

# **LONDON BOROUGH OF TOWER HAMLETS**

## **ANNUAL COUNCIL MEETING**

**WEDNESDAY 20th MAY 2015**

### **EXECUTIVE SCHEME OF DELEGATION**

#### **1. INTRODUCTION**

- 1.1 The Council's Constitution requires that the Executive Scheme of Delegation is presented for information to the Annual Council Meeting. This document must contain the following information in so far as it relates to executive functions:
- (a) The extent of any authority delegated to any individual Executive Member or ward councillor including details of the limitation on their authority;
  - (b) The terms of reference and constitution of such Executive Committees as the Mayor appoints and the names of Executive Members appointed to them;
  - (c) The nature and extent of any delegation of executive functions to area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year; and
  - (d) The nature and extent of any delegation of executive functions to officers not already specified in Part 3 of the Constitution, with details of any limitation on that delegation and the title of the officer to whom the delegation is made.
- 1.2 The Executive Procedure Rules at Part 4.4 of the Council's Constitution provide for 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 (only in accordance with s.236 of the Local Government and Public Involvement in Health Act 2007);
  - joint arrangements; or
  - another local authority.

- 1.3 The Mayor may amend or revoke any delegation of an executive function at any time.
  - 1.4 The Executive Scheme of Delegation that is currently in place is set out below.
  - 1.5 Following the decision of the Election Court on 23<sup>rd</sup> April to declare vacant the office of Mayor; and subsequently the Deputy Mayor giving notice that he is unable to act in place of the Mayor; in accordance with paragraph 8 of Schedule 1 to the Local Government Act 2000 the Executive must act in the elected Mayor's place or must arrange for a member of the Executive to act in his place. The Executive has not arranged for one of its members to so act, therefore pending the election of a new Mayor, references to the Mayor in the following document should be taken to mean the Executive collectively.
  - 1.6 The Executive powers set out in this Scheme of Delegation are subject to any decision making powers of the Intervention Commissioners appointed by the Secretary of State in relation to Executive functions, and any protocol agreed with the Commissioners in connection with Executive decision making.
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## **PART A - EXECUTIVE SCHEME OF DELEGATION**

### **1. PURPOSE**

- 1.1 The purpose of this Executive Scheme of Delegation is to:-
  - be clear about who can make which executive decisions including Key Decisions;
  - facilitate the smooth running of Council business;
  - ensure that the Mayor is able to provide effective strategic leadership for the overall policy direction of the Council and to promote partnership working with other agencies; and that officers take responsibility for operational matters and policy implementation

### **2. THE CONSTITUTION**

- 2.1 Once presented by the Mayor to the Annual Council Meeting or to the Monitoring Officer, this Executive Scheme of Delegation will form part of the Council's Constitution and will be appended to it. Its provisions apply alongside the Rules of Procedure and Access to Information provisions included in the Constitution.

### **3. AMENDMENTS TO THE EXECUTIVE SCHEME OF DELEGATION**

- 3.1 This Scheme of Delegation remains in force for the term of office of the Mayor unless and until it is amended or revoked by the Mayor in accordance with Part 4.4 of the Constitution.

#### 4. NON-EXECUTIVE DECISIONS

- 4.1 No delegated power in this Executive Scheme of Delegation applies to any decision that relates to a matter that is not an Executive function either by law or by the allocation of local choice functions under the Council's Constitution.

#### 5. THE COMPOSITION OF THE EXECUTIVE

- 5.1 The Executive shall consist of ten people, namely the Mayor and nine Councillors as set out below:-

| <b>Name</b>               | <b>Portfolio</b>   |
|---------------------------|--|
| (vacant)                  | Mayor  |
| Councillor Oliur Rahman   | Deputy Mayor and Cabinet Member for Economic Development (Jobs, Skills & Enterprise) |
| Councillor Ohid Ahmed     | Cabinet Member for Community Safety  |
| Councillor Abdul Asad     | Cabinet Member for Adult Services  |
| Councillor Gulam Robbani  | Cabinet Member for Children's Services   |
| (vacant)                  | Cabinet Member for Resources   |
| Councillor Rabina Khan    | Cabinet Member for Housing & Development   |
| Councillor Shahed Ali     | Cabinet Member for Clean & Green   |
| Councillor Shafiqul Haque | Cabinet Member for Culture   |
| Councillor Aminur Khan    | Cabinet Member for Policy, Strategy & Performance                                    |

## **6. DELEGATIONS TO THE EXECUTIVE**

- 6.1 The Mayor has not delegated any decision-making powers to the Executive acting collectively.
- 6.2 The Mayor may, in accordance with Part 4.4 of the Council's Constitution, appoint such committees of the Executive as he considers appropriate from time to time, but he does not appoint any such committees at this time.
- 6.3 Subject to the Mayor's prerogative to make decisions on all matters relating to all his statutory powers, the Mayor delegates to each Cabinet Member individually the power to make decisions on matters within their portfolio after consultation with the Mayor and subject to the Mayor raising no objection to the proposed decision. Any such decision by a cabinet member will be subject to a written report and the same procedure as applies to mayoral executive decisions.
- 6.4 In accordance with section 14 (6) of the Local Government Act 2000 (as amended) any arrangements made by the Mayor for the discharge of an executive function by an executive member, committee or officer are not to prevent the Mayor from exercising that function.

## **7. DELEGATIONS TO OFFICERS**

- 7.1 The Mayor has delegated to officers decision making powers in relation to Executive functions as set out at Parts 3 and 8 of the Council's Constitution.

## **8. OTHER DELEGATIONS**

- 8.1 The Mayor has not delegated any powers to any area committee, or to any ward Councillor in accordance with s.236 of the Local Government and Public Involvement in Health Act 2007.
- 8.2 The Mayor has delegated powers to joint arrangements with other local authorities as set out in Article 11 of the Council's Constitution
- 8.3 Subject to 8.2 above, the Mayor has not delegated any powers to any other local authority.

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## **PART B - PROCESS FOR EXECUTIVE DECISION MAKING BY THE MAYOR OR A CABINET MEMBER**

1. Where an Executive decision, including a Key Decision, falls to be made and either:-
- (i) authority to make that decision has not been delegated by the Mayor under this Executive Scheme of Delegation; or

- (ii) authority has been delegated but the person or body with delegated powers declines to exercise those powers; or
- (iii) authority has been delegated but the Mayor nevertheless decides to take the decision himself,

the decision shall be made by the Mayor individually, after consultation with the Monitoring Officer, the Chief Finance Officer and such other Corporate Director(s), the Head of Paid Service or Cabinet Member(s) as required.

2. Executive decisions (including Key Decisions) to be taken by the Mayor in accordance with paragraph 1 above shall either be taken:-
  - (a) at a formal meeting of the Executive, notice of which has been given in accordance with Part 4.4 of the Constitution and to which the Access to Information Rules at Part 4.2 of the Constitution shall apply; or
  - (b) in accordance with the procedure at 5 below.
3. In the case of a decision taken at a formal meeting of the Executive, the Mayor will take the decision having received written and oral advice from appropriate officers and consulted those members of the Executive present. In the event that a meeting of the Executive is not quorate, the Mayor may still take any necessary decisions having consulted any Executive members present. All Mayoral decisions taken at a formal meeting of the Executive shall be recorded in the minutes of the meeting.
4. The Cabinet Meeting is not authorised to exercise the Mayor's powers in the absence of the Mayor. If the Mayor is unable to act for any reason, and only in those circumstances, the Deputy Mayor is authorised to exercise the Mayor's powers.
5. The Mayor may at his discretion make a decision in relation to an Executive function, including a Key Decision, alone and outside the context of a meeting of the Executive. In relation to any decision made by the Mayor under this provision:-
  - (i) The decision may only be made following consideration by the Mayor of a full report by the relevant officer(s) containing all relevant information, options and recommendations in the same format as would be required if the decision were to be taken at a meeting of the Executive;
  - (ii) The provisions of the Overview and Scrutiny Procedure Rules in relation to call-in, including the rules regarding urgent decisions, shall apply;
  - (iii) In the case of a Key Decision as defined in Article 13 of the Constitution, the provisions of the Access to Information Procedure Rules in relation to prior publication on the Forward Plan shall apply; and

(iv) The decision shall not be made until the Mayor has confirmed his agreement by signing a Mayoral Decision Proforma (example attached) which has first been completed with all relevant information and signed by the relevant Chief Officers.

6. All Mayoral decisions taken in accordance with paragraph 5 above shall be:-

(i) Recorded in a log held by the Service Head, Democratic Services and available for public inspection; and

(ii) Published on the Council's website;

save that no information that in the opinion of the Director of Law, Probity and Governance is 'exempt' or 'confidential' as defined in the Council's Access to Information Procedure Rules shall be published, included in the decision notice or available for public inspection.

7. Any decision taken by an individual Cabinet Member in relation to any matter delegated to him/her in accordance with section 6 of the Mayor's Executive Scheme of Delegation shall:-

(i) be subject to the same process and rules as a Mayoral decision in accordance with paragraphs 5 and 6 above; and

(ii) not be made until the Mayor has confirmed in writing that he has no objection to the decision.

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#### LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)

##### LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

**Brief description of background papers:**

**Name and telephone number of holder and address where open to inspection**

- None