

## **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 2/3<sup>rd</sup> 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:-

<b>Function</b>	<b>Current Executive Arrangements at Tower Hamlets</b>	<b>New Style Leader and Cabinet (Option A)</b>	<b>Directly Elected Mayor and Cabinet (Option B)</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

<b>Function</b>	<b>Current Executive Arrangements at Tower Hamlets</b>	<b>New Style Leader and Cabinet (Option A)</b>	<b>Directly Elected Mayor and Cabinet (Option B)</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>