

**LONDON BOROUGH OF TOWER HAMLETS**

**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 fallback proposals for changes to the Council's Executive Arrangements with effect from 6 May 2010. These fallback proposals are identical to the proposals agreed by the Council on 2 December 2009 for its new Executive Arrangements as required by the Local Government and Public Involvement in Health Act 2007, and will be implemented in the event that the referendum to be held on 6 May 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 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.

## **POLICY FRAMEWORK**

2.14 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

2.15 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**

2.16 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'.

2.17 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**

2.18 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:-

- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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
- 2.24 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.
- 2.25 The Scrutiny Lead Member for a healthy community shall be appointed as a Member and Chair of the Health Scrutiny Panel.
- 2.26 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.