

Committee	Date	Classification	Report No.	Agenda Item No.
Overview and Scrutiny	6 September 2011	Unrestricted		6.3
Report of: Assistant Chief Executive (Legal Services)		Title: Executive Decision Making by the Mayor		
Originating Officer(s): John S. Williams, Service Head, Democratic Services		Ward(s) affected: All		

1. SUMMARY

- 1.1 This report informs the committee of the process that has been established by which the Mayor may take executive decisions, including Key Decisions, outside the context of the Cabinet meeting where necessary.
- 1.2 Any Mayoral decisions taken under these arrangements will be published on the Council's website and notified to all Councillors by e-mail. Guidance has been issued to Corporate Directors on the operation of the Mayoral decision making process.

2. RECOMMENDATIONS

- 2.1 That the Committee note the arrangements that are now in place for executive decision making by the Mayor and notification of Mayoral decisions to Councillors.

3. BACKGROUND - THE EXECUTIVE SCHEME OF DELEGATION

- 3.1 Under the 'Mayor and Cabinet' form of executive that the Council is now operating, all executive powers are vested in the Mayor and it is for the Mayor to decide which of those powers he will discharge personally and which he will delegate.
- 3.2 The law permits the Mayor to delegate specific executive functions to the Executive as a whole (the Cabinet); a committee of the Executive or an individual member of the Executive; an officer; an area committee; a ward councillor in accordance with s.236 of the Local Government and Public Involvement in Health Act 2007; joint arrangements; or another local authority. The Mayor may amend or revoke any delegation of an executive function at any time.

- 3.3 The Mayor is required to present to the Annual Council Meeting a written record of delegations made by him ('the Executive Scheme of Delegation').
- 3.4 The Executive Scheme of Delegation presented by the Mayor to the Annual Council Meeting on 18th May 2011, amended to include Cabinet appointments made subsequently, is attached at Appendix A and this will now be incorporated into the Council's Constitution. The scheme confirms that:-
- i) all executive functions delegated to Chief Officers continue unchanged; and that
 - ii) in relation to decision making at Member level, the Mayor has not delegated any powers to the Cabinet, either collectively or individually, and has not appointed any committees or panels of the executive.

4. THE PROCESS FOR EXECUTIVE DECISION MAKING BY THE MAYOR

- 4.1 The Executive Scheme of Delegation provides for executive decisions of the Mayor to be taken and recorded in one of two ways – either at the Cabinet meeting, in which case the Mayor's decisions are recorded in the minutes of the meeting, or outside the context of the Cabinet meeting using a separate executive decision-making procedure. The arrangements for this procedure are attached at Appendix B. Key points to note include:-
- There is still a need for a full written report in the same format as would be required for a Cabinet agenda item.
 - The report must be accompanied by a completed pro-forma that includes an executive summary and the proposed decision, and must be signed off by the relevant Chief Officer, the Chief Finance Officer, the Monitoring Officer and the Chief Executive before being presented to the Mayor for decision.
 - The same requirements as for Cabinet items also apply in relation to advance publication of the report and, for a Key Decision, prior inclusion on the Forward Plan;
 - Where it is necessary to take a Key Decision that has not been published in advance on the Forward Plan, the urgency procedures in the Constitution still need to be followed (i.e. depending on the timescales notification to, or agreement by, the Chair of O&S Committee).
 - Decisions will be published on the Council's website and (unless agreed for exemption under the same procedures as for a Cabinet report) may be 'called-in' for consideration at the O&S Committee.

- Mayoral decisions will be logged by Democratic Services and held in a book that will be open for public inspection. Proposed decisions will be allocated a log number only when they have received full officer sign off.
 - Of course Part 2 (exempt) information will not be published, made available for inspection or included in the Forward Plan.
- 4.2 In accordance with the above that the new process does not override the existing provisions that are in place to ensure well informed, accountable and transparent decision making, and is not necessarily a 'fast-track' route to a decision. It is expected that relatively few decisions will be made using this procedure but it does represent an alternative method for obtaining Mayoral approval to a proposal where the timing of Cabinet meetings is problematic.
- 4.3 Full guidance on the operation of the executive decision making process has been issued to Chief Officers.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1 There are no financial implications arising directly from this report.

6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 6.1 The report correctly outlines the effect of sections 14 and 18 to 20 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 in relation to the discharge of executive functions in a mayor and cabinet executive.
- 6.2 Executive decisions taken by the elected mayor are subject to the access to information provisions set out in the Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.
- 6.3 The provisions in the Council's Constitution empowering the Overview and Scrutiny Committee to scrutinise decisions taken in connection with the discharge of executive functions apply to mayoral decisions in the same way that they would apply to other executive decisions.

7. ONE TOWER HAMLETS

- 7.1 There are no implications for One Tower Hamlets arising directly from this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no implications in relation to Sustainable Action for a Greener Environment arising directly from this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There are no risk management implications arising directly from this report.

10. APPENDICES

Appendix A – Executive Scheme of Delegation

Appendix B – Process for Executive Decision Making by the Mayor

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)

LIST OF “BACKGROUND PAPERS” USED IN THE PREPARATION OF THIS REPORT

Background papers	Name and telephone number of and address where open to inspection
None	N/A