

MAYORAL PROPOSALS – REPORT ON CONSULTATION

1. THE STATUTORY REQUIREMENT

- 1.1 Before adopting the proposals for a mayoral form of executive to be put to the referendum, the Council is required by the Local Government Act 2000 to take reasonable steps to consult local electors and other interested persons in the borough on the proposals, and to take the results of that consultation into account in agreeing the proposals.
- 1.2 Government guidance states that consultation on the mayoral proposals should:-
- Describe and represent in a fair and balanced way the form of executive with an elected mayor and cabinet;
 - Ensure that in responding to the consultation local electors and other interested parties in the authority's area have an opportunity to express their views clearly;
 - Use a combination of qualitative and quantitative methods of consultation;
 - Ensure that all electors and other interested parties have an opportunity to respond to the consultation; and
 - Ensure that the consultation does not include consultation on the Council's existing executive arrangements (i.e. Leader and Cabinet).
- 1.3 The Act does not prescribe the method or duration of consultation but Government guidance states that the consultation can build on previous relevant work. Officers of the Department of Communities and Local Government confirmed that where relevant consultation has very recently been undertaken it may only be necessary for an authority to undertake limited further consultation, focussing on any additional issues arising from the new proposals.
- 1.4 Prior to receipt of the mayoral referendum petition, the Council undertook a comprehensive consultation exercise on the options for new executive arrangements as required by the Local Government and Public Involvement in Health Act 2007. This ran for twelve weeks to 22 October 2009 and attracted 2104 responses, amongst the highest response rate of any London borough. The findings of that consultation have, wherever relevant, also been taken into account in drawing up the mayoral proposals.

2. CONSULTATION UNDERTAKEN

- 2.1 Leaving aside the question of whether or not a mayoral system should be introduced, which will now be decided by the referendum; and issues relating to the operation of the Executive (the size of the Cabinet, delegation to Cabinet members etc), which would be a matter for the Mayor, there are a limited number of outstanding issues for the Council to decide at this stage in relation to the mayoral proposals and many of those are quite detailed and/or technical. In view of this and the significant previous consultation undertaken, the further consultation specifically on the mayoral proposals has been a light-touch and primarily web-based exercise.

2.2 The consultation was carried out by means of a survey posted on the Council's website. An introductory page carried information about the forthcoming referendum, a basic explanation of the mayoral system including the division of powers between the Mayor and the Council, and a link to the full draft proposals. Subsequent pages sought views in turn on each of the key areas of discretion within the draft proposals, focussing on a number of specific questions whilst also giving the opportunity in each case for respondents to submit any general comments. The specific questions covered in turn:

- Items to be included in the Policy Framework (i.e. for which full Council approval is required);
- The allocation of 'local choice' functions;
- Whether the Overview and Scrutiny arrangements should continue unchanged in a mayoral system;
- The definition of a 'Key Decision';
- Whether the civic and ceremonial roles currently undertaken by the Mayor of Tower Hamlets should pass to the Elected Mayor or continue to be discharged separately by a councillor and if the latter, what that post should be called;
- Whether the existing schemes of delegation should continue unchanged pending any changes to be agreed by the Council or Mayor as appropriate.

2.3 The full text of the survey is attached along with the responses received. The consultation ran for a four week period, ending on 19 February 2010.

2.3 The Council's website home page carried a link to the survey for most of the consultation period and a prominent headline link for the first week. The web-based consultation was supplemented by a prominent article in the Council's newspaper, East End Life, summarising the key issues and directing readers to the website as well as providing a Freepost response facility for any written comments. This was reinforced by a public notice in the following week's edition.

3. RESULTS OF THE CONSULTATION

3.1 The consultation attracted a total of 28 responses. In respect of each question put, a majority of those expressing a view endorsed the Council's suggested approach. The draft wording that formed the basis of the consultation has therefore in each case been included in the proposals document.

3.2 In relation to the issue of civic/ceremonial duties, respondents endorsed the proposal that these should continue to be the responsibility of a separate postholder. Regarding what this post should be called, 6 respondents preferred 'Chair of Council', 4 preferred 'Speaker' and 18 respondents did not answer the question.

3.3 The full results of the consultation, including a summary of any general comments submitted, are set out below.

3.4 In addition to the current consultation, the proposals take into account where relevant the views expressed by respondents to the previous comprehensive consultation (July to October 2009) on the options for executive arrangements. In particular, a number of respondents to that consultation expressed concerns regarding the concentration of powers in a mayoral model. The Council's proposals therefore provide for the allocation of all 'local choice' functions in the first instance to the Council rather than the Mayor.

4. CONSULTATION TEXT AND RESULTS

4.1 Introduction – A Directly Elected Mayor for Tower Hamlets – What Would It Mean?

“A referendum will take place on 6 May 2010 to ask local electors whether they support a proposal for Tower Hamlets Council to be run in a new way, in which a Mayor, directly elected by voters of the borough, would be in charge of Council services, instead of a Leader elected by the 51 borough councillors as at present.

Before the referendum the Council must draw up detailed proposals for how a Mayoral system will operate in Tower Hamlets if the referendum returns a majority 'Yes' vote.

We want to know the views of local people on the issues below or any other matters relating to the proposals for a Directly Elected Mayor. Please have your say directly via the Council's website at www.towerhamlets.gov.uk/consultation or in writing to: Democratic Operations, FREEPOST LON18560, London E14 2BR.”

An Elected Mayor – how the system would work

“A Directly Elected Mayor will serve a four-year term of office. The Mayor must appoint between two and nine councillors to serve alongside him/her in the Cabinet and one of the Cabinet Members must be appointed as Deputy Mayor.

The Mayor will have full decision-making powers for most of the local authority's functions and will decide which of those powers will be delegated to the Cabinet members or Council officers. The exceptions are in two categories - certain specific functions that must be reserved to the Council and a further list of functions which the Council can choose either to reserve to itself or to allocate to the Mayor/Executive.

The full proposals for the mayoral system can be viewed here [link]. The following pages set out the key issues for decision at this stage

The consultation will close on 19 February 2010.

Anything you tell us during this survey will be kept strictly confidential and retained in accordance with the Data Protection Act 1998.”

4.2 The Budget and Policy Framework

“Items that form part of the ‘Budget and Policy Framework’ must be approved by the full Council and the Mayor must take decisions within the agreed policies. By law this must include the following items:-

- The Council’s Annual Budget and the level of Council Tax
- The Children and Young People’s Plan
- The Crime and Disorder Reduction Strategy
- Documents comprising the Development Plan
- The Licensing Authority Policy Statement
- The Local Transport Plan
- The Sustainable Community Strategy
- The Youth Justice Plan

If they wish, Councils may add further discretionary plans and strategies to the Policy Framework. Tower Hamlets Council does not currently intend to do so because this could adversely affect the efficiency of decision making and blur accountability.”

Question: *Do you agree with the proposal to include in the Council’s Policy Framework (items that require the full Council’s approval) only those items that by law have to be included?*

Yes	No	no answer
18 (64.3%)	6 (21.4%)	4 (14.3%)

Any comments:

Two respondents provided additional comments, in both cases opposing the introduction of an Elected Mayor.

4.3 Local Choice functions

“For a small number of functions, the Council can decide whether the Council itself or the Executive (Mayor) will be responsible for decision making. A full list of these ‘local choice’ functions can be viewed here: [link]. Currently the functions are allocated some to the Council and some to the Executive. In view of the issues raised during previous consultation about concentration of powers, the Council proposes that under a Mayoral system in the first instance all ‘local choice’ functions should be allocated to the Council.”

Question: *Do you agree with the proposal under a mayoral system to allocate responsibility for all ‘local choice’ functions to the Council rather than the Mayor?*

Yes	No	no answer
18 (64.3%)	5 (17.8%)	5 (17.8%)

Any comments:

Two respondents provided additional comments, one stating that local choice functions should be allocated to the Mayor and the other opposing the introduction of an Elected Mayor.

4.4 Overview and Scrutiny arrangements

“Councillors from all the political parties on the Council serve on the Overview and Scrutiny Committee which scrutinises the decisions of the Executive and may make recommendations on any matter affecting the borough. The legal requirements in this regard are unchanged under a Mayoral system. The arrangements for Overview and Scrutiny are well established in Tower Hamlets and are regarded as efficient and effective. The Council therefore proposes that these arrangements, including the provision for any five councillors to ‘call-in’ an Executive Key Decision within five days for further consideration, should continue unchanged under a Mayoral system.”

Question: *Do you agree with the proposal that the Council’s existing Overview and Scrutiny arrangements should continue unchanged under a mayoral system?*

Yes	No	no answer
17 (60.7%)	5 (17.8%)	6 (21.4%)

Any comments:

Two respondents provided additional comments, one stating that opposition councillors should have more seats on O&S and the other opposing the introduction of an Elected Mayor.

4.5 ‘Key Decisions’

“Executive decisions involving significant expenditure or savings, or with a significant effect on communities in two or more wards, are called ‘Key Decisions’. These must be published in advance and after the decision has been made they may be ‘called-in’ for further discussion by the Overview and Scrutiny Committee. Tower Hamlets has not set a specific financial threshold above which any decision is automatically a Key Decision. Rather each decision is judged on its merits taking into account:-

- Any significant social, economic or environmental risk;
- The likely impact of the decision both within and outside of the borough;
- Whether the decision is likely to be a matter of political controversy; and
- The likely extent of public interest in the decision.

Question: Do you agree with the proposal that the Council’s existing definition of a ‘Key Decision’ should continue unchanged under a mayoral system?

Yes	No	no answer
14 (50.0%)	6 (21.4%)	8 (28.6%)

Any comments:

Four respondents provided additional comments: Two of these suggested that a financial threshold should be introduced in addition to the existing criteria for a Key Decision; one stated that if there is a significant effect on a community, it should not have to be significant for two or more wards in order to be a Key Decision; and the other opposed the introduction of an Elected Mayor.

4.6 Ceremonial Duties

“The Council may decide whether or not the Elected Mayor will discharge the ceremonial duties currently performed by the Civic Mayor (except for chairing the Council Meeting, which may not be undertaken by the Elected Mayor). If a ‘Civic’ position is retained, it must not be known as ‘Mayor’ as that title can only be used by the Directly Elected Mayor.

Government guidance suggests that it will usually be difficult for a busy Elected Mayor to take on the full range of ceremonial duties as well as his/her executive role. The Council is therefore proposing that the ceremonial duties – including chairing the Council Meeting – should remain the responsibility of a re-named civic post, the holder of which shall have social precedence in the borough.”

Question: Do you agree with the proposal that the ceremonial duties currently undertaken by the Mayor of Tower Hamlets should continue to be the responsibility of a separate civic post rather than transferring to the Directly Elected Mayor?

Yes	No	no answer
12 (42.8%)	8 (28.6%)	8 (28.6%)

4.7 Question: If so, what title should be given to this post?

Chair of Council	Speaker	First Citizen	no answer
6 (21.4%)	4 (14.3%)	0	18 (64.3%)

Other/any comments:

No further suggestions for the title of the post were made. Five respondents provided additional comments to above questions. Three of these suggested that the elected mayor should take on the ceremonial duties (in one case to keep him/her busy and allow the councillors to run the council; in another case questioning whether there was a need for so much ceremonial business to justify a separate post). One respondent suggested that the civic post should go to a long serving/respected councillor. The final comment again opposed the introduction of an Elected Mayor.

4.8 Scheme of Delegation

“Both Executive (Mayoral) and Non-Executive (Council) functions may be delegated to committees, sub-committees and/or Chief Officers. Under a Mayoral system, the delegation of Executive functions to the Cabinet, individual Cabinet Members, Cabinet Committees or officers is a matter for the Mayor to decide following his/her election.

Non-Executive (Council) functions such as Development, Licensing and the functions currently delegated to the Council’s Audit, Human Resources, Pensions, Standards, Appeals and General Purposes Committees will be unaffected by the move to a Mayoral Executive.

Question: *Do you agree with the proposal that if a Mayoral system is introduced, the existing Executive and Non-Executive schemes of delegation should initially be retained unchanged pending any variations to be agreed by the Elected Mayor or Council respectively?*

Yes	No	no answer
16 (57.1%)	3 (10.7%)	9 (32.1%)

Any comments:

Two respondents provided additional comments, one stating that the person delegating the function should remain responsible for the outcome and the other opposing the introduction of an Elected Mayor.

4.9 General Comments

Question: *Please insert below any general comments that you wish to make on the proposals for a Mayoral form of governance in Tower Hamlets:*

Eight respondents provided additional general comments. Four of these opposed the introduction of an Elected Mayor while one supported it.

Two respondents (including one of those who opposed the Mayor) felt that as many checks and balances should be included in the proposals as possible.

One stated that all governance processes should be reviewed and updated if there is to be an Elected Mayor, whilst another sought information about the voting system to be used and favoured an alternative or supplementary vote system to elect the Mayor.

4.10 Monitoring data

Respondents to the survey were asked to provide monitoring information in relation to the six equality strands.

The geographical distribution of respondents to the consultation is summarised in the following table:-

Postal District	No. of respondents
E1	8
E2	2
E3	8
E14	7
Other/out of borough	3