

<p>Report of the:</p> <p>CABINET</p> <p>Tuesday 19 September 2017</p> <p>COUNCIL</p> <p>Wednesday 20 September 2017</p>	
<p>Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Mayor's Cabinet and Executive Arrangements - Update</p>	

Originating Officer(s)	David Courcoux, Head of the Mayor's Office
Wards affected	All wards

SUMMARY

As set out in the Council's Constitution Council Procedure Rules at Part 4.1, the Council's Annual General Meeting will receive a report noting the Executive Mayor's Cabinet Appointments and other arrangements in respect of Executive Decision Making.

The Mayor may amend or revoke any delegation of an executive function at any time and this report provides notice of an update to the scheme presented at the Council's AGM on 17 May 2017.

Recommendations:

The Mayor in Cabinet is recommended to agree to:

- 1) Note the report

That Council agrees:

- 1) To note the updated Mayor's Executive Decision Making Scheme

1. REASONS FOR THE DECISIONS

- 1.1 To note the updated Mayor's Executive Scheme of Delegation.

2. ALTERNATIVE OPTIONS

2.1 None.

3. DETAILS OF THE REPORT

3.1 The Executive Scheme of Delegation is at Appendix A and the Mayor has made the following changes:

- (a) Cllr Denise Jones is replacing Cllr Rachael Saunders as Cabinet Member for Health and Adults Services; and
- (b) On the Individual Mayoral Decision Proforma where the Corporate Director signs to confirm that s/he approves the report and the proposed decision, the following words have been added “I confirm that the Mayor and/or Lead Member have agreed to this decision being taken using this process.” The reason for this change is to clarify that when the Corporate Director signs the Individual Mayoral Decision (IMD) that they are sure the Lead Member/Mayor is content for the decision to be taken as an IMD.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

5.1 There are no direct financial considerations arising from this report.

6. LEGAL COMMENTS

6.1 The Mayor may amend or revoke any delegation of an executive function at any time but, in doing so, must within 5 working days of agreeing any change, the Mayor shall present a written record of the change that s/he has agreed, together with the reasons for that change, to the Monitoring Officer. Whenever the Monitoring Officer receives notification from the Mayor of any change(s) to the Executive Scheme of Delegation, Cabinet appointment(s) or portfolio(s), the Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor.

6.2 It was previously agreed with the Mayor’s office that the Mayor’s Scheme of Delegation should go to the next meetings of Council and Cabinet for noting the change and this report is in accordance with that Agreement. This report is also the Monitoring Officer’s notification to all Councillors of the change.

Appendices

Appendix 1 – The Mayor’s Executive Scheme of Delegation

APPENDIX 1

THE MAYOR'S EXECUTIVE SCHEME OF DELEGATION

With effect from xxxxxxxx

PART A - EXECUTIVE SCHEME OF DELEGATION

1. PURPOSE

1.1 The purpose of this Executive Scheme of Delegation is to:-

- (a) be clear about who can make which executive decisions including Key Decisions;
- (b) facilitate the smooth running of Council business;
- (c) 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 Council Procedure Rules (Part 4.1) and Access to Information Procedure Rules (Part 4.2) 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 Rule 1.2 of the Executive Procedure Rules.

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 (10) people, namely the Mayor and nine (9) Councillors as set out below:-

Name	Portfolio
Mayor John Biggs	Executive Mayor Specific responsibility for <ul style="list-style-type: none">- Strategy, Policy and Performance- Partnerships- Equalities
Cllr Sirajul Islam Statutory Deputy Mayor	Cabinet Member for Housing Deputy Mayor also responsible for: <ul style="list-style-type: none">- Work with Faith Communities- Welfare Reform Response- Community Language Service
Cllr Denise Jones	Cabinet Member for Health & Adult Services
Cllr Joshua Peck	Cabinet Member for Work and Economic Growth
Cllr Asma Begum	Cabinet Member for Community Safety
Cllr Rachel Blake	Cabinet Member for Strategic Development and Waste Also leading joint work on air quality
Cllr Amy Whitelock Gibbs	Cabinet Member for Education and Children's Services
Cllr David Edgar	Cabinet Member for Resources
Cllr Abdul Mukit	Cabinet Member for Culture and Youth
Cllr Amina Ali	Cabinet Member for Environment Cabinet member responsible also for: <ul style="list-style-type: none">- Somali Task Force implementation

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 Rule 1.2 of the Executive Procedure Rules, appoint such committees of the Executive as he considers appropriate from time to time and he appoints the following at this time:
- King George's Fields Charity Board
 - The Grants Determination Sub-Committee
- 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 section 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 Part 2, Article 11 and Part 3.3.22 of the Council's Constitution
- 8.3 Subject to paragraph 8.2 above, the Mayor has not delegated any powers to any other local authority.

**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:-
 - (a) authority to make that decision has not been delegated by the Mayor under this Executive Scheme of Delegation; or
 - (b) authority has been delegated but the person or body with delegated powers declines to exercise those powers; or
 - (c) 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 the Executive Procedure Rules (Part 4.4) of the Constitution and to which the Access to Information Rules (Part 4.2) of the Constitution shall apply; or
 - (b) in accordance with the procedure at paragraph 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:-
 - (a) 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;

- (b) The provisions of the Overview and Scrutiny Procedure Rules in relation to call-in, including the rules regarding urgent decisions, shall apply;
- (c) In the case of a Key Decision as defined in Part 2, 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
- (d) 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:-

- (a) Recorded in a log held by the Democratic Services Manager and available for public inspection; and
- (b) Published on the Council's website;

save that no information that in the opinion of the Corporate Director, Law, Probity and Governance is 'exempt' or 'confidential' as defined in the Council's Access to Information Procedure Rules (Part 4.2) 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 paragraph 6 of the Mayor's Executive Scheme of Delegation shall:-

- (a) be subject to the same process and rules as a Mayoral decision in accordance with paragraphs 5 and 6 above; and
- (b) not be made until the Mayor has confirmed in writing that he has no objection to the decision.

Individual Mayoral Decision Proforma	 TOWER HAMLETS
Decision Log No: (To be inserted by Democratic Services)	
Report of: [Insert name and title of corporate director]	Classification: [Unrestricted or Exempt]
[Insert title here]	

Is this a Key Decision?	Yes / No (Report author to delete as applicable)
Decision Notice Publication Date:	(Report author to state date of decision notice – either individual notice or within the Forward Plan)
General Exception or Urgency Notice published?	Yes (give details) / Not required (Report author to delete as applicable)
Restrictions:	(If restricted state which of the exempt/confidential criteria applies)

EXECUTIVE SUMMARY

(To be completed by Chief Officer seeking the decision)

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Full details of the decision sought, including reasons for the recommendations and (where applicable) each of the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Corporate Director, Law, Probity and Governance; implications for One Tower Hamlets; Risk Assessment; Background Documents; and other relevant matters are set out in the attached report.

DECISION

(Proposed decision to be entered here)

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APPROVALS

1. (If applicable) Corporate Director proposing the decision or his/her deputy

I approve the attached report and proposed decision above for submission to the Mayor. I confirm that the Mayor and/or Lead Member have agreed to this decision being taken using this process.

Signed Date

2. Chief Finance Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

Signed Date

3. Monitoring Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

(For Key Decision only – delete as applicable)

I confirm that this decision:-

- (a) has been published in advance on the Council's Forward Plan OR
- (b) is urgent and subject to the 'General Exception' or 'Special Urgency' provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.

Signed Date

4. (If the proposed decision relates to matters for which the Head of Paid Service has responsibility) Head of Paid Service

I have been consulted on the content of the attached report which includes my comments where necessary.

Signed Date

5. Mayor

I agree the decision proposed at above for the reasons set out in paragraph of the attached report.

Signed Date