



Extraordinary Meeting of the

TOWER HAMLETS COUNCIL

Wednesday, 2 December 2009 at 7.30 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor,
Town Hall, Mulberry Place,
5 Clove Crescent,
London E14 2BG

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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**TO THE MAYOR AND COUNCILLORS OF THE LONDON BOROUGH OF TOWER
HAMLETS**

You are summoned to attend an Extraordinary Meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at **7.30 p.m.** on **WEDNESDAY, 2 DECEMBER 2009**.

Dr Kevan Collins
Chief Executive

LONDON BOROUGH OF TOWER HAMLETS

EXTRAORDINARY COUNCIL MEETING

WEDNESDAY, 2 DECEMBER 2009

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

**PAGE
NUMBER**

**3. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE
MAYOR, LEADER OF THE COUNCIL, MEMBERS OF THE
CABINET OR THE CHIEF EXECUTIVE**

**4. NEW EXECUTIVE ARRANGEMENTS - RESULTS OF
CONSULTATION, MAYORAL PETITION AND
REFERENDUM PROPOSALS**

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The report of the Chief Executive is attached.

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

Agenda Item 4

Committee	Date	Classification	Report No	Agenda Item No
Extraordinary Council Meeting	2 December 2009	Unrestricted		
Report of: Chief Executive Originating Officer(s) John Williams, Service Head, Democratic Services.		Title: New executive arrangements – results of consultation, mayoral petition and referendum proposals Wards Affected: All		

1. SUMMARY

- 1.1 The Local Government & Public Involvement in Health Act 2007 ('the 2007 Act') introduced changes to the executive arrangements that local authorities must operate. From May 2010 the Council must change from the current Leader and Cabinet model to either a 'new style' Leader and Cabinet system, with a stronger role for the Leader; or a Directly Elected Mayor and Cabinet. As required by the Act, the Council has undertaken a consultation exercise with local electors and other interested parties on the options.
- 1.2 However, since the introduction of the Local Government Act 2000 local people have had the right to petition for a referendum on the introduction of a Directly Elected Mayor. To trigger a referendum, a petition must meet strict criteria as to form and content and must contain the signatures of at least 5% of registered local electors.
- 1.3 The Council has now received such a petition requesting a mayoral referendum. Officers have checked each entry on the petition against the electoral register and have established that the petition is valid and contains more than the required number of signatures. A referendum must therefore be held.
- 1.4 This report includes further information about the consultation and petition, and sets out the action that the Council must now take, both in relation to holding the referendum and drawing up proposals for executive arrangements to operate in Tower Hamlets with effect from May 2010.

2. RECOMMENDATIONS

Council is recommended:-

- 2.1 To note that a valid petition under the provisions of section 34 of the Local Government Act 2000 has been received and that a referendum on the introduction of a Directly Elected Mayor for Tower Hamlets must be held;

- 2.2 To decide whether the referendum shall take place as recommended by the Majority Group on 6 May 2010 or alternatively as suggested by the Monitoring Officer on 4 February 2010;
- 2.3 To note the results of the public consultation on the form of new executive arrangements undertaken before receipt of the petition;
- 2.4 To consider the extent to which the proposed new executive arrangements would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- 2.5 If the referendum is to take place on 6 May 2010:
 - (i) To adopt new executive arrangements based on a new-style 'Leader and Cabinet' (England) model as set out in Appendix A attached, to operate in Tower Hamlets with effect from 6 May 2010; and
 - (ii) That further consultation take place on the detailed proposals for a Mayoral executive to be the subject of the referendum and a further Extraordinary Council Meeting be held in due course to agree those proposals.
- 2.6 If the referendum is to take place on 4 February 2010:
 - (i) To agree the proposals for executive arrangements including a Directly Elected Mayor as set out at Appendix B, to be implemented with effect from 6 May 2010 subject to approval at the referendum;
 - (ii) To agree the outline fallback proposals based on a new-style Leader and Cabinet system as set out at Appendix C, to be implemented with effect from 6 May 2010 in the event that the referendum does not approve the mayoral proposals; and
 - (iii) To agree that the proposals and fallback proposals, together with a statement of the consultation undertaken be sent to the Secretary of State and published as required by statute;
- 2.7 To authorise officers to draft detailed constitutional amendments as necessary to give effect to the above, for adoption at the Council meeting in March 2010.

3. BACKGROUND

- 3.1 The Local Government Act 2000 ('The 2000 Act') introduced a new governance framework for local authorities, separating the decision-making and scrutiny roles. Authorities had to put in place executive arrangements involving the operation of one of three different forms of executive:- a Leader and Cabinet; Mayor and Cabinet; or Mayor and Council Manager.
- 3.2 Since then Tower Hamlets has, in common with most authorities, operated a 'Leader and Cabinet' model under which the Council has responsibility for

deciding how many cabinet members should be appointed and for appointing both the Leader and those cabinet members annually. The 2000 Act provides for a petition signed by at least 5% of local electors to trigger a referendum on changing to a Directly Elected Mayoral system.

- 3.3 The Government wants to further strengthen local leadership and the 2007 Act discontinues two of the forms of executive previously available, including the old-style 'Leader and Cabinet' model operated in Tower Hamlets. All authorities must now choose between the 'Mayor and Cabinet' model and a new-style 'Leader and Cabinet (England)' model in which the Leader of the Council has a stronger role and is appointed for a four year term of office.
- 3.4 The Government believes the changes will promote effective decision-making and enable a longer-term view to be taken, to the benefit of councils and local communities. The new executive arrangements are complemented by other measures included in the bill and outlined in the 'Strong and Prosperous Communities' and 'Communities in Control' white papers including wider powers for overview and scrutiny and the Councillor Call for Action.

4. THE TWO OPTIONS AVAILABLE FROM MAY 2010

- 4.1 The 2007 Act requires all local authorities with a population of more than 85,000 to adopt one of two forms of executive arrangements:-
- **Either** a new style 'Leader and Cabinet (England)' model, in which the Leader of the Council is elected by the Council for a four year term of office and decides which other councillors to appoint to the cabinet ('Option A' in the Council's recent consultation exercise);
 - **Or** a 'Directly Elected Mayor and Cabinet' model, in which an Executive Mayor is elected by the residents of the borough in a separate poll ('Option B' in the consultation). The Mayor would also serve a four year term and would appoint the cabinet members from amongst the elected councillors.
- 4.2 There are many similarities between the two new options and each provides for a 'strong leader' in governance terms. Both the new-style Leader and the Mayor would have responsibility for all executive functions of the Council and decide whether and how those powers are to be delegated. The key difference is how they are appointed. A Leader would be elected by councillors from amongst their number as at present, and the Council can retain the power to remove the Leader from office by a majority vote. An Executive Mayor is directly elected by the residents of the borough and cannot be removed during his/her term of office by the Council. A full comparison between the two new models and the current arrangements is attached at Appendix 'D'.
- 4.3 The 'Leader and Cabinet (England)' option is a variation of the system that 81% of Councils have chosen to operate since the former committee system was abolished in 2000. The Directly Elected Mayor and Cabinet model has been available since that date and so far fewer than 3% of authorities have adopted this option.

- 4.4 The Council may not retain the current system, under which the Council appoints the Leader and Cabinet Members annually, beyond 9th May 2010. The 2007 Act requires the authority, at a special Council Meeting convened for the purpose before 31 December 2009, to:-
- Pass a resolution deciding on the form of its new executive arrangements;
 - Agree a timetable for implementation of the proposals. The last day that the Council can continue with its current arrangements is the third day after the 2010 local elections; and
 - Agree transitional arrangements as necessary.

5. RECEIPT OF A PETITION FOR A MAYORAL REFERENDUM

- 5.1 On 23 October 2009 the Council received a petition calling for a mayoral referendum. Further sections of the same petition were delivered on 16 November (this is the 'Petition Date' for the purpose of calculating subsequent timescales).

- 5.2 The text of the petition reads as follows:-

"We, the undersigned, being local government electors for the area of Tower Hamlets 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 Tower Hamlets Council"

- 5.3 The petition contains a total of 17,189 entries. In accordance with statutory requirements officers have checked each entry against the electoral register. 6,956 entries were found to be invalid in terms of the criteria set by the regulations as follows:-

Full name not given – 2,094

Person not included on electoral register – 3,408

No address given – 788

Non-Tower Hamlets address – 642

No signature – 10

Under voting age – 14

- 5.4 The text of the petition and the remaining 10,233 entries were found to meet the requirements of the regulations. This figure exceeds the verification number of Tower Hamlets (currently 7,794 electors). The petition is therefore valid and the Council must hold a referendum in accordance with section 34 of the 2000 Act.
- 5.5 As required by law the petition organiser (Councillor Abjol Miah) and the Secretary of State have been notified that the petition is valid and it has been placed on deposit for public inspection.
- 5.6 The question to be put at the referendum is prescribed in law as follows:-

"Are you in favour of the proposal for Tower Hamlets Council to be run in a new way, which includes a Mayor, who will be elected by the voters of that borough, to be in charge of the Council's services and to lead Tower Hamlets Council and the community which it serves?"

5.7 The result of the referendum is determined by a majority of those voting and is binding. Voting will be at polling stations or by postal votes as for an election. The Conduct of Referendums Regulations 2007 no longer provide for the option of an all-postal referendum.

6. ACTION NOW REQUIRED

6.1 Before the referendum, the Council must draw up:-

- a) Proposals for executive arrangements involving an Elected Mayor, including the allocation of functions between the Mayor and the Council, associated constitutional provisions and an implementation timetable, to be introduced if the referendum results in a majority 'Yes' vote; and
- b) Outline fallback proposals, not involving an Elected Mayor (i.e. a new-style Leader & Cabinet system) to be introduced if the referendum results in a majority 'No' vote.

6.2 Once the Council has agreed the proposals at a special meeting, they must be published and made available for inspection; and at least two months before the referendum, sent to the Secretary of State together with a statement of the consultation undertaken.

7. THE TIMETABLE FOR THE REFERENDUM

7.1 The referendum must take place within six months of the Petition Date. It can be combined with a local or general election but may not otherwise be held within 28 days either side of a scheduled election.

7.2 Following the referendum in the event of a 'Yes' vote, at least 3 months must elapse before the mayoral election itself, which in turn must take place in either the first week of May or the third week in October.

7.3 As mentioned above, under the 2007 Act the Council must change its executive arrangements from May 2010 and has already consulted on the two options.

7.4 The Majority Group on the Council has given notice that they favour a timetable under which the referendum would be held on the day of the next Council Elections, 6 May 2010. The Council would still be required to adopt new executive arrangements with effect from that date which, in the event of a majority 'yes' vote in the referendum, would then change again with effect from 21 October 2010, when the first mayoral election for Tower Hamlets would be held.

7.5 The Monitoring Officer suggests that in the spirit of the 2007 Act and to promote effective governance, in particular to avoid the possibility of a two-stage, first to a 'four-year' Leader model and then again some months later to an Elected Mayor, it would be beneficial for the referendum to be held in time for the final new executive arrangements to apply from May 2010. There are a number of statutory steps that have to be observed, but it is possible to achieve this and to

enable the new model, determined by the referendum result, to be in place from the start of the next administration.

- 7.6 Either timetable would be lawful and for ease of reference they are set out below:-

2 Dec 2009	Extraordinary Council Meeting	Extraordinary Council Meeting
3 Dec 2009	Send proposals/outline fallback proposals and statement of consultation to Secretary of State; publish proposals	
Dec 09/Jan 10		Consultation on the detailed Mayoral proposals to be put to the referendum
4 Feb 2010	Referendum	
Feb 2010		Further Extraordinary Council Meeting to agree final referendum proposals
24 Mar 2010	Council to agree constitutional changes in line with referendum result	Council to agree constitutional changes to implement new Leader and Cabinet model from May 2010.
6 May 2010	If referendum votes 'Yes' – Mayoral Election and introduce Mayoral system of governance; If referendum votes 'No' – introduce new-style four year Leader & Cabinet system.	Referendum Introduce new-style four year Leader and Cabinet system.
21 Oct 2010		If referendum votes 'Yes' – Mayoral Election and introduce Mayoral system of governance.

- 7.7 The term of office of the Elected Mayor begins on the fourth day after he or she is elected and he or she holds office until the successor comes into office on the fourth day after the next election.
- 7.8 Once the proposals have been sent to the Secretary of State, the Council may not promote support for, or opposition to, the referendum proposals and in the final 28 days before the referendum further restrictions on publicity apply.
- 7.9 Individual council members are not bound by these restrictions and can make their own personal statements on the matter provided that council resources are not used. Individuals are subject to a general restriction on referendum expenses.
- 7.10 Once a referendum has taken place, no further referendum on the matter can currently be held for 10 years, although the Government has consulted on reducing this 'moratorium' period.

8. DRAWING UP THE PROPOSALS

- 8.1 The Council must agree proposals to be the subject of the referendum vote. These must include a Directly Elected Mayor and Cabinet form of executive. However, there are a number of detailed issues about how the authority would operate under an Elected Mayor which the Council must consider as follows:-
- The allocation of functions between the Mayor and the Council, including the Policy Framework and the 'local choice' functions.
 - The overview and scrutiny arrangements; and
 - The functions currently carried out by the Ceremonial Mayor
- 8.2 These are considered in turn at section 11 below. The responsibilities of the regulatory committees (development and licensing), other non-executive committees and procedure rules are unaffected by the executive changes.
- 8.3 Before drawing up its proposals the Council must take reasonable steps to consult local electors and other interested persons. The act does not prescribe the form or period of consultation. The Council has very recently conducted a consultation exercise on the executive arrangements and the results of this will inform the current proposals.
- 8.4 In agreeing the proposals the Council must also consider the extent to which the new arrangements will assist in securing continuous improvement in the way its functions are exercised, having regard to economy, efficiency and effectiveness.

9. THE CONSULTATION RESPONSES

- 9.1 Prior to receipt of the mayoral petition, the Council conducted a consultation exercise in accordance with the requirements of the 2007 Act. To enable maximum participation, consultation ran for twelve weeks in accordance with Government guidance and included a range of publicity and consultation methods. The Consultation exercise ended on 22 October 2009.
- 9.2 A full report on the consultation exercise is attached at Appendix E. Overall, the consultation attracted **2104** responses. Of these, **1890 (90%)** favoured Option A (Leader and Cabinet), endorsing the Council's preliminary preferred option. This included 497 individual responses and a petition containing 1393 names. **205** respondents (**10%**) favoured Option B (Directly Elected Mayor and Cabinet). Information from elsewhere in London and beyond suggests that the response to this issue in Tower Hamlets is considerably higher than in the majority of other authorities.
- 9.3 The question of which model to adopt will now be the subject of the mandatory referendum. However, the Cabinet in July 2009 agreed that a Leader and Cabinet model was the preferred option and this was endorsed by the consultation prior to receipt of the petition. In drawing up detailed proposals and fallback arrangements the Council must have regard to the results of the consultation exercise as well as the views subsequently expressed by the signatories to the 'referendum' petition, and a further petition on the same matter

that was received after 16 November but in accordance with the regulations has not been validated because the initial petition was sufficient to trigger the referendum.

9.4 In addition to expressing their preference for option A or B, respondents were invited to submit comments. The main issues raised by those supporting Option A (Leader and Cabinet) can be summarised as:-

- The Leader and Cabinet option is more responsive to political changes and can promote a consultative form of leadership as the Leader must retain the support of a majority of councillors.
- It provides for greater checks on the Leader's powers as the Council may remove the Leader by resolution.
- The Mayoral model concentrates too much power in a single elected official and diminishes the role of councillors.
- The Mayoral model may attract populist or single issue candidates to the detriment of the agreed priorities, management and administration of the borough as a whole.

9.5 Supporters of Option B (Directly Elected Mayor and Cabinet) commented that:-

- The Elected Mayor option provides for strong leadership and a figurehead for the area.
- There is clear and personal accountability to the public for major decisions and a direct mandate and democratic participation in the election of the Council's leading politician.
- Some authorities that have adopted the Mayoral model have seen significant improvements in performance.
- The Leader and Cabinet model is less democratic as residents do not get a direct say on who leads the Council. It may also provide weaker and less visible leadership.

10. SECURING CONTINUOUS IMPROVEMENT

10.1 In deciding which option to adopt the Council must consider 'the extent to which the proposed executive arrangements will assist in securing continuous improvement in the way the Council's functions are exercised, having regard to economy, efficiency and effectiveness'.

10.2 Since 2001 the Council has operated a Leader and Cabinet model. During this period the authority has achieved a CPA 4-star rating and been judged to be improving well; and Children's and Adults' Services have both secured successive top performance ratings. Of the two options now available to the authority, the new-style Leader and Cabinet model is the closer to the existing system that has delivered this success.

10.3 Being comparatively similar to the current model, the implementation of a new Leader and Cabinet system would have a more limited disruptive impact on the Council's decision-making and support structures; and would promote continuity in the conduct of business. This option may also promote democratic

accountability of the Executive to the diverse communities represented by local ward councillors.

- 10.4 On the other hand, the Directly Elected Mayoral model could provide more direct accountability of the Executive for the Council's performance as well as more certainty of stable leadership over the four year period, enabling the Mayor to take a longer term view and approach to the implementation of improvements.
- 10.5 The costs of implementing the two models are also relevant. In this regard there would be additional costs associated with changing to a Mayoral system including the cost of staging the Mayoral election itself.

11. PROPOSED EXECUTIVE ARRANGEMENTS: ISSUES FOR CONSIDERATION

11.1 The Council must draw up proposals for Executive Arrangements, including an Elected Mayor, which will be implemented if approved at the referendum. The proposals must set out the main features of the mayoral system and in addition must indicate:-

- The extent to which the functions specified under section 13 (3) (b) of the Local Government Act 2000 ('local choice' functions) are to be the responsibility of the Executive;
- A timetable with respect to the implementation of the proposals; and
- Details of any transitional arrangements which are necessary for the implementation of the proposals

11.2 Section 8 above identifies a number of points of detail that the Council must consider in drawing up the proposals as follows:-

The allocation of functions between the Mayor and the Council

11.3 The 2000 Act provides for the local authority's functions to be split between the Council and the Executive. Most functions are the responsibility of the Executive, whichever form that takes. The exceptions are in two categories - (i) certain specific functions that must be reserved to the Council or to non-executive committees (these include agreeing the budget and policy framework, amending the constitution, development and licensing functions etc); and (ii) a further list of functions each of which the Council can choose either to reserve to itself or to allocate to the Executive. These latter functions are known as 'local choice' functions.

(a) The Policy Framework

11.4 Within legislation Council must approve certain plans and strategies and their approval can not be delegated to the Executive. The Executive proposes the plans to Council for approval and if the plans are approved must make decisions within the agreed plans and strategies. The following documents currently fall into this category:

- The Children and Young People's Plan

- The Crime and Disorder Reduction Strategy
- The Development Plan Documents
- The Licensing Authority Policy Statement
- The Local Transport Plan
- The Plans and Alterations which together comprise the Development Plan
- The Sustainable Community Strategy
- The Youth Justice Plan

11.5 If Councils wish they may add discretionary plans and strategies to the Policy Framework. However, this could have an impact on the economy and efficiency of the Council, because any changes to these plans could only be approved by Council, and could also blur Executive accountability. It is therefore recommended that the existing Policy Framework should be included unchanged in the proposals.

(b) Local Choice Functions

11.6 There are a small number of functions which in law can be decided by local choice. This means that the Council can decide whether the Council or the Executive is responsible for these areas of decision making. A full list of the 'local choice' functions and their current allocation is attached at Appendix F. In view of the issues raised by respondents to the consultation exercise regarding the concentration of powers in a mayoral model, it is recommended that in the first instance the proposals should allocate all 'local choice' functions to the Council.

11.7 It will be open to the Council at any future point to review this allocation in respect of one or more of the local choice functions, and it is also important to note that in practice the discharge of most of the functions is delegated to officers on behalf of the Council and it is proposed that this remain the same.

Overview and Scrutiny Arrangements

11.8 The statutory requirements for, and powers of, overview and scrutiny are unchanged under a Mayoral executive. As with a Leader and Cabinet arrangement the Council must have at least one Scrutiny Committee. The arrangements for overview and scrutiny are well established in Tower Hamlets and are widely regarded as efficient and effective. It is recommended that the current arrangements for Overview and Scrutiny be included unchanged within the proposals.

The 'Ceremonial' Mayor: (a) Duties

11.9 A Directly Elected Mayor cannot chair meetings of the Council. However, it is a matter for local choice whether the Elected Mayor discharges the ceremonial duties previously performed by the ceremonial Mayor. Government guidance states that in a Constitution which involves a Mayor and Cabinet form of executive, it is unlikely that the Elected Mayor will have enough time to discharge many ceremonial duties and therefore the Secretary of State considers it would be appropriate for these duties to remain with the 'Ceremonial Mayor' of the Authority.

(b) The Title of Mayor

11.10 The guidance says that 'where there is an Elected Mayor and Deputy Mayor the titles can only be used by the Elected Mayor or his/her chosen Deputy'. The title of Mayor cannot be used for the current role of 'Ceremonial Mayor'. The 'Ceremonial Mayor' can continue to carry out the same roles and duties, including chairing meetings of full Council, but must have a new title. Other authorities with a Mayoral form of Executive have introduced titles such as 'Chair of Council' or 'Speaker' for this purpose.

(c) Precedence

11.11 The 'Ceremonial Mayor' currently has social precedence in the district. This will be passed to the Elected Mayor unless the Council opts to include in the arrangements that the 'Ceremonial Mayor' (under a new title) will have precedence. The issue of social precedence is associated with the status of the 'Ceremonial Mayor'.

11.12 It is recommended that the 'Ceremonial Mayor' should continue to have the same duties and responsibilities, including chairing meetings of full Council, and that the 'Ceremonial Mayor' should have social precedence. It is further recommended that the proposals should indicate that the position of 'Ceremonial Mayor' will be re-titled 'Chair of Council'.

11.13 A draft of the Mayoral proposals, reflecting the recommendations above, is attached at Appendix B.

11.14 Once the referendum has taken place it will be necessary for officers to draft the detailed constitutional amendments required to put the result into effect, and report these to the Council for formal adoption.

12. FALLBACK PROPOSALS

12.1 The Council must also agree outline fallback proposals, based on a new-style Leader and Cabinet model, which will be introduced in the event that the referendum does not approve the Mayoral proposals.

12.2 The Council may decide to include in the Leader and Cabinet arrangements a provision for the Council to remove the Leader by majority vote. In view of the concerns expressed by some respondents about the inability, under a mayoral model, of the Council to remove the Mayor; and the identification by supporters of Option A of such a power as one of the key benefits of that option, it is suggested that the fallback proposals should include such a provision.

12.3 A draft of the fallback proposals is attached at Appendix C.

13. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

13.1 The legal context and implications arising from the proposals are incorporated in the main body of the report.

13.2 If the Council were to fail to pass a resolution to change its executive arrangements; or fail to hold a referendum in accordance with the relevant regulations, statute provides for the Secretary of State to direct the authority in this regard.

14. COMMENTS OF THE CHIEF FINANCE OFFICER

14.1 The cost of holding a stand-alone mayoral referendum is estimated at up to £250k. If combined with the Council elections the additional cost is estimated at approximately £70k. There is no budget provision for either amount. The Chief Finance Officer confirms that this cost will be met from the Council's reserves.

14.2 If the referendum approves the proposal for a Mayoral executive, further costs will arise in respect of holding the Mayoral election itself. These are estimated at approximately £80k if the election is combined with the Council elections on 6 May 2010 or up to £280k if the mayoral election is held as a stand alone poll in October 2010. Further additional costs of between £15k-£20k could arise in the event that a sitting Councillor was successful in the Mayoral election and a subsequent council by-election was necessary. These additional costs would need to be met from existing budget provision.

15. IMPLICATIONS FOR ONE TOWER HAMLETS

15.1 The new executive arrangements are designed to promote effective leadership and accountability, to the benefit of the whole borough and all its communities.

16. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

16.1 The proposals are designed to enable effective decision-making and a longer-term view to be taken on all matters including measures to enhance the local environment.

17. RISK MANAGEMENT IMPLICATIONS

17.1 There are no direct risk management implications arising from this report.

LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of background papers:	Name and telephone number of holder and address where open to inspection
<ul style="list-style-type: none">Local Government and Public Involvement in Health Act 2007 and guidance notes.	John Williams x 4204, 1 st floor, Mulberry Place.
<ul style="list-style-type: none">LBTH consultation material and responses July – October 2009	
<ul style="list-style-type: none">Petition for a Mayoral Referendum delivered on 23rd October and 16th November 2009.	

Appendices attached

- Appendix A: Draft proposals for Executive Arrangements based on a new-style Leader and Council (England) model
- Appendix B: Draft proposals for Executive Arrangements including a Directly Elected Mayor
- Appendix C: Draft fallback proposals for Executive Arrangements including a new-style Leader and Cabinet
- Appendix D: Comparison of the two options and the current Executive Arrangements
- Appendix E: Results of the Consultation Exercise
- Appendix F: 'Local Choice' functions – current and proposed allocation

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LONDON BOROUGH OF TOWER HAMLETS

**PROPOSALS FOR EXECUTIVE ARRANGEMENTS BASED ON A LEADER AND
CABINET (ENGLAND) FORM OF EXECUTIVE**

LOCAL GOVERNMENT ACT 2000

1. INTRODUCTION

- 1.1 In accordance with the requirements of Section 33E of the Local Government Act 2000, the London Borough of Tower Hamlets has drawn up the following proposals for changes to the Council's Executive Arrangements with effect from 6 May 2010.

2. THE EXECUTIVE

- 2.1 The form of the Council's Executive Arrangements is a 'Leader and Cabinet (England)' model as defined in section 11 of the Local Government Act 2000 (as amended).
- 2.2 The Executive will comprise of:
- A Leader, elected by the Council at the Annual Council Meeting in May 2010 or, if a Leader is not appointed at the Annual Meeting, at a subsequent council meeting; and
 - Between two and nine other cabinet Members
- 2.3 The Leader shall be a sitting councillor of the London Borough of Tower Hamlets and shall be elected by the Council to serve for a term of four years or until the Annual Council Meeting following the next ordinary council elections, rather than annually as at present.
- 2.4 The Council shall have the power to remove the Leader from office before the end of his/her four year term by way of resolution at a full council meeting. Otherwise the Leader shall remain in office until the end of his/her term unless he/she resigns or ceases to be a Councillor.
- 2.5 The Leader elected after the May 2010 elections will decide, rather than the Council as at present, how many cabinet members there shall be (subject to a minimum of two and maximum of nine plus the Leader him/herself) and shall appoint those cabinet members from among the serving councillors and may allocate to each cabinet member a portfolio of responsibilities.
- 2.6 The Leader will have power to replace or remove cabinet members and to vary or delete their portfolio responsibilities at any time.
- 2.7 The Leader shall appoint a Deputy Leader from among the cabinet members. The Leader may replace the Deputy Leader at any time but otherwise the Deputy Leader shall remain in post for the duration of the Leader's term of office.

The Deputy Leader shall have authority to exercise the Leader's powers only in the event that the Leader is unable to act at any time.

- 2.8 All executive functions of the Council shall be vested in the Leader. The Leader may exercise those functions him/herself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a cabinet committee, an individual cabinet member or an officer. The Leader may revoke any such delegations at any time.
- 2.9 The executive delegations in place on 6 May 2010 as set out in the Council's constitution at that time shall continue under the new executive arrangements until such time as the Leader elected at the Council meeting after the May 2010 council elections shall amend those delegations.
- 2.10 The Council's constitution does not currently provide for the exercise of any executive function by an individual Member. Any future delegation of executive function(s) to be exercised by a cabinet member; or by a ward councillor in accordance with section 236 of the Local Government and Public Involvement in Health Act 2007, will be at the discretion of the Leader
- 2.11 In the event that the Leader from May 2010 wishes to delegate decision-making powers to an individual member or members, he/she will be advised as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so delegated.
- 2.12 The powers and duties of non-executive councillors, including overview and scrutiny and regulatory functions, and the delegation of non executive functions to committees of the Council and to officers will not be affected by the change in executive arrangements.

THE ALLOCATION OF FUNCTIONS BETWEEN THE COUNCIL AND THE EXECUTIVE

- 2.13 Section 13 of the Local Government Act 2000 and associated regulations make provision for a division of the authority's functions between the Council and the Executive. Most functions are the responsibility of the Executive, whichever form that takes. The exceptions are in two categories - (i) certain specific functions that must be reserved to the Council or to non-executive committees (these include agreeing the budget and policy framework, amending the constitution, development and licensing functions etc); and (ii) a further list of functions each of which the Council can choose either to reserve to itself or to allocate to the Executive. These latter functions are known as 'local choice' functions.
- 2.14 The powers and duties of non-executive councillors, including overview and scrutiny and regulatory functions, and the delegation of non executive functions to committees of the Council and to officers will not be affected by the change in executive arrangements.

POLICY FRAMEWORK

2.15 Within legislation Council must approve certain plans and strategies ('the Policy Framework') and their approval can not be delegated to the Executive. The Executive proposes the plans to Council for approval and if the plans are approved must make decisions within the agreed plans and strategies. The following documents make up the Policy Framework of Tower Hamlets Council, being the plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 made under Section 32 of the Local Government Act 2000:-

- The Children and Young People's Plan
- The Crime and Disorder Reduction Strategy
- The Development Plan Documents
- The Licensing Authority Policy Statement
- The Local Transport Plan
- The Plans and Alterations which together comprise the Development Plan
- The Sustainable Community Strategy
- The Youth Justice Plan

2.16 The Council has determined not to add discretionary plans and strategies to the Policy Framework as this could have an impact on the economy and efficiency of the Council, because any changes to these plans could only be approved by Council, and could also blur Executive accountability.

LOCAL CHOICE FUNCTIONS

2.17 Regulations made under Section 13(3)(b) of the Local Government Act 2000 set out a number of functions in respect of which the Council can decide whether the Council or the Executive is responsible for decision making. These are known as 'Local Choice Functions'.

2.18 The changes to the Council's Executive Arrangements do not affect the division of functions between the Council and the Executive. Accordingly:-

- The 'Local Choice' functions allocated to the Council at Parts 3.1.2 and 3.1.3 of the Council's constitution as at 6 May 2010 shall remain Council functions; and
- The 'Local Choice' functions allocated to the Executive at Parts 3.2.1, 3.2.2 and 3.2.3 of the Council's constitution as at 6 May 2010 shall remain Executive functions.

OVERVIEW AND SCRUTINY ARRANGEMENTS

2.19 The arrangements for overview and scrutiny are well established in Tower Hamlets and are widely regarded as efficient and effective. The Council has determined that the current arrangements shall continue unchanged under the new executive arrangements as follows:-

- 2.20 The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations made under section 32 of that Act; by sections 119 to 128 of the Local Government and Public Involvement in Health Act 2007; and by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.
- 2.21 The Committee will appoint a standing Sub-Committee to discharge the Council's functions under the Health and Social Care Act 2001 to be known as the Health Scrutiny Panel; it will also appoint such other Sub-Committees or Scrutiny Panels as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.
- 2.22 The role and specific functions of the Overview and Scrutiny Committee shall be as set out in Article 6 of the Council's Constitution as at 6 May 2010.
- 2.23 The Overview and Scrutiny Committee will have a strategic and co-ordinating role over the Council's scrutiny function and also consider executive decisions 'called-in' as detailed in Part 4 of the Council's Constitution.
- 2.24 The Overview and Scrutiny Committee will select from among its Councillor Members six Lead Scrutiny Members, one for each of the following themes:
- A safe and supportive community
 - A great place to live
 - A prosperous community
 - A healthy community
 - Excellent public services
 - One Tower Hamlets
- 2.25 The Health Scrutiny Panel shall have responsibility for scrutiny of the local health service, in accordance with the provisions of the Health and Social Care Act 2000. This will be a standing Sub-Committee and will meet at least four times a year. It shall:
- a) review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
 - b) respond to consultation exercises undertaken by an NHS body; and
 - c) question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services.
- 2.26 The Scrutiny Lead Member for a healthy community shall be appointed as a Member and Chair of the Health Scrutiny Panel.
- 2.27 Other Scrutiny Panels may be established by the Overview and Scrutiny Committee in line with its work programme and will consider specific reviews, their terms of reference to be set by the Committee.

3. TIMETABLE

- 3.1 The new executive arrangements will be implemented on the day of the May 2010 council elections (i.e. 6 May 2010) and the Council will cease to operate its current 'Leader and Cabinet' model on that date.

4. TRANSITIONAL ARRANGEMENTS

- 4.1 The Leader of the Council in office immediately before the May 2010 council elections shall remain in office until the Annual Meeting of the Council in May 2010 unless, after the elections, the Leader has ceased to be a councillor or ceased to be within the political group having an overall majority of councillors. In that case, the Leader shall not continue in office and the Chief Executive shall have delegated power to exercise all the executive functions of the council but shall only take executive key decisions in cases of genuine urgency and after consultation with the Leader of the largest political group of councillors (or groups in the event of a parity of councillors). This delegation to the Chief Executive shall cease upon election of the new Leader.

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LONDON BOROUGH OF TOWER HAMLETS

PROPOSALS FOR EXECUTIVE ARRANGEMENTS BASED ON A DIRECTLY ELECTED MAYOR AND CABINET FORM OF EXECUTIVE

LOCAL GOVERNMENT ACT 2000

1. INTRODUCTION

- 1.1 A petition requesting a referendum on the introduction of an Elected Mayor for the London Borough of Tower Hamlets was received by the Council on 16 November 2009 (the 'petition date'). The petition states:

"We, the undersigned, being local government electors for the area of Tower Hamlets 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 Tower Hamlets Council"

- 1.2 Within the notice period stipulated by regulations made under section 34 of the Local Government Act 2000, each of the 17,189 entries on the petition were verified to ensure that all signatories are electors in the borough and have provided all necessary information. It was established that the petition contains 10,233 valid signatures within the terms of the regulations. A valid petition is required to contain not fewer than 7,794 signatures of local electors in the borough, which is the published 'Verification Number' for Tower Hamlets for the period including the petition date. The verification number represents 5% of the registered electors of the borough for the year in question.
- 1.3 The petition is therefore valid and in accordance with the regulations the Council is required to hold a referendum within six months of the petition date. The Secretary of State and the petition organiser, Councillor Abjol Miah, have been informed that a valid petition was received and a referendum will be held. The petition has been made available for public inspection and a notice published in the local press.
- 1.4 The Council currently operates a 'Leader and Cabinet' form of executive. The Local Government and Public Involvement in Health Act 2007 has introduced changes to the executive arrangements that all local authorities must operate and the Council must change from its current model to a new system involving either a Directly Elected Mayor and Cabinet or a new-style Leader and Cabinet (England) model with a stronger role for the Leader of the Council, no later than 9 May 2010. As required by the 2007 Act the Council has recently completed an extensive public consultation exercise on this matter.
- 1.5 In the spirit of the 2007 Act and to promote effective governance it will be beneficial for the new executive arrangements determined by the referendum to apply from the beginning of the new Council administration in May 2010. The Council has therefore determined that the referendum shall be held on Thursday

4 February 2010. In the event of a majority 'yes' vote at the referendum the first mayoral election in Tower Hamlets will then be held on 6 May 2010.

- 1.6 In accordance with the regulations the Council has drawn up proposals for the operation of executive arrangements including a Directly Elected Mayor. These proposals are set out in the following paragraphs and will be implemented with effect from 6 May 2010 in the event that they are approved by the referendum on 4 February 2010.
- 1.7 The Council has also drawn up outline fall-back proposals for executive arrangements to be introduced with effect from 6 May 2010 in the event that the referendum does not approve the mayoral proposals. These are attached at Appendix C. The provisions of the 2007 Act do not allow the Council to continue to operate its current form of executive beyond May 2010 so the revised fallback proposals are based on a Leader and Cabinet (England) form of executive.
- 1.8 The statement attached at Appendix E sets out the steps which the authority took to consult the local government electors for, and other interested persons in, Tower Hamlets regarding the adoption of new executive arrangements; the outcome of that consultation and the extent to which that outcome is reflected in the proposals.

2. PROPOSALS FOR EXECUTIVE ARRANGEMENTS: ELECTED MAYOR

- 2.1 In accordance with Regulations issued under Section 34 of the Local Government Act 2000, the London Borough of Tower Hamlets has drawn up the following proposals for changes to the Council's Executive Arrangements with effect from 6th May 2010. These proposals are subject to approval by the electors of the borough in a referendum to be held on 4th February 2010.

THE EXECUTIVE

- 2.2 The Executive is responsible for carrying out all of the authority's functions that are not reserved to the full Council or another part of the Council by law or the Council's constitution. The Executive is at the centre of operational decision-making and has a key role in formulating plans and strategies, including the budget, for approval by the full Council as part of the policy framework. The Executive is responsible for implementing Council policy expressed within the policy framework.
- 2.3 The form of the Council's Executive Arrangements will be a 'Mayor and Cabinet' model as defined in section 11 of the Local Government Act 2000 (as amended).
- 2.4 The Executive will comprise of:
 - A Mayor, directly elected by electors of the borough in May 2010; and
 - Between two and nine other cabinet members
- 2.5 The Mayor shall serve for a term of four years or until the next mayoral election, unless he/she dies, resigns or is otherwise disqualified from office.

- 2.6 The Mayor elected at the May 2010 mayoral election will decide, rather than the Council as at present, how many cabinet members there shall be (subject to the statutory minimum of two and maximum of nine plus the Mayor him/herself) and shall appoint those cabinet members from among the serving councillors and may allocate to each cabinet member a portfolio of responsibilities.
- 2.7 The Mayor will have power to replace or remove cabinet members and to vary or delete their portfolio responsibilities at any time.
- 2.8 The Mayor shall appoint a Deputy Mayor from among the cabinet members. The Mayor may replace the Deputy Mayor at any time but otherwise the Deputy Mayor shall remain in post for the duration of the Mayor's term of office. The Deputy Mayor shall have authority to exercise the Mayor's powers only in the event that the Mayor is unable to act at any time.
- 2.9 All executive functions of the Council shall be vested in the Mayor. The Mayor may exercise those functions him/herself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a cabinet committee, an individual cabinet member or an officer. The Mayor may revoke any such delegations at any time.
- 2.10 The executive delegations in place on 6 May 2010 as set out in the Council's constitution at that time shall continue under the new executive arrangements until such time as the Mayor elected in May 2010 shall amend those delegations.
- 2.11 The Council's constitution does not currently provide for the exercise of any executive function by an individual member. Any future delegation of executive function(s) to be exercised by a cabinet member; or by a ward councillor in accordance with section 236 of the Local Government and Public Involvement in Health Act 2007, will be at the discretion of the Mayor.
- 2.12 In the event that the Mayor from May 2010 wishes to delegate decision-making powers to an individual member or members, he/she will be advised as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so delegated.

THE ALLOCATION OF FUNCTIONS BETWEEN THE COUNCIL AND THE EXECUTIVE (MAYOR)

- 2.13 Section 13 of the Local Government Act 2000 and associated regulations make provision for a division of the authority's functions between the Council and the Executive. Most functions are the responsibility of the Executive, whichever form that takes. The exceptions are in two categories - (i) certain specific functions that must be reserved to the Council or to non-executive committees (these include agreeing the budget and policy framework, amending the constitution, development and licensing functions etc); and (ii) a further list of functions each of which the Council can choose either to reserve to itself or to allocate to the Executive. These latter functions are known as 'local choice' functions.

- 2.14 The powers and duties of non-executive councillors, including overview and scrutiny and regulatory functions, and the delegation of non executive functions to committees of the Council and to officers will not be affected by the change in executive arrangements.

POLICY FRAMEWORK

- 2.15 Within legislation Council must approve certain plans and strategies ('the Policy Framework') and their approval can not be delegated to the Executive. The Executive proposes the plans to Council for approval and if the plans are approved must make decisions within the agreed plans and strategies. The following documents make up the Policy Framework of Tower Hamlets Council, being the plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 made under Section 32 of the Local Government Act 2000:-

- The Children and Young People's Plan
- The Crime and Disorder Reduction Strategy
- The Development Plan Documents
- The Licensing Authority Policy Statement
- The Local Transport Plan
- The Plans and Alterations which together comprise the Development Plan
- The Sustainable Community Strategy
- The Youth Justice Plan

- 2.16 The Council has determined not to add discretionary plans and strategies to the Policy Framework as this could have an impact on the economy and efficiency of the Council, because any changes to these plans could only be approved by Council, and could also blur Executive accountability.

LOCAL CHOICE FUNCTIONS

- 2.17 Regulations made under Section 13(3)(b) of the Local Government Act 2000 set out a number of functions in respect of which the Council can decide whether the Council or the Executive is responsible for decision making. These are known as 'Local Choice Functions'. Taking into account the issues raised by respondents to the Council's consultation exercise regarding the concentration of powers in a mayoral model, the Council has determined that in the first instance all local choice functions shall be allocated to the Council.
- 2.18 A full list of the local choice functions, showing in each case the existing and proposed allocation and any delegation of the function is attached at Appendix F.

OVERVIEW AND SCRUTINY ARRANGEMENTS

- 2.19 The arrangements for overview and scrutiny are well established in Tower Hamlets and are widely regarded as efficient and effective. The Council has determined that the current arrangements shall continue unchanged under the new executive arrangements as follows:-

- 2.20 The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations made under section 32 of that Act; by sections 119 to 128 of the Local Government and Public Involvement in Health Act 2007; and by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.
- 2.21 The Committee will appoint a standing Sub-Committee to discharge the Council's functions under the Health and Social Care Act 2001 to be known as the Health Scrutiny Panel; it will also appoint such other Sub-Committees or Scrutiny Panels as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.
- 2.22 The role and specific functions of the Overview and Scrutiny Committee shall be as set out in Article 6 of the Council's Constitution as at 6 May 2010.
- 2.23 The Overview and Scrutiny Committee will have a strategic and co-ordinating role over the Council's scrutiny function and also consider executive decisions 'called-in' as detailed in Part 4 of the Council's Constitution.
- 2.24 The Overview and Scrutiny Committee will select from among its Councillor Members six Lead Scrutiny Members, one for each of the following themes:
- A safe and supportive community
 - A great place to live
 - A prosperous community
 - A healthy community
 - Excellent public services
 - One Tower Hamlets
- 2.25 The Health Scrutiny Panel shall have responsibility for scrutiny of the local health service, in accordance with the provisions of the Health and Social Care Act 2000. This will be a standing Sub-Committee and will meet at least four times a year. It shall:
- a) review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
 - b) respond to consultation exercises undertaken by an NHS body; and
 - c) question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services.
- 2.26 The Scrutiny Lead Member for a healthy community shall be appointed as a Member and Chair of the Health Scrutiny Panel.
- 2.27 Other Scrutiny Panels may be established by the Overview and Scrutiny Committee in line with its work programme and will consider specific reviews, their terms of reference to be set by the Committee.

THE 'CEREMONIAL MAYOR' DUTIES

- 2.28 It is a matter for local choice whether the Elected Mayor discharges the ceremonial duties previously performed by the ceremonial Mayor (except for chairing the Council Meeting, which may not be undertaken by the Elected Mayor). In line with Government guidance the Council has determined that the ceremonial duties – including chairing the Council Meeting - shall remain with the 'Ceremonial Mayor' of the Authority, which position shall be re-named 'Chair of Council'. The 'Chair of Council' shall have social precedence in the borough.

3. TIMETABLE

- 3.1 The new executive arrangements will be implemented on the day of the May 2010 council elections (i.e. 6 May 2010) and the Council will cease to operate its current 'Leader and Cabinet' model on that date.

4. TRANSITIONAL ARRANGEMENTS

- 4.1 The executive delegations in place on 6 May 2010 as set out in the Council's constitution at that time shall continue under the new executive arrangements until such time as the Mayor elected at the mayoral election in May 2010 shall amend those delegations.
- 4.2 The Chief Executive shall have delegated power to exercise all the executive functions of the council but shall only take executive key decisions in cases of genuine urgency and after consultation with the Mayor-elect. This delegation to the Chief Executive shall cease upon the Mayor-elect taking office.

LONDON BOROUGH OF TOWER HAMLETS

**OUTLINE FALLBACK PROPOSALS FOR EXECUTIVE ARRANGEMENTS BASED
ON A LEADER AND CABINET (ENGLAND) FORM OF EXECUTIVE**

LOCAL GOVERNMENT ACT 2000

1. INTRODUCTION

- 1.1 In accordance with Regulations issued under Section 34 of the Local Government Act 2000, the London Borough of Tower Hamlets has drawn up the following outline fallback proposals for changes to the Council's Executive Arrangements with effect from 6 May 2010. These fallback proposals will form the basis of detailed proposals which will be implemented in the event that the referendum on 4 February 2010 does not approve the proposals for a Mayor and Cabinet form of executive.

2. THE EXECUTIVE

- 2.1 The form of the Council's Executive Arrangements is a 'Leader and Cabinet (England)' model as defined in section 11 of the Local Government Act 2000 (as amended).
- 2.2 The Executive will comprise of:
- A Leader, elected by the Council at the Annual Council Meeting in May 2010 or, if a Leader is not appointed at the Annual Meeting, at a subsequent council meeting; and
 - Between two and nine other cabinet Members
- 2.3 The Leader shall be a sitting councillor of the London Borough of Tower Hamlets and shall be elected by the Council to serve for a term of four years or until the Annual Council Meeting following the next ordinary council elections, rather than annually as at present.
- 2.4 The Council shall have the power to remove the Leader from office before the end of his/her four year term by way of resolution at a full council meeting. Otherwise the Leader shall remain in office until the end of his/her term unless he/she resigns or ceases to be a Councillor.
- 2.5 The Leader elected after the May 2010 elections will decide, rather than the Council as at present, how many cabinet members there shall be (subject to a minimum of two and maximum of nine plus the Leader him/herself) and shall appoint those cabinet members from among the serving councillors and may allocate to each cabinet member a portfolio of responsibilities.
- 2.6 The Leader will have power to replace or remove cabinet members and to vary or delete their portfolio responsibilities at any time.

- 2.7 The Leader shall appoint a Deputy Leader from among the cabinet members. The Leader may replace the Deputy Leader at any time but otherwise the Deputy Leader shall remain in post for the duration of the Leader's term of office. The Deputy Leader shall have authority to exercise the Leader's powers only in the event that the Leader is unable to act at any time.
- 2.8 The changes to the Council's Executive Arrangements do not affect the division of functions between the Council and the Executive. Accordingly:-
- The 'Local Choice' functions allocated to the Council at Parts 3.1.2 and 3.1.3 of the Council's constitution as at 6 May 2010 shall remain Council functions; and
 - The 'Local Choice' functions allocated to the Executive at Parts 3.2.1, 3.2.2 and 3.2.3 of the Council's constitution as at 6 May 2010 shall remain Executive functions.
- 2.9 All executive functions of the Council shall be vested in the Leader. The Leader may exercise those functions him/herself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a cabinet committee, an individual cabinet member or an officer. The Leader may revoke any such delegations at any time.
- 2.10 The executive delegations in place on 6 May 2010 as set out in the Council's constitution at that time shall continue under the new executive arrangements until such time as the Leader elected at the Council meeting after the May 2010 council elections shall amend those delegations.
- 2.11 The Council's constitution does not currently provide for the exercise of any executive function by an individual Member. Any future delegation of executive function(s) to be exercised by a cabinet member; or by a ward councillor in accordance with section 236 of the Local Government and Public Involvement in Health Act 2007, will be at the discretion of the Leader
- 2.12 In the event that the Leader from May 2010 wishes to delegate decision-making powers to an individual member or members, he/she will be advised as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so delegated.
- 2.13 The powers and duties of non-executive councillors, including overview and scrutiny and regulatory functions, and the delegation of non executive functions to committees of the Council and to officers will not be affected by the change in executive arrangements.

3. TIMETABLE

- 3.1 The new executive arrangements will be implemented on the day of the May 2010 council elections (i.e. 6 May 2010) and the Council will cease to operate its current 'Leader and Cabinet' model on that date.

4. TRANSITIONAL ARRANGEMENTS

- 4.1 The Leader of the Council in office immediately before the May 2010 council elections shall remain in office until the Annual Meeting of the Council in May 2010 unless, after the elections, the Leader has ceased to be a councillor or ceased to be within the political group having an overall majority of councillors. In that case, the Leader shall not continue in office and the Chief Executive shall have delegated power to exercise all the executive functions of the council but shall only take executive key decisions in cases of genuine urgency and after consultation with the Leader of the largest political group of councillors (or groups in the event of a parity of councillors). This delegation to the Chief Executive shall cease upon election of the new Leader.

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A COMPARISON OF THE 'DIRECTLY ELECTED MAYOR' AND 'LEADER AND CABINET (ENGLAND) FORMS OF EXECUTIVE WITH THE COUNCIL'S CURRENT ARRANGEMENTS

1. THE TWO NEW OPTIONS

- 1.1 There are many similarities between the two new options and both provide for a 'strong leader' in governance terms. In both cases the Leader/Mayor would normally serve a four year term and he/she decides, rather than the Council as at present, the size of the cabinet (subject to a minimum of 3 and a maximum of 10) and appoints the cabinet members including a Deputy Leader/Deputy Mayor who would also normally serve a four year term.
- 1.2 Both a new-style Leader and a Mayor have responsibility for all executive functions of the Council and decide how those powers are to be discharged – i.e. whether to exercise those powers personally or delegate them to cabinet members to take collectively or individually, a cabinet committee or an officer. Executive functions cover most of the decision-making about council services but not the Budget and Policy Framework, overview and scrutiny, standards, or non-executive and regulatory functions such as development and licensing.
- 1.3 The key difference between the two models is how the Leader or Mayor is appointed. A Leader would be elected by councillors from amongst their number as at present, and the Council can decide to include a provision to remove the Leader from office by a majority vote. An Executive Mayor is directly elected by the residents of the borough and cannot be removed during his/her term of office by the Council.
- 1.4 The Leader remains a councillor and would balance ward duties with the leadership function. An Executive Mayor is not a councillor and would not have a ward role so would devote all of his/her council duties to the mayoral role. The Mayor is subject to the same statutory regime in relation to ethical standards, allowances etc as the councillors. If a sitting councillor were to be elected as Executive Mayor, that person would stand down from his/her council seat and a by-election would be held.
- 1.5 The Leader and Cabinet (England) option is a variation of the system that 81% of Councils have chosen to operate since the former committee system was abolished in 2000. The Directly Elected Mayor and Cabinet model has also been available for that period and so far twelve authorities have introduced this option, including three London Boroughs – Hackney, Lewisham and Newham. In the majority of cases nationally where a referendum has been held, voters have rejected the proposal for a Directly Elected Mayor.
- 1.6 The new arrangements affect only the council's executive functions. The division of powers between the Council and the Executive is unchanged, so functions such as setting the Council Tax or agreeing the plans and strategies in the Policy Framework remain decisions for all Councillors. Under the Mayoral model, the Mayor's budget proposals can be rejected by a 2/3rd majority vote of

the Council. The 'Local Choice' functions in the 2000 Act, which the Council can allocate to itself or to the Executive, are also unchanged.

- 1.7 Under both models non-executive councillors continue to scrutinise Executive decisions via the overview and scrutiny function, serve on cross-party non-executive and regulatory committees and undertake ward duties, community leadership and partnership roles as now. Measures elsewhere in the 2007 Act and in other bills will enhance the role and remit of the scrutiny function.
- 1.8 It is of course important not to confuse a directly elected Executive Mayor with the current Mayor of Tower Hamlets who undertakes a civic/ceremonial role, chairs the Council meeting etc. If the Council were to adopt an Executive Mayor, the separate 'Chair of Council' role would continue but would be re-named. A Directly Elected Mayor cannot chair the Council meeting but there is discretion regarding the allocation of other ceremonial duties between the Executive Mayor and the Chair of Council.
- 1.9 The table below sets out a full analysis of the differences between the Council's current system and the two new options:-

Function	Current Executive Arrangements at Tower Hamlets	New Style Leader and Cabinet (Option A)	Directly Elected Mayor and Cabinet (Option B)
Division of functions between Council and Executive	Council sets Budget and Policy framework. Executive is responsible for implementing this and for other non-regulatory functions of the authority.	No change	No change Mayor can resubmit budget or policy framework proposals, Council can then reject by 2/3rds majority vote.
Election and term of office of Leader/Executive Mayor	Leader is elected annually by the Council from among the councillors.	Leader is elected by the Council from among the councillors for a four year term (or until the next council election)	Mayor is elected by popular vote for a four year term (or until the next Mayoral election)
Removal of Leader/Executive Mayor	Council can remove and replace the Leader by majority vote	The arrangements may (but do not have to) provide for Council to have power to removal the Leader by resolution.	Mayor cannot be removed by vote of Council. If Mayor resigns during term, automatic Mayoral election is triggered.
Status	Leader is a councillor and can only remain Leader if still a councillor	No change	Mayor is not a councillor
Appointment of Cabinet Members	Council decides the size of Cabinet (min 3, max 10) and	Leader decides the size of Cabinet (min 3, max 10) and	Mayor decides the size of Cabinet (min 3, max 10) and

Function	Current Executive Arrangements at Tower Hamlets	New Style Leader and Cabinet (Option A)	Directly Elected Mayor and Cabinet (Option B)
	appoints the Cabinet Members	appoints the Cabinet Members	appoints the Cabinet Members
Allocation of Cabinet Portfolios	Leader allocates the cabinet portfolios	No change	No change (Mayor)
Appointment of Deputy Leader/ Deputy Executive Mayor	A Deputy Leader does not have to be appointed by law but at Tower Hamlets a Deputy Leader is appointed by the council annually	The Leader must appoint a Deputy Leader who will be a member of the executive and can exercise Leader's functions if the Leader is unable to act. Deputy serves the same term as the Leader but can be removed by him/her.	The Mayor must appoint a Deputy Mayor who will be a member of the executive and can exercise Mayor's functions if the Mayor is unable to act. Deputy serves the same term as the Mayor but can be removed by him/her.
Exercise of executive functions	<p>By law, executive functions may be exercised by the Leader, the cabinet, a cabinet committee, an executive member or an officer.</p> <p>At Tower Hamlets the Council has agreed (via the constitution) that executive key decisions will be made collectively by the cabinet and non-key decisions by officers.</p> <p>The Leader and Cabinet are collectively accountable for the discharge of executive functions.</p>	<p>All executive powers are vested in the Leader.</p> <p>The Leader may exercise any executive function personally or may delegate to the cabinet, a cabinet committee, executive member or an officer.</p> <p>Cabinet members are accountable to the Leader who in turn is accountable to the council for the discharge of executive functions</p>	<p>All executive powers are vested in the Mayor.</p> <p>The Mayor may exercise any executive function personally or may delegate to the cabinet, a cabinet committee, executive member or an officer.</p> <p>Cabinet members are accountable to the Mayor who in turn is directly accountable for the discharge of executive functions</p>
Roles of non-executive councillors	<p>Hold the executive to account for decisions and participate in policy development via overview and scrutiny.</p> <p>Can call-in executive key decisions.</p>	No change	No change

Function	Current Executive Arrangements at Tower Hamlets	New Style Leader and Cabinet (Option A)	Directly Elected Mayor and Cabinet (Option B)
	<p>Serve on regulatory and non-executive committees.</p> <p>Ward duties, community leadership and partnership working.</p>		
Appointments to outside bodies	Outside body appointments, partnerships etc made at Council/ General Purposes Committee annually.	Leader responsible for partnership and outside body appointments.	Mayor responsible for partnership and outside body appointments.
The Civic Mayoral role	<p>Mayor appointed annually by full Council. Chairs the Council meeting and carries out civic role.</p> <p>Civic Mayor and Deputy Mayor cannot be on the Executive.</p>	No change	<p>Council chair would be appointed annually by Council. Council Chair and Vice-Chair cannot be on the Executive</p> <p>Responsibility for discharging ceremonial duties decided by Executive Mayor</p>

LONDON BOROUGH OF TOWER HAMLETS

NEW EXECUTIVE ARRANGEMENTS

RESULTS OF CONSULTATION

Consultation undertaken

Before drawing up proposals for new executive arrangements, councils are required to 'take reasonable steps to consult the local government electors for, and other interested persons in, the authority's area'. The detailed form and duration of the consultation is not prescribed.

In Tower Hamlets, a full range of consultation methods and publicity was undertaken for a 12 week consultation period in line with Government guidelines, including:

- Public notices and/or editorial copy in six separate editions of East End Life, the Council's weekly newspaper which is delivered to each household in the borough;
- A 'Harmony' supplement article translating the information into major community languages;
- Press releases to promote coverage of the issue in the local media;
- A cut-out-and-return voting slip and Freepost address for written responses;
- A website survey including, for the majority of the consultation period, a link from the Council's home page;
- Posters in public buildings around the borough; and
- Letters to over 500 community, business, faith, third sector and other local organisations and partner agencies inviting their views.

The consultation material included reference to the council's provisional preference for the Leader and Cabinet model, and a prominent article in the 5th October 2009 edition of East End Life included a statement from each of the political group leaders on the council who wished to do so, setting out their respective preferred options.

The consultation opened on 30 July 2009 and closed on 22 October 2009. Set out below are the key findings and comments received.

Consultation response

The overall number of responses to the consultation was 2104, comprising 711 individual responses and a petition containing 1393 names. Information from colleagues in other authorities confirms that this figure is amongst the highest number of responses received by any London Borough on this matter, reflecting the extensive consultation undertaken and interest in the matter locally.

Method of response

Of the 711 individual responses, 331 (46.6%) were submitted via the web survey whilst 372 (52.3%) respondents completed the East End Life cut-out slip. Other responses

were received by direct e-mail (6 responses or 0.8%) and by letter (2 responses or 0.3%)

Individual and organisational responses

Most of the responses received were from individual residents. However, **11** of the responses (i.e. 1.5% of the non-petition responses) were submitted by or on behalf of local organisations representing a wider membership.

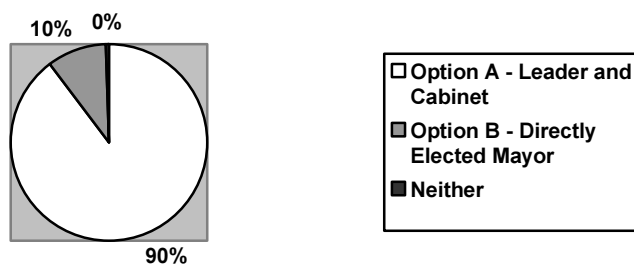
Geographical distribution

Responses were received from residents of all parts of the borough as shown in the table below showing postcode data where available

Postal area	No. of responses	% of total (rounded)
E1	149	21.0%
E2	97	13.6%
E3	116	16.3%
E14	129	18.1%
Other/not stated	220	30.9%

THE PREFERRED OPTION

Of the 711 individual responses, **497** favoured Option A (Leader & Cabinet) and **205** supported Option B (Mayor and Cabinet), while **9** expressed no preference or stated 'neither'. Adding in the 1393 name petition in favour of Option A, the total number of persons expressing a view was 2104, **1890** of whom supported Option A (90%) and 205 supported Option B (10%)



These figures should be considered alongside the further significant number of persons who signed the mayoral petition delivered just after the close of the consultation period.

Comments

In addition to asking respondents to indicate their preferred option, the consultation invited any further comments. Comments received are listed below (all key points have been included but the lists have been edited where necessary to avoid excessive repetition of similar points) and a summary of the main issues raised is included in the main body of the report.

Comments from supporters of Option 'A'

- Option A definitely preferred. Option B would provide an opportunity to an extremist to be in control and couldn't be dismissed by councillors - scary thought
- Thank you for the opportunity to express my view. I should prefer Option A due to its simplicity, good track record as it is similar to the current model, and cost - effectiveness.
- This may be the best of 2 choices - but I do have serious reservations about passing over so much power to one elected councillor eg: 4 years in office as leader - leader exclusively choosing cabinet members - leader having authority to choose between 2 and 9 members of cabinet. Seems to me to mean that leader becomes a 'professional' politician becoming even more distant from voters and residents than leader for 1 year already does when in that position. Would have preferred a third option of the current status quo so that leader for 1 year needs to make effort to remain accountable to voters - though not sure that presently happens as it is very easy to become distanced.
- I think the scrutiny powers of Council over cabinet should be strengthened, and Cabinet decisions should need ratification by Council
- I think this will give people to choose and also to have a proper democratic process for all parties to get involved who will be the leader every four years
- I feel that the Leader should only be in office for no more than three years, and that there should be two deputies.
- Option B looks like dictatorship kind of structure. This will destroy democracy. Residents will have no power to challenge the Mayor if he makes a wrong decision.
- This model has worked very well so far why change it. It is more democratic and is more likely to engage local people. It also strengthens local accountability.
- I think an elected mayor would have far too much power and would be less accountable to the electorate. LBTH already suffers from the lack accountability and we don't want this to get even worse
- The councillors have a closer knowledge on who would work best as a Leader. This could also ensure some stability in the actions proposed along the years that with option B could otherwise be jeopardized by marketing campaigns that not necessarily represent the Leaders true skills.
- Are you trying to pave the way for a BNP Mayor? Democracy means majority rule therefore majority of councillors elected to decide by the public. It's an expensive and dangerous road to go down especially as everyone knows a low turnout as is liable to happen is not representative of the people.
- I think option A is best as it continues a format that is working well enough and I don't like the idea of so much power invested in one person for such a long time - the mayor of option B.
- I am firmly of the opinion that elected Mayors are not a good thing for the community, and I set great store by the role that the ceremonial Mayor fulfils in Tower Hamlets. With such a diverse community I think that the Mayor provides cohesion, and the fact that the person filling that position changes annually means that no one community feels that their interests are being neglected. I have a high level of respect for the work of the Council in Tower Hamlets. Services seem competently and efficiently run. While I see the point of strengthening the leader's role, I would be unhappy if that meant that good collegial local government is lost.
- Even the Prime Minister can be forced to resign by his own party (albeit with some difficulty). I would choose Option B if there was some way of ensuring the Mayor would not become some sort of dictator... it's an insane system and the wrong Mayor could inflict havoc on local council business effectively delaying everything for 4 years and frustrating the democratic process. I do approve of the concept of a directly elected mayor but only once there are checks and balances in place and this proposal does not seem to accommodate that.
- I think that option A offers the best chance of the diversity within LBTH being reflected in, and influencing policing making within the council
- Do not wish to have a cabinet at all
- It is important that the Leader has the fixed term and ELBA sees this as an improvement.
- I would prefer the Leader to be elected for one year as present not four. I think it stills leaves a lot of power in the hands of one person since he is able to dismiss the cabinet at any time. How accountable is he to the electorate?
- The fact that a directly elected mayor cannot be removed from office and would serve a mandatory four-year term is a very worrying prospect indeed. It strikes me that the ability of the council to exercise its role of applying checks and balances to any decisions made by such a powerful individual would be severely impaired if this option were to be adopted. I am very strongly opposed to option B.

- This system is great, it's just like the way we elect our Prime Minister. Supporters of plan B have no credible case for it. If it's not broke, why fix it?
- Election of a Mayor will add an unnecessary layer of complexity to the democratic process. Under the current system accountability is clear and unambiguous - an elected Mayor outside the existing democratic process will blur the lines of accountability
- This option seems to be running well since 2000, why change?
- Option B is a recipe for dictatorship!
- Directly Elected Mayor leaves no role for other councillors and no reduces accountability and scrutiny.
- I don't know how many people would vote for a mayor, but most of us would not really know who we were voting for. A democratically elected council would be better placed to decide on a leader. I think that a Cabinet with only +2 members is too small, and that the minimum size should be larger - at least 5
- Look at what has happened in Newham with a directly elected mayor, no improvements
- Power shouldn't be too concentrated on one person as leaders can be good or bad. Council seems to work reasonably well as it is.
- I strongly agree that the current system is far preferable to Option B as I do not believe one person should have so much power (ie taking decisions himself / herself with no need to consult a cabinet) and not be open to challenge.
- I want to avoid ego-tripping candidates becoming mayor.
- An unnecessary further centralisation by our Labour Government.
- Have just found out about this consultation by accident - it clearly hasn't been advertised properly and I would question the legitimacy of any result.
- I do not see the need to change the system at all and am disappointed not to see an option c) maintain the status quo. If I must choose between the two options given it must be b).
- In a diverse borough such as this power needs to be more diffused not less. No one figure could claim to be properly representative of all the communities and would risk being put, or being perceived to be put, under undue pressure to favour their own or their supporters. We don't need high profile personality politics but solid hard work to consolidate the hard won progress of the last 14 years.
- We already have a mayor for London. Secondly, a mayor at this level is too much officialdom for what is essentially an administrative role. However, it should be noted that the council with its current leader has made a poor response to the noise issue from London City Airport.
- It's dangerous to put total power in the hands of just one person in a borough like ours.
- I believe that this is the fairest structure and electing a mayor for a 4 year term is dangerous.
- I've seen what the effect has been in Newham and I don't want it Tower Hamlets. An elected Mayor is a Chief Executive by another name and we don't need both.
- It has been a disaster in Newham with local councillors being sidelined and almost a dictator managed Council. Not a good road to down as it cannot be undone.
- I think it would be a mistake to put someone in a position of power that can make decisions on their own and cannot be removed for 4 years. Imagine, the people vote for someone inappropriate and next thing the council coffers are empty and the borough would be in an enormous mess.
- It is important that the Leader is subject to some checks and balances, such as being removeable by the vote of the whole Council. This offsets the ability of the Leader to dismiss the Cabinet and govern autocratically. A directly elected Mayor would offer some advantages, but his powers would seem to be nearly untrammelled and there are insufficient safeguards in this proposal. Given the historically low turnout at local government elections, the ability to remove the Mayor every four years is an advantage more apparent than real.
- STRONGLY prefer this option. A mayor could be a disaster for TH. BTW I'm not affiliated to any party - just don't want the borough to be used for showboating by ambitious people looking to use it for their own ends.
- Option A seems to offer the more consistently democratic option on a day to day basis (assuming that councillors listen to us and not just pursue party lines - which indirectly gives us a B option!)
- I would be very opposed to having a directly elected Mayor and cabinet. It puts too much power in the hands of one person. I believe a system where there are more checks and balances would be in the best interests of the local population.
- Much prefer the checks and balances of this system.
- Seems like a bad idea to give one person power for four years as option B would seem to do.
- Please no mayor - too much power

- This seems to be a more fair and democratic system, and more responsive to checks and balances, which we need more of. No demagogues in Tower Hamlets please!
- I would prefer the checks and balances of a leader and cabinet, elected by the whole council.
- Having a mayor polarises the situation and makes jockeying for position a major part of all policy. I think it will reduce the level of service that the council can provide.
- I believe a directly elected mayor puts too much power in the hands of one person or electorate

Comments from supporters of Option 'B'

- Prefer to elect my Mayor. Why do we need a ceremonial Mayor? The councillors should take his role.
- From my experience of Hackney Council which has a directly elected mayor I think that this system creates stronger answerability and connection between electorate and mayor.
- I think Option B may provide more a cohesive Tower Hamlets Council and provide a clearer sense of policy and priority direction over each 4-year council term.
- Suggestion: A: The entire candidate has to have political education and understanding of local community value. B: independent interview procedure to become councillor, mayor or Council leader.
- Option B removes any doubt of cronyism within the council cabinet
- Option A gives too much direct power to the Council Leader and disenfranchises the Tower Hamlets electorate
- As this is such an important issue you should be promoting this far more visibly. I only happened to see this in the Eastend life on page 23 it should be on the front page and you should have posters out etc. You only have to look across to Hackney to see how well a directly elected Mayor can be. They have kept all their rubbish, recycling and housing services in house and are on target to becoming an excellent service. Having a directly elected mayor means he they can control priorities and hold employees and council members to account more effectively.
- I am strongly in favour of a directly elected Mayor and Cabinet. This would give residents a say on who runs their Council. A fully-paid Mayor is also more likely to dedicate appropriate time and attention to the issues arising. From my experience, Councillors have to rely on their day job and can only spend so much time and attention to Council matters. I do not think the current model works and would like to see it changed to a Directly Elected Mayor and Cabinet.
- Would like to see directly accountable mayor but with recall powers available within four year term if performance is not up to scratch, as happens in some US states
- I feel that a directly elected mayor selected by the residents of Tower Hamlets will allow the local population a say in who leads the council based on what the mayor and the cabinet can actually do for the borough by way of setting out a manifesto and then allowing the residents to decide if the person who should be mayor has the most appropriate policies for all of the borough, ideally the cabinet should be able to be recalled and re-elected by the people if they appear to be not performing to the agreed standard and delivering the policies they were elected on.
- I'm concerned that a matter of importance such as this has been poorly advertised and there are no direct links from the home page nor is it listed on the Council & Democracy page. It is unlikely that a resident who wasn't specifically looking for the consultation would come across this issue and therefore would be unable to voice their opinion. A cynic might suspect this is intentional
- This is the best option as it involves people in choosing someone to represent them and best suit someone who does not belong to any political party. Option a can play a part in this option too. four year mayor and four year leader & cabinet
- Real direct democracy is power in the hands of the electorate, not elected Councillors. Furthermore, I would like elected Councillors to proactively hold the Mayor to account and not just agree with him because a fellow Councillor fills the position.
- Having a directly elected Mayor with executive powers increases accountability and transparency
- Let the people decide But NO postal votes should be allowed we are aware that this process is open to corruption so one vote one person and it should not be a political party just the best for the borough.
- I thought your notice in East End Life was unfairly prejudiced against the option of a directly elected mayor. You mentioned the seven-year old example of Hartlepool's 'H'Angus the Monkey', but not neighbouring Hackney's much more positive experience of the system.
- This will put the power in the hands of the people. I just wish that the information provided should be clear enough to let people know that elected officers can be removed by the people that voted them into power. It is not fair when we are being given half baked information, on whose benefit, I really do not know.

- A directly elected Mayor works well for London as a whole. I believe it would work well for the Borough.
- The mayoral system works well in Hackney and provides clearer decisions and accountability for local people.
- I really would like to see a directly elected mayor and the cabinet, because I feel this way, it's truly represent the public.
- Having a directly accountable leader of the council would give people in tower hamlets a chance to express their views on how the council is run in a tangible way. This would be a positive step towards re-engaging residents who feel their voices are not being heard. The council may or may not be doing a good job, however, residents pay the council tax and therefore like any "paying customer" should have the right to change leader if they feel they are not being served adequately.
- Directly elected mayor would work best for Tower Hamlets.
- What is the proposed cost for this to be implemented? I would like to see the entire council operation reduced. Get rid of the nannying and concentrate on the basics please.
- It is important that residents choose the mayor
- Greater focus on local issues with more accountability. Also the most competent group of people may get the opportunity to do what's best for the whole borough. Rather than be limited to the people of any specific party many of whom are incompetent
- I am honoured to have been asked.
- Direct election is fairer and involves local people.
- I think this is a fairer method and will hopefully mean that the council is not just self selecting it's 'own' as the fear is great that this has happened already in the borough.
- I think the system needs to be observed for the 1st and 2nd term and if problem arises then we can go back to the old system. We also must ensure the Mayor is accountable and is not able to misuse his power in anyway.
- A chief executive model seems fairer and more likely to deliver as opposed to amateur politicians at local level.
- We should have a say on who will be our mayor, I don't even seem to know who it is at the moment...
- This is the best and most accountable way to involve and have accountability in the general public.
- I believe that the Directly-elected Mayor model will lead to stronger governance in Tower Hamlets because the Mayor is easily identifiable and provides a clear focus for community engagement, accountability and leadership.

APPENDIX F

LOCAL CHOICE FUNCTIONS

Function	Act/Statutory Instrument	Current allocation (November 2009)	Proposed allocation under Mayor & Cabinet model	Delegation of function
Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)	Various/Local Acts	Various – as listed at Parts 3.1.2 and 3.2.1 of the Council's Constitution	Council	Officer and Committee delegations as currently listed in the Constitution. Delegations to 'The Executive' amended to read 'The Council'
The determination of an appeal against any decision made by or on behalf of the authority	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)	Council	Council	Licensing Committee/Appeals Committee as appropriate
The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Subsection (1) of section 67 of, and Schedule 18 to the School Standards and Framework Act 1998	Council	Council	Assistant Chief Executive
The making of arrangements in respect of school admission appeals	Sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998	Council	Council	Assistant Chief Executive
The making of arrangements in respect of appeals by a school governing body of a requirement that they take a pupil excluded from another school	Section 95(2) of the School Standards and Framework Act 1998	Council	Council	Assistant Chief Executive
Any function relating to contaminated land	Environmental Protection Act 1990 – Part IIA	Council	Council	Corporate Director, Communities, Localities and Culture

Function	Act/Statutory Instrument	Current allocation (November 2009)	Proposed allocation under Mayor & Cabinet model	Delegation of function
The discharge of any function relating to the control of pollution or the management of air quality	Pollution Prevention and Control Act 1990; Environmental Act 1995 (Part IV); Environmental Protection Act 1990 (Part I); Clean Air Act 1993	Council	Council	Corporate Director, Communities, Localities and Culture
The service of an abatement notice in respect of a statutory nuisance	Environmental Protection Act 1990 – Section 80(1)	Council	Council	Corporate Director, Communities, Localities and Culture
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Noise and Statutory Nuisance Act 1993 – Section 8	Executive	Council	Council
The inspection of the authority's area to detect any statutory nuisance	Environmental Protection Act 1990 – Section 79			Corporate Director, Communities, Localities and Culture
The investigation of any complaint as to the existence of a statutory nuisance		Executive	Council	Corporate Director, Communities, Localities and Culture
The obtaining of information as to interests in land.	Section 330 of the Town and Country Planning Act 1990	Executive	Council	Corporate Director, Communities, Localities and Culture
The obtaining of particulars of persons interested in land	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive	Council	Corporate Director, Communities, Localities and Culture
The making of agreements for the execution of highways works	Highways Act 1980 – Section 278 (substituted by the New Roads and Street Works Act 1991 – Section 23)	Executive	Council	Corporate Director, Communities, Localities and Culture

Function	Act/Statutory Instrument	Current allocation (November 2009)	Proposed allocation under Mayor & Cabinet model	Delegation of function
The appointment of any individual- (a) to any office other than an office in which he is employed by the authority (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)	Council	Council	General Purposes Committee
The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)	Council	Council	All Chief Officers
Functions relating to local area agreements	Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007	Executive	Council	Council

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