

APPENDIX B

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.