

**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.