

**COUNCIL**  
**29 November 2022**

**VOTING ON A MAYORAL REFERENDUM**

This briefing note sets out the potential implications of the motion submitted to Council. It is designed to support the Chairman in making her decision as to whether

- (i) the constitutional provision of automatic referral to the relevant Committee should apply; or
- (ii) if she considers it convenient and conducive to the despatch of business or sufficiently urgent, she may allow the motion to be dealt with at the meeting of the Council at which it is brought forward.

The briefing note will also be included in the Council agenda to enable Members to understand the wider context.

<p>Has the Council or is the Council doing any work at the current time in relation to this motion or any associated issues?</p>	<p><b>Yes.</b></p> <p>At the point of drafting this briefing note for full Council it is expected that <b>the Leader of the Council</b> will shortly consider making the executive <b>decision to accept the proposed £390million Cornwall Devolution Deal on a 'minded to' basis.</b> The above decision will <b>include preconditions for the implementation of the Cornwall Devolution Deal,</b> namely:</p> <ul style="list-style-type: none"> <li>a. consideration by Cabinet of the outcome of the Council's public consultation;</li> <li>b. consideration by Cabinet of any recommendations made by the Customer and Support Services Overview and Scrutiny Committee on the Cornwall Devolution Deal;</li> <li>c. confirmation by Cabinet that it wishes to proceed with the Cornwall Devolution Deal;</li> <li>d. ratification of the Cornwall Devolution Deal and resolution to change the Council's executive governance model from Leader and Cabinet to Elected Mayor and Cabinet by Full Council.</li> </ul> <p>In making the 'minded to' decision, it is also anticipated that the Leader will be asked to:</p> <ul style="list-style-type: none"> <li>1. Agree to conduct a public consultation on the Cornwall Devolution Deal, including the required governance change, for a minimum period of 10 weeks;</li> <li>2. Agree the indicative timeline for the decisions and actions required to finalise the Cornwall Devolution Deal.</li> </ul>
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Does the motion: -	
<p>(i) have potential financial implications for the Council – if so advise what these might be</p>	<p><b>Yes.</b></p> <p>The motion seeks full Council's agreement for the Council to hold a debate in the future on whether or not to hold a referendum. Consequently, although the motion doesn't itself have any immediate financial implications, in the event of a full Council debate to approve a referendum, there will be financial implications (initially in terms of holding a referendum as well as subsequently, should the Devolution Deal (or not) be implemented).</p> <p>In terms of the initial financial implications, the <b>cost for the Council of a stand-alone referendum</b> would be circa £967,530. It is important to note that the Council has not budgeted for this significant cost. Therefore, as this is a non-executive function, should a referendum be approved, full Council (as opposed to Cabinet) will need to ensure there is specific budgetary provision for the cost of the currently unfunded referendum. Unlike the costs of the first mayoral election proposed for May 2024 (which can be funded through the Devolution Deal), the cost of a referendum can only be financed from existing Council budgets.</p> <p>The <b>further and full financial implications</b> of a referendum in terms of the impact on the anticipated Devolution Deal which necessitates a directly elected mayor, <b>will need to be identified and addressed if the motion is passed</b> – relevant details can be provided to full Council, if and when, it holds such a debate.</p> <p>In any event, on making of any minded to decision, the Council is planning to launch a comprehensive public consultation which includes questions on the proposed Deal, including the required governance change. <b>The cost of the planned consultation is £60k.</b> The consultation also includes a representative sample of 1,100 Cornwall residents undertaken by Enventure Research.</p> <p>The full impact of holding a referendum will need to be considered by all Members at Full Council taking account of the <b>resources required, both in terms of staffing effort and budget.</b> In addition to the need to secure the necessary and significant budget to conduct a referendum, it should also be noted that officers will be required to undertake the additional work associated with the conducting of the public poll in accordance with the relevant legislative machinery.</p>

<p>(ii) have potential legal/Constitutional implications for the Council – if so advise what these might be</p>	<p><b>Yes.</b> When Full Council is asked to decide on something it is imperative that the decision is informed (e.g. takes account of all relevant considerations) and lawful (e.g. procedurally correct, fair and reasonable). In this regard, the key legal / constitutional implications pertinent to the motion and / or a subsequent debate on whether or not to hold a referendum are set out below; and the financial implications outlined above.</p> <p><b>Procedure for changing governance arrangements:</b> The Deal will be subject to the Council changing its current executive governance model from a Leader and Cabinet to an elected Mayor and Cabinet. Without this change, the Deal will fall. Legislation provides two ways for the Council to currently change its governance model; these are by a single resolution of full Council or a resolution of full Council to hold a public referendum to determine the model.</p> <p><b>Arrangements for a referendum:</b> Any referendum would be of all eligible electors in the Council's area. The anticipated costs of such are outlined above. (These costs are in addition to the costs of a mayoral election which would be required for the Deal to proceed in any event). A minimum of three months and a maximum of six months should be allowed to arrange and hold a referendum.</p> <p><b>Content of a referendum voting paper:</b> The public vote at the referendum will not refer to the other parts of the Deal (namely Government funding or additional devolved powers which form part of the proposed Devolution Deal). It will only provide: <i>"How would you like Cornwall Council to be run? By a Leader who is an elected councillor chosen by a vote of the other elected councillors. This is how the council is run now; Or By a Mayor who is elected by voters. This would be a change from how the council is run now."</i></p> <p><b>Outcome of a Referendum:</b> The outcome of a referendum on whether the Council should change its governance model is binding on the Council. The Council would be unable to change its governance model for a period of 10 years from the date of the referendum, any future change after that period would also need to be by way of referendum. If more voters choose to retain the current Leader and Cabinet model the Devolution Deal would fall.</p> <p><b>Public Consultation:</b> As outlined above, the implementation of the County Deal is subject also to a public consultation. It will cover both the content of the Devolution Deal and the required change in</p>
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	<p>governance and invite considered views on both issues; thereby providing an opportunity to understand the views of stakeholders regarding the various elements of the Deal, including the required governance arrangements for the Council.</p> <p>Although the public's views are not binding on the Council, the Council would need to take these views into account when deciding whether to make the required governance change. The public consultation results will also be considered by Government when it decides whether to proceed to complete the secondary legislation which will secure the devolution of powers from central Government to Cornwall Council.</p>
<p>What would be the implications for the Council if this motion was dealt with at the meeting of the Council at which it is brought forward?</p>	<p>If this motion is debated and resolved by Full Council on 29 November, a vote on whether Cornwall should have a referendum should be timetabled at such point which will enable the full financial and any other resourcing implications to be identified as well as the analysis of the public consultation to be completed. Indeed, such matters will need to be taken into account by Members when debating whether or not the Council should hold a referendum.</p> <p><b>In this regard attention is drawn to the need for the costs to be considered as part of the Council budget for 2023/24 (21 February 2023) and also the four-week period anticipated to be needed by officers to analyse the public consultation to be undertaken from 5 December 2022 to 12 February 2023.</b></p> <p>Consequently, if the motion is passed it is proposed that a vote on the matter be timetabled for the subsequent Full Council meeting, which would be on 18 April 2023.</p>

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Briefing note approved by: Kate Kennally, Chief Executive, Cornwall Council