description of how DCLG ministers had flip-flopped on their policy of imposing directly elected mayors on England’s largest provincial cities. This update will deal with several further retractions, *volte-faces*, changes of heart and mind – the whole, it is suggested, resembling less the normally direct, undeviating locomotion of the Communities Secretary than the serpentine meanderings of a rattlesnake, or indeed a rattled snake. First, though, back to those early Ueys, as Australians would say, and a brief recap of the state of play reached, as it were, at the end of Act 1.

David Cameron, like Tony Blair before him, has long seemed genuinely and personally committed to the idea of directly elected mayors, and for similar reasons. Both apparently see it as a way of recruiting into civic life business entrepreneurs too busy and important to participate, like their Victorian predecessors, in the collective leadership and government of their towns and cities. The plan for requiring mayoral referendums¹ to be held in each of England’s 12 largest cities outside London made its first significant public appearance in the Conservatives’ 2009 localism policy paper, *Control Shift* (p.21 – emphasis in the original):

“In our biggest cities, there is a strong case for new powers being placed in the hands of a single accountable individual – an elected Mayor who can provide the city with strong leadership ... Where mayors have been chosen, the system has proved generally popular. Even if there is considerable appetite for changing the incumbent, in most cases there is very little appetite for abolishing the post of mayor ... However, the experience of the current situation, whereby communities are required to choose a mayoral system for their area, is that vested interests can act as a powerful blocking force for local change.

¹ Throughout this chapter, unless it would involve altering direct quotations, ‘referendums’ (rather than ‘referenda’) will be used. It is the plural form used in the legislation itself, and also, according to the OED, certainly in the case of mayoral referendums (ballots on a single issue), logically and linguistically preferable.

“We will legislate to hold a referendum in England’s twelve largest cities on having an elected mayor. In these cities, a mayoral system will be established unless voters reject that change.”

The Conservative manifesto contained the pledge in slightly less detail (p.76), and it then appeared in the Coalition’s *Programme for Government* (p.12):

“We will create directly elected mayors in the 12 largest English cities, subject to confirmatory referendums and full scrutiny by elected councillors.”

There being no further clarification in the Queen’s Speech summary of the proposed Bill, a semantic debate kicked off. We knew what was meant by ‘full scrutiny’, even if some questioned the likelihood of its being achieved. But ‘subject to confirmatory referendums’ – what was that about? Previously, the referendums came first, and mayoral systems were established only *after* a confirmatory vote. This new formula, though, could be taken to mean that the referendums would be not so much a public consultation as a public verdict on a system that, now in operation, could be argued to be too disruptive and expensive to reverse – much as was claimed, indeed, by pro-Marketeers in the 1975 referendum on Britain’s continued membership of the Common Market. So, was this the Coalition’s way of announcing a U-turn?

Evidently, yes – for at a fringe event at the October 2010 Conservative conference, Local Government Minister, Bob Neill, described how confirmatory referendums would work (LGC, 4 October, 2010): “[The question will be] we have set up these things, do you want to stick with them?” Asked if that would mean existing council leaders being made mayors, he replied: “That would seem the easiest way of doing things, yes.” Not much ambiguity there, it seemed, and certainly not to the existing leaders in the designated cities, most of whom, and most of whose parties – with one important exception – were opposed in principle to directly elected mayors, and even more so to their being ‘foisted’ on their councils, as the local media liked to call it.

The exception was **Leicester**, whose Labour-dominated council took advantage of having delayed until almost the proverbial last minute its consultation and decision on a preferred model of governance, required under the 2007 Local Government and Public Involvement in Health Act. While Coalition ministers were planning the nature and timing of their confirmatory referendums, Leicester’s Labour group voted in November 2010 to change from a Leader and Cabinet Executive to a Mayor and Cabinet and thereby avoid a referendum, and its cost, altogether. It was not an uncontroversial decision, but the necessary special Council meetings were called and the public were consulted – with 344 of those responding preferring the Leader/Cabinet model and 357 an elected Mayor. It was hardly a conclusive response from a potential electorate of over 200,000, but it did at least narrowly support the policy of the Labour administration. The mayoral model was therefore adopted, opening the way for the first mayoral election in a major English provincial city to take place on 5 May 2011.

The overwhelming winner of that election was Sir Peter Soulsby – with 55% of first preference votes in an 11-candidate contest, and a 37,260 majority over the second-placed Conservative. Soulsby had been the Labour MP for Leicester South since

2005, but for 30 years before that a Leicester City councillor, and for 17 of them the Council Leader: very much not, in short, the kind of MP who wonders if becoming an elected mayor might provide an interesting culmination to an otherwise Westminster-based political career.

Soulsby had announced immediately his intention to run, reminding YouTube viewers of his longstanding support for elected mayors in cities like Leicester: "I think it's a no-brainer ... it's the people of the city who should have the chance to choose the person who they want to lead their council and their city".

Well, yes, except that in an overwhelmingly Labour city like Leicester, that's not quite how it works, because the really key decision is not so much that of the electorate, but of the selectorate – members of the City Labour Party. In fact, Soulsby won that contest almost equally comfortably, very nearly on the first ballot, against a field including both the current and a former Council Leader. Having been selected, he straightaway announced his intention to resign from Parliament and embarked on as high profile and intensive a campaign as he and his considerable body of supporters could organise – but which succeeded in raising the turnout by barely 1% above the 39.4% at the previous council elections in 2007. Enthusiasm for the new form of government was, it seemed, no greater among the voters of Leicester than among the leaders of the other big city councils.

Returning to October 2010, Local Government Minister Bob Neill's announcement of the intention to go for shadow mayors and confirmatory referendums drew a concerted outcry from the 11 remaining cities. It reinforced the reservation DCLG civil servants were known to have towards the changed method of proceeding, and it looked as if the Government was preparing to back down. A 'New Clause 20' was inserted by ministers into the Parliamentary Voting System and Constituencies Bill, Schedule 2 of which would allow the referendum on the Alternative Vote (AV) for the House of Commons to be combined in England with local parish and mayoral elections *and local government referendums* on 5 May 2011. As far as elected mayors were concerned, the new clause was to prove a complete red herring, but at the time it was taken to suggest a timetable in which referendums would be held in May 2011, followed where relevant by full mayoral elections in May 2012.

This scenario was certainly not contradicted when the Secretary of State made clear that it was apparently the Local Government Minister who had misunderstood the policy, not the rest of us. Answering questions in the Commons, Eric Pickles reproached Diana Johnson, Labour MP for Kingston upon Hull North (HC Debate, 21 October, col. 1117):

"The hon. Lady is mistaking this Government's position with that of the previous one, who would often impose things on local people. She seems to be suggesting that we would somehow impose mayors on those 12 cities, but of course we will not. That is completely out of the question. The proposals will be subject to referendums. Once we know the views of the people in those 12 cities, we will move on to the election of a mayor if people vote for that."

The Bill: shadow mayors imposed, new powers unspecified

The double U-turn had been completed. The Localism Bill would implement the policy as understood from David Cameron's pronouncements and the Conservative

manifesto. Nothing had changed – as indeed the Government's own Directgov website appeared to confirm in its summary of the Bill's main measures:

"The government proposes to allow 12 English cities to have executive mayors from 2012, subject to referendums and full scrutiny by elected councillors. Ultimately, it will be for local people in each city to decide whether to have an elected mayor."

But what's that 'ultimately' doing? It wasn't there before. Was it significant? Was it simply describing previous practice, with the people voting first on whether they wish their city to be one of those allowed to have an executive mayor? Or was it a chronological 'ultimately', whereby the people get the last say and are the last to get a say? It was, of course, the latter. Bob Neill had been right. Imposing mayors was not completely out of the question after all (House of Commons, 2010, para. 126):

"This section [9N] gives the Secretary of State the power by order to provide that on the relevant date a specified local authority shall cease operating its existing form of governance arrangements and start operating a mayor and cabinet executive. It also makes provision for the creation of a 'shadow' mayor ... and sets out who the 'shadow' mayor will be."

That is imposition. More to the point was what was completely out of the answer – which proved to be arguably the most important issue of all: the heralded substantial new powers that elected mayors would have at their disposal. The prospects that the Communities Secretary had outlined in his statement to MPs had been mouth-watering (HC Debate, 11 October, 2010, col. WS14):

"We will put local councils in the driving seat to join up public services, pooling resources across the public sector to tackle social problems. We want elected mayors to trail-blaze such initiatives ... to bring together different devolved budgets and pool them with our national payment-by-results systems. Together, mayors will be able to help design services specifically targeted at the hardest-to-help families. They will be able to add their own budgets - social services, care, housing, health improvement - to the national programmes. This will give local communities the power to change lives, and help save money at the same time."

There had been plenty of other hints and rumours too, with the October 2010 *Local Growth* White Paper referring to the economic levers elected mayors could expect to have at their disposal (HM Government, 2010, p.11):

"Mayors, with their strong, visible and accountable local leadership, will play an important role in ensuring that our biggest cities are genuine drivers of economic growth. These mayors will also work closely with neighbouring council leaders on issues such as transport, the strategic approach to planning and wider economic priorities. This may include mayors chairing the board of local enterprise partnerships."

In the Bill itself, though, there were simply further prospects (House of Commons, 2010, paras. 94-5):

"Section 9HF provides that the Secretary of State may by order make provision to confer a local public service function on the elected mayor of a specified local authority..."

“Section 9HG provides for elected mayors to apply to the Secretary of State to confer local public service functions on them.”

There was nothing specific on what such functions might be; only a further reminder that, if you wanted your city to benefit from any conferring of powers, you'd better vote yes in your mayoral referendum. Nor, despite much external debate and numerous recommendations, were we much wiser nearly a year later, as the Bill completed its passage through Parliament. Evidently, the DCLG had found key Whitehall departments like Education, DWP, and the Home Office at least as reluctant to hand over functions to elected mayors as they were to contribute actively to the community budgets programme. So, faced with having to make a virtue out of necessity, ministers decided that, if they couldn't come up with a convincing set of local public service functions to confer, they might as well earn themselves a bit of localist credit by at least temporarily handing the responsibility over to us – or, more precisely, to those who live and work in the 12 mayoral cities. In early November 2011, therefore – slightly late in the day, some might think – the DCLG produced a consultation paper, *What can a mayor do for your city?*, setting out this new decentralised approach (paras. 24-28):

“Whilst we are clear about the potential of mayors to drive a city's economic growth and prosperity, we are equally clear that we do not have all the answers. We do not presume to know what is best for each of the cities in terms of the specific powers that should be exercised by individual city mayors... We are thus proposing to look to the cities themselves to come forward with their own proposals...

“It is ... in this essentially 'bottom up' way that we are proposing that the fundamental question of 'what can a mayor do for a city' ... be addressed. We want to hear now, particularly from the people who live and work in the cities where mayors are planned, their views on this proposed approach for giving powers to mayors.”

While primarily soliciting views, this consultation paper also imparted details of a new provision in the Bill, although this wasn't how it was described (para. 21):

“The Localism Bill, if enacted, will provide the Secretary of State with a power to transfer by Order, subject to Parliamentary approval, local public functions to any local authority outside London.”

It may sound unexceptional – one more ministerial power on top of the dozens of others in this nominally localising Bill – but it was another of those U-turns and potentially one of the most important changes that its parliamentary scrutineers achieved. It will be revisited later in the chapter.

The Bill's proposed timetable and 'mayoral management arrangements'

Immediately following its publication, The Localism Bill introduced a three-stage process that would apply to the twelve big cities with the exception of Leicester:

Stage 1: Following Royal Assent – expected autumn 2011 – the Government would make an Order, whereby the council leaders for Birmingham, Bradford, Bristol, Coventry, Leeds, Liverpool, Manchester, Newcastle upon Tyne, Nottingham, Sheffield and Wakefield would become *shadow mayors*, and be given the powers available to existing council mayors.

Stage 2: On the same day as the May 2012 local elections, these cities and any other area that calls for a mayor would hold *mayoral referendums*.

Stage 3: On the same day as the May 2013 local (mainly county council) elections, the cities and any other areas that voted 'Yes' in their referendums would hold *mayoral elections*, using the Supplementary Vote system that is used for all existing mayors. Mayors would be elected for four-year terms and, according to the DCLG briefing, would "have the status and power to make their city a success, details of which will be further explained *during the course of the parliamentary process*" (emphasis added).

Table 1 indicates who the current shadow mayors would be (Sir Peter Soulsby excepted) – ***if the only changes*** since December 2010 had been those resulting from the May 2011 local elections. Those changes were extensive enough, with Labour displacing the Liberal Democrats in Newcastle and Sheffield, and turning minority into majority control in Leeds. But the changes in the Bill – concessions might be the more accurate term – were at least as profound, and an effective riposte to any constitutional reformers sceptical of the ability of Parliament, and the Lords in particular, to amend significantly the legislation of a majority Government.

Table 1: The 12 mayoral cities and their leaders, 2011-12

	Control 2011-12	Leader	Leader's party	Comments
Birmingham	Con/LD	Mike Whitby	Con	Labour control 2012?
Coventry	Lab	John Mutton	Lab	
Bradford	Lab minority	Ian Greenwood	Lab	Lab within 2 seats of majority
Bristol	LD minority	Barbara Janke	LD	
Leeds	Lab	Keith Wakefield	Lab	Lab gained majority control 2011
<i>Leicester</i>	<i>Lab</i>	<i>Sir Peter Soulsby</i>	<i>Lab</i>	<i>Elected mayor 2011</i>
Liverpool	Lab	Joe Anderson	Lab	(Elected mayor 2012)
Manchester	Lab	Sir Richard Leese	Lab	
Newcastle	Lab	Nick Forbes	Lab	Lab won control from Lib Dems 2011
Nottingham	Lab	Jon Collins	Lab	
Sheffield	Lab	Julie Dore	Lab	Lab won control from LD minority 2011
Wakefield	Lab	Peter Box	Lab	

It is hard to overstate either the breadth or depth of the initial opposition to the Government's mayoral proposals among those most directly affected – namely, the cities' existing leaders and prospective shadow mayors. They questioned the idea in principle. Far from a direct personal mandate being a necessary condition of effective local leadership, the concentration of power in a single pair of hands – 'elected dictatorship' – was inherently undesirable. It was not the most effective form of leadership for our socially, culturally and economically diverse cities; it diminishes the role of other elected members; and it lacks any widespread backing even among the public, who for ten years had had the opportunity to petition for elected mayors, if

they wanted them. Irrespective of party, the existing leaders were united in denouncing the mayoral model the Bill was seeking to force on them and their cities (see Game, 2011, pp. 58-9).

Not surprisingly, therefore, they were even more stridently critical of the Bill's imposition of shadow mayors in Schedule 2, Section 9N (referred to above) and of the required adoption of so-called mayoral management arrangements in Section 9HA: 'Mayoral management arrangements – mayor to be chief executive officer etc.' (yes, including the 'etc.'; students may be ticked off for using it in essays, but for parliamentary draftspersons it's evidently OK).

There were several possible objections to **shadow mayors**, but they were most easily articulated as 'the Birmingham problem'. According to the Bill's timetable, Birmingham's existing Conservative leader, Mike Whitby, would have become shadow mayor by order of the Secretary of State, exercising the full range of mayoral powers either until the referendum in May 2012 failed or, if it succeeded, until an elected mayor took office in May 2013. Setting aside any inherent objections, this might have been acceptable, were it not widely anticipated that in the 2012 local elections, on the very same day as the mayoral referendum, Labour would win majority control of the Council. If so, a 'Yes' vote in the referendum would mean that, for the ensuing year, the government of the nation's second city would be in the joint hands of a Conservative (anti-mayorist) minority shadow mayor and a Labour (pro-mayorist) majority leader – quite possibly fighting each other for the mayoralty. Entertaining perhaps, but an odd arrangement to create deliberately by legislation.

The manifest failure to think through the most basic implications of what was bound to be a contentious policy is sad, but might with generosity – and alongside the now confirmed policy of mayors being able to double up as police and crime commissioners – be filed under 'they knew not what they were doing'. Not so for **mayoral management arrangements**: here ministers knew exactly what they were doing, and, to be fair, had given plenty of notice of their intentions. The conflation of the political and managerial role at the top of local government had been an enthusiasm of Michael Heseltine's as Environment Secretary in the early 1990s that was revived by the Conservatives and particularly by Eric Pickles personally.

Within weeks of becoming Communities Secretary, Pickles informed the London Borough of Newham that, with an elected executive mayor, there was no need to appoint a new chief executive, now that the present one was leaving. More generally, he lost no opportunity to air his views that chief executives, if not exactly a waste of space, were seriously overpaid for a role that was less distinctive and more duplicative than they would have their councils believe. In his first speech to the LGA in July 2010, he acquainted delegates with his "new favourite word" – *Doppelspitze* – the term for the 'dual leadership' that municipalities in Länder like North-Rhine Westphalia in formerly British-occupied Northern Germany found they had when, like the rest of Germany, they introduced directly elected mayors in the 1990s (Wollmann, 2005). Having previously operated a council/committee model of local government, with a largely ceremonial *Bürgermeister* (mayor) and an increasingly powerful, council-elected – and thus already politicised – *Stadtdirektor* or *Gemeindedirektor* (city/council manager), these municipalities now had competing

dual or, in Pickles' translation, identical authorities: a situation resolved by the mayor taking over administrative powers and becoming chief executive officer.

To Pickles the message was clear: the dual structure of executive leader and chief executive is functionally and financially unsustainable. Moreover, it is increasingly recognised as such – as evidenced by the trends for councils to share a chief executive, or, like Wiltshire most recently, to abolish the CE's post altogether and share the role and functions among the remaining chief officers (Morrison, 2011). Others saw it differently. To them, the council leader or mayor – the two are sometimes not differentiated – and the chief executive are not identical or interchangeable. They have different responsibilities and require significantly different skill sets to enable them to fulfil these responsibilities. The institutionalised role division between the council leader (or mayor) as political head and the chief executive as head of the officer management structure and impartial senior corporate adviser to the authority is one of the traditional and most valuable features of the British system. Blurring or removing that distinction may bring a short-term financial gain, but at the risk of incurring longer-term corporate costs.

Blurring, however, was precisely what the Bill proposed. Between them, Sections 9HA to 9HC in Schedule 2 required that mayoral authorities resulting from this legislation operate **mayoral management arrangements**, which are that:

the elected mayor is the most senior officer, though not an employee, of the local authority;

the authority's head of paid service (HPS) reports to the elected mayor;

the mayor should be able to issue reports covering effectively the core duties of the HPS – namely, setting out mayoral plans in respect of:

the manner in which the authority coordinates the discharge of its functions;

the number and grades of staff required for the discharge of these functions;

the organisation of the authority's staff; and

the appointment and proper management of those staff.

More U-turns

The Bill's passage through the Lords was always likely to offer its critics the best chance of extracting amendments and concessions from ministers, and so it proved. The House made a total of no fewer than 441 amendments, all of which were accepted in a brief final 'consideration' by the Commons on 7 November: testament no doubt to the noble Lords' collective diligence and sagacity, if hardly to the soundness of the overall legislative process.

Labour spokesman on the Bill was Lord (Jeremy) Beecham, former Leader of Newcastle City Council and Chairman of both the AMA and LGA. Never personally a fan of elected mayors, he indicated at the Second Reading debate the issues which the Opposition considered "the most objectionable" and "unacceptable", and on which it would concentrate its attack (HL Debate, 7 June, 2011, cols. 152-53):

"Much worse than that proposal [to require mayoral referendums in the designated cities] are two further extraordinary provisions, concerning shadow mayors ... and the delightfully euphemistically termed 'mayoral management arrangements'. Under new Section 9N in Schedule 2 the Secretary of State may order a shadow mayor to be appointed in an authority due to hold a referendum, who will be the executive

leader at the date of the order. He will have the full range of mayoral powers until either the referendum fails or an elected mayor takes office.

"Yet that is not all. In those of the 12 authorities which end up with elected mayors, the positions of mayor and chief executive will have to be combined, while other authorities with a leader and executive model will have to consider this novel, and in my judgment, wholly inappropriate conflation of the political and officer roles. It does not seem appropriate that the political head of a local authority should effectively be the head of paid service. Contrast this with the separation of roles prescribed by the Cadbury rules in the private sector. This is not local democracy but local autocracy. These two proposals are the most objectionable in what is in many respects a deeply flawed Bill. I trust that through today's debate, if it does nothing else, the House will send a clear message to the Government that those proposals are totally unacceptable, and an affront to democracy and good governance."

The message hit home, to a degree that even Lord Beecham may not have anticipated. Two weeks later, during the first day's debate on the Bill's Committee Stage, Baroness (Joan) Hanham, DCLG Under-Secretary of State and herself former Leader of RB Kensington and Chelsea Council, accommodately unveiled the latest of the Government's U-turns (HL Debate, 20 June, 2011, col. 1062):

"At Second Reading I indicated that we would listen to noble Lords' concerns about shadow mayors and mayors as chief executives. We are keen to build on the common ground and consensus that the Bill has enjoyed. I should therefore like to say at this stage that when we reach the debate on mayoral provisions, the Government will be pleased to support amendments that have the effect of deleting from the Bill mayoral management arrangements; that is, mayors as chief executives and the concept of shadow mayors."

It was a significant climb down, particularly on an issue identified with the Secretary of State personally, and it was not surprising that Baroness Hanham took the opportunity to emphasise the valid point that:

role until the outcome of this procedure is completed, and until I.... look at the rest of the senior management."

Subsequently, Soulsby made clear that it was not so much the size or indisputable complexity of large councils as organisations that was the key issue in the debate, but the nature of the elected mayoral role (Morrison, 2011):

"The overlap between the job description of a chief executive and what is expected of an elected mayor is very extensive". [Though council leader for 17 years, he says he would not have advocated operating without a chief executive under the leader and cabinet model.] "The system of governance with an elected mayor is so dramatically different, and the expectations on a mayor are so different, and that is wha"deleting these provisions from the Bill will not prevent councils deciding to do away with the non-statutory post of chief executive should they choose to do so. Indeed, the newly elected mayor of Leicester has announced that he is proposing to do just that."

Sir Peter Soulsby had indeed, in one of his first actions after being elected, announced plans to abolish the position of chief executive – in terms, moreover, that echoed Eric Pickles' views and showed that by no means all those with first-hand

senior local government management experience found the idea as unacceptable as Lord Beecham and his parliamentary colleagues. Yes, it would save money, but there was a role overlap too (BBC News Leicester, 17 May, 2011):

"The chief executive has a very wide range of responsibilities, some at least of which I believe overlap with the newly elected mayor, particularly providing strategic direction. For that reason I've come to the conclusion, partly to save money but also because of this overlap of roles, that the chief executive's role can be removed from the organisation and that's the proposal that I'm making."

"There's no legal requirement for us to have a chief executive, but we do have to have a head of paid service. What I'm intending to do is to ask the deputy chief executive to take on that t makes it possible to do this."

The Core Cities amendment – from mayoral to permitted authorities

No further changes were made to the Bill's mayoral clauses during the Lords Committee Stage, but other potentially far-reaching amendments – seeking to extend the Bill's provisions for the Secretary of State to transfer public service functions to mayoral authorities – were tabled, debated at some length, and showed evidence of having at least a measure of cross-party, including ministerial, support. That being the case, they were not moved on the final day in Committee, on the understanding that they would be raised again at Report Stage, possibly following further negotiations and deliberations by ministers.

The amendments were moved by Labour's Lord (Bill) McKenzie, former Leader of Luton BC and until 2010 a DCLG Junior Minister. But, as was readily admitted by all the signatories to what by the Report Stage had become a genuinely cross-party cause, the real authors were the Core Cities Group (CCG) (Game, 2011b). Core Cities is a small self-selected and self-financed network of the local authorities of England's eight largest city economies outside London – Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle, Nottingham and Sheffield. Following a strategy set by the city council leaders – of all three major parties – it works with government and other agencies to influence policy that will improve cities' economic performance and reduce their dependency.

The CCG amendment, as tabled initially at the Lords Committee Stage (see briefing paper - <http://www.corecities.com/what-we-do/publications/core-cities-localism-bill-amendment>) was far-reaching in aim, but, seeking cross-party support, calculatedly cautious in its phrasing. The aim was to enable cities – not necessarily mayoral cities – to make the case for greater autonomy over key areas such as transport, housing, skills and regeneration, similar to that enjoyed by the Mayor of London, and to enable ministers to devolve such powers, on a case by case basis, over time, without the need to pass further primary legislation. Powers would only be devolved to cities meeting key ministerially-set 'competency tests', such as robust governance arrangements, evidence of a functioning economic area, and organisational capacity to deliver – the implication being that different cities would probably access different powers over different timescales. It was, then, certainly not wholesale devolution or presumed autonomy; rather, a repackaging of that New Labour favourite, earned autonomy, but for a government proclaiming itself committed to presumed autonomy.

As noted above, the amendment was not pushed to a vote at Committee Stage, but over the summer recess the Government, working apparently directly with the Core Cities Group, progressed matters to the point of producing the set of amendments, agreeable to all parties, that were tabled, harmoniously debated, and passed without division at the Report Stage (HL Debate, 15 September, 2011, cols. 557-67), and that came to form a new Chapter 2A in the revised Bill.

The key Amendment 114 provides for the Secretary of State to transfer “a local public function from the public authority whose authority it is to a permitted authority”, provided ... that the transfer “would promote economic development or wealth creation, or increase local accountability ...” The interpretative Amendment 119 later defines ‘permitted authority’ as an English local authority or a combined authority or economic prosperity board, as established by the 2009 Local Democracy, Economic Development and Construction Act. No mention of *mayoral* authorities, just permitted authorities – as was noted with unconcealed delight by Lord Beecham:

“As some of your Lordships will be aware, I am not an enthusiast for elected mayors by any means. I am therefore glad that the original restriction [restricting the transfer of functions to mayoral authorities] has been abandoned because it seems to me important that councils with the more conventional model of leader and executive should have this opportunity.”

al pertinent papers, both making the case fThe big mayoral carrot, it would seem, had gone. The transferable functions may not have been spelt out, but it was this deal, for mayoral cities only, that had been the incentive to persuade sceptical voters and even hostile councillors in the designated cities to back the Government’s mayoral project. Now, there was no longer any need, in the interests of your city’s greater autonomy, to opt in the 2012 referendum for an elected mayor; any additional powers going should be available to any city authority, irrespective of the precise form of its political management arrangements.

To phase or not to phase

Actually, as the Bill became an Act, on 15 November 2011, it would not have been possible to write that bit in the last sentence about ‘the 2112 referendum’. Remarkably, there was less certainty about the mayoral referendum/election timetable after the Bill had received Royal Assent than when it had been introduced 11 months earlier. True, the situation was partially clarified shortly thereafter, but the casual and still vague manner in which even that vital news was released suggested that, like New Labour before it, this Government – at least at the very top – was losing some of its enthusiasm for powerful elected mayors before the main show had even started. In fact, the most active and noisiest mayorists during 2011 were probably the Institute for Government, who were also, ironically, the chief instigators of the timetable uncertainty.

The Institute for Government (IfG) is a still newish but already sizable think tank, funded by one of the Sainsbury family’s charitable trusts, which aims to develop the skills of senior public servants and politicians, undertake research into public administration and government, and generally improve their effectiveness. It would not claim the specialist local government knowledge and experience of, say, the LGIU or the New Local Government Network, but the Institute’s Director at the time was Lord (Andrew) Adonis, a minister and special adviser in the last Labour

Government, and an unreserved advocate of elected mayors, certainly in cities or city conurbations. Under his direction, IfG published several mayors (IfG/Centre for Cities, 2011) and drawing on findings from visits to existing and potential mayoral authorities (Sims, 2011).

In early 2011, Adonis and colleagues visited all but one of the cities due to hold referendums the following year, with a view to advising the Communities Secretary, with his prior agreement, on the Government's legislative proposals. They met with heads of chambers of commerce, newspaper editors, university vice-chancellors, council leaders, MPs and other stakeholders, many of whom no doubt could see the benefits a high-profile executive mayor might bring to their cities. However, even without actually meeting any ordinary electors, they must also have realised that there was scarcely enough interest in the topic among the general public to achieve even respectable turnouts in referendums, let alone many positive results. This balance between advocacy and anxiety can be clearly sensed in the IfG group's conclusions and recommendations, which were contained in two papers published in early September, as the Localism Bill entered the final stages of its passage through Parliament (Blatchford and Sims, 2011; Adonis and Sims, 2011).

On **additional mayoral functions**, the Secretary of State's proposal to transfer powers to mayors – and, at that stage, only to mayors – was welcomed. But, “to provide voters with greater clarity on the model they are voting for”, for heaven's sake [that bit's not a direct quote] put some of these additional powers into the Act, particularly any enabling them to promote economic growth and attract private investment. Specifically, IfG advised, the Bill should be amended to give city mayors planning powers comparable to those of the Mayor of London, and the power to appoint themselves or a nominee to sit on other local governance boards, such as the Integrated Transport Authority and Local Economic Partnership. Also, police and crime commissioners should be required to “have regard to” the mayor's policing priorities for his or her area when setting priorities for the police authority as a whole.

A second set of recommendations concerned the **transition to the mayoral model**. “To ensure a smooth transition ... and to help inform voter choices” in the referendums [and to prevent the embarrassment of most, if not all, of them producing ‘No’ votes], IfG proposed that the referendums be staged over two years. The first wave, in May 2012, should be limited to just Birmingham, Leeds and Bristol, with the remainder put back to May 2013. The three first-wave cities were those in which IfG felt “the debate on mayors is already most advanced and where the example of London has made most impact” (Adonis and Sims, p.7), with Birmingham and Leeds also happening to be the two largest cities, and Bristol having “the weakest governance”, as measured by novel indicator of the number of changes of leader in the past decade. For any of these three voting ‘Yes’ in May 2012, the ensuing mayoral elections should, IfG recommended, be held earlier than planned, in September 2012, thereby enabling the second-wave cities to observe the mayoral model in action before staging their own referendums.

Finally, there were some proposals aimed at securing **mayoral integration with existing governance**. “In order to ensure that mayors are fully integrated within council governance and appropriately scrutinised” (*ibid.*, p.4), IfG recommended that

the Localism Bill be amended to: (a) enable mayors to appoint up to three members of their cabinet from outside the council; (b) require mayoral authorities to have dedicated scrutiny support officers; and (c) stipulate that mayoral authorities switch from electing their councillors by thirds – “the system ... designed to bolster accountability” – to the less “wasteful” system of whole council elections every four years, at the same time as the mayoral election (ibid., p.15).

Assiduous amenders as the Lords were on this Bill, there was no way some of these proposals were going to make it on to the statute book at this relatively late stage. In the event, none of them did – no additional powers specified, no non-councillor cabinet members, no statutory scrutiny support officers – but at the time the phasing recommendations in particular were taken seriously, both by the potentially affected authorities and, it seemed, by the DCLG and the Communities Secretary himself.

In mid-September, Eric Pickles was reported in the *Yorkshire Post*: “I think it’s fair to say we’re thinking about whether we should phase or not.” A few weeks later the *Coventry Telegraph* informed its readers that “a referendum in Coventry to decide if an elected mayor should lead the council could be delayed for another year – due to lack of public interest.” The *Liverpool Daily Post* had a different angle: “Ministers are poised to delay Liverpool’s referendum on an elected mayor by 12 months – paving the way for the role to become Merseyside-wide.” This idea seemed to make a certain political sense, with city region or city-conurbation mayors being favoured not only by IfG – for Manchester as well as Liverpool – but also in a timely report by Lord Heseltine and former Tesco chief executive, Sir Terry Leahy, arguing for greater devolution to English cities in general and, at least in Liverpool’s case, to the much wider city region.

However, throughout the two months leading up to Royal Assent in mid-November, there was not even a tactical leak that the Secretary of State had completed his thinking and actually come to a decision on phasing, one way or the other. When we did finally learn that phasing was off, and that all referendums would take place on 3 May 2012, it came first in the form of interviews granted to a few selected local newspapers by the Minister for Decentralisation and Cities, Greg Clark – more a news seepage than an announcement. For anything official we had to wait until 5 December, when draft orders for the referendums were laid in Parliament. As for the date of any ensuing mayoral elections, it was not until the end of January that a DCLG news release confirmed that these would be on 15 November 2012, the same day as the election of Police and Crime Commissioners in the 41 police force areas outside London. By which time, Liverpool’s Labour-controlled council was on the point of deciding that its city’s voters would be deprived – or saved the cost – of a referendum, and instead move straight to a mayoral election on 3 May.

This final ministerial decision that any and all city mayors would be in post by the end of the year constituted – depending on how you count the phasing wobble – roughly the ninth U-turn or serpentine slither in what might be termed the mayoral transitional mechanics since the policy’s appearance in the Conservative manifesto. With Governmental leadership and commitment like this, is it any wonder that voters seemed more than a touch apathetic – and that even in Birmingham, with less than

two months of one of the livelier referendum campaigns still to go, a Populus opinion poll was showing 59% of voters completely unaware of the whole thing?

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