


Non-Executive Report of the: COUNCIL Wednesday 15 May 2019	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Mayor's Cabinet and Executive Arrangements	

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 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.

The Mayor may amend or revoke any delegation of an executive function at any time.

The Executive Scheme of Delegation 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.

In accordance with the above requirements the Executive Scheme of Delegation agreed by the Mayor to apply with effect from 15th May 2019 is set out below.

Recommendations:

That Council agrees:

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

1. REASONS FOR THE DECISIONS

- 1.1 The Mayor is required to present his Executive Decision Making Scheme to Council at each Annual General Meeting.

2. ALTERNATIVE OPTIONS

- 2.1 None.

3. DETAILS OF THE REPORT

- 3.1 The details of the Executive Decision Making Structure is set out in the Appendix to this report.

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 legal position is set out in the main body of the report.

Appendices

Appendix 1 – Executive Procedure Rules and Executive Scheme of Delegation (Parts A and B)

Appendix 2 – Terms of Reference for Cabinet, King George's Field Charity Board and the Grants Determination (cabinet) Sub-Committee

APPENDIX 1

4.4 Executive Procedure Rules

CONTENTS

Rule	<u>Subject</u>
1	How Does the Executive Operate?
2	How are Executive Meetings Conducted?
3	The Mayor's Executive Scheme of Delegation

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who May Make Executive Decisions?

In law, functions which are the responsibility of the Executive may be exercised by

- (a) The Mayor
- (b) The Executive as a whole (the Cabinet) ;
- (c) A Committee of the Executive;
- (d) An individual Member of the Executive;
- (e) The Chief Executive, a Chief Officer or an officer;
- (f) An area Committee; or a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007;
- (g) joint arrangements; or
- (h) another local authority;

subject to the Mayor or this Constitution giving delegated authority to the person/meeting listed to discharge the particular function.

The arrangements for the discharge of executive functions at Tower Hamlets are set out in the executive arrangements adopted by the Council (see Part 2, Article 7 and Part 3 of this Constitution) and the Executive Scheme of Delegation at Rule 3 of these Rules.

Currently decisions on executive functions are taken by the Mayor, either at the Cabinet meeting or separately, unless the Mayor has delegated either a function as set out in those parts of the Constitution or a specific executive decision.

1.2 The Executive Scheme of Delegation and Executive Functions

At the Annual Meeting of the Council the Mayor will present to the Council a written record of delegations made by the Mayor ('The Executive Scheme of Delegation') for inclusion in the Council's Constitution. The document presented by the Mayor 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.
- (d) The nature and extent of any delegation of executive functions to officers not already specified in Part 3 of this Constitution, with details of any limitation on that delegation and the title of the officer to whom the delegation is made.

The Mayor may amend or revoke any delegation of an Executive function at any time.

The Executive Scheme of Delegation shall be included at Rule 3 of these Rules.

Within five (5) working days of agreeing any change to the Executive Scheme of Delegation, a Cabinet appointment or portfolio, 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.

1.3 Sub-Delegation of Executive Functions

- (a) Where the Mayor, the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an executive function, they may delegate further to an area Committee, joint arrangements or an officer.
- (b) Unless the Mayor directs otherwise, if the Mayor delegates functions to the Executive then the Executive may delegate further to a Committee of the Executive or an officer.

- (c) Unless the Mayor directs otherwise, a Committee of the Executive to whom functions have been delegated may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.4 The Council's Scheme of Delegation and Executive Functions

- (a) Subject to (b) below, the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Part 2, Article 7 and set out in Part 3 of this Constitution.
- (b) The Mayor may amend the Scheme of Delegation of executive functions at any time during the year. To do so, the Mayor must give written notice to the Monitoring Officer and the person, body or Committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body or Committee or the Executive as a whole. The Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor.
- (c) Where the Mayor seeks to withdraw or amend delegations to a Committee, notice will be deemed to be served on that Committee when it has been served on its Chair.

1.5 Interests

- (a) Where a Member of the Executive has a disclosable pecuniary interest this should be dealt with as set out in the Council's Code of Conduct for Members at Part 5.1 of this Constitution.
- (b) If every Member of the Executive has either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of the Members' judgement being or likely to be impaired by the interest then this also should be dealt with as set out in the Council's Code of Conduct for Members in Part 5.1 of this Constitution.
- (c) Where a Member of the Executive has either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of the Member's judgement being or likely to be impaired by the interest then this should be dealt with as set out in the Council's Code of Conduct for Members at Part 5.1 of this Constitution.
- (d) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should a disclosable pecuniary interest arise, then the function will be exercised in the first instance by the person or body by whom the

delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part 5.1 of this Constitution.

- (e) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of that person's judgement being or likely to be impaired by the interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part 5.1 of this Constitution.

1.6 Meetings of the Cabinet

- (a) Meetings of the Cabinet will be determined by the Mayor or Chief Executive. The Cabinet shall normally meet at the Council's main offices or at another location as appropriate.
- (b) Meetings of the Cabinet will be subject to the Access to Information Procedure Rules and any other relevant procedure rules in this Constitution.

1.7 Quorum

The quorum for a meeting of the Executive shall be three (3) Members.

1.8 How are Decisions to be taken by the Executive?

- (a) Executive decisions which are the responsibility of the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who Presides?

If the Mayor is present s/he will preside. In her/his absence, then the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor, then a person appointed by those present shall preside.

2.2 Who may Attend?

- (a) Meetings of the Cabinet will normally be open to the public unless confidential or exempt information is to be discussed.
- (b) Subject to the Access to Information Procedure Rules in Part 4 of this Constitution, meetings may occasionally be private.

2.3 What Business?

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of disclosable pecuniary interest, if any;
- (c) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not, in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.
- (d) consideration of reports from the Overview and Scrutiny Committee;
- (e) matters referred to the Executive (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

The Mayor or other person presiding at a meeting of the Cabinet may at his/her discretion allow persons other than Cabinet members to contribute to the meeting. This may include an informal 'question time' to the Mayor and/or Cabinet Members.

2.4 Community Engagement/ Consultation

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of community engagement or consultation with stakeholders, Overview and Scrutiny Committee and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of community engagement or consultation required will be appropriate to the nature of the matter under consideration having due regard to the Council's Community Engagement Strategy.

2.5 Who can put Items on the Executive Agenda?

The Mayor and Chief Executive may put on the agenda of any Cabinet meeting any Executive matter which s/he wishes, whether or not authority has been delegated to the Cabinet, a Committee of it, any Member, the Chief Executive, a Chief Officer or

officer in respect of that matter. The Corporate Director, Governance will comply with their requests in this respect.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two (2) of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly call a meeting and include an item on the agenda of that meeting or of a Cabinet meeting which has already been called. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Application of Council Procedure Rules

Rules 5 – 9, 16.1 to 16.3 and 17 to 24 of the Council Procedure Rules (Part 4.1 of this Constitution) shall also apply to meetings of the Cabinet.

2.7 Public Engagement at Cabinet

Whilst the main focus of Cabinet is as a decision-making body, there is an opportunity for the public to contribute through making submissions that specifically relate to the reports that are set out on the agenda. Members of the public may therefore make written submissions in any form (for example; Petitions, letters, written questions) and which to be submitted to the Clerk to Cabinet (whose details are on the agenda front sheet) by 5 pm the day before the meeting. The consideration of such written submissions will be at the discretion of whosoever presides at the meeting.

3. THE MAYOR'S EXECUTIVE SCHEME OF DELEGATION

With effect from Wednesday 15th May 2019

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
Deputy Mayor for housing (Statutory Deputy Mayor)	Cllr Sirajul Islam
Deputy Mayor for planning, air quality and tackling poverty	Cllr Rachel Blake
Deputy Mayor for community safety and equalities	Cllr Asma Begum
Children's, schools and young people	Cllr Danny Hassel
Adults, health and wellbeing	Cllr Amina Ali
Resources and the voluntary sector	Cllr Candida Ronald
Culture, arts and Brexit	Cllr Sabina Akhtar
Work and economic growth	Cllr Motin Uz-Zaman
Environment	Cllr David Edgar

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 Head of Democratic Services 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, 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	
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, Governance; implications for Equalities; Risk Assessment; Background Documents; and other relevant matters are set out in the attached report.

DECISION

(Proposed decision to be entered here)

.....

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

APPENDIX 2

3.4 THE EXECUTIVE

3.4.1 Cabinet

Membership: The Mayor and at least two (2) and not more than nine (9) other Executive Councillors appointed by the Mayor.	
Functions	<u>Delegation of Functions</u>
1. To discharge all functions not specified as the responsibility of the full Council or of any other Committee, where the Mayor has delegated his powers to the Cabinet as set out in the Executive Scheme of Delegation.	Chief Officers and other officers authorised by them have the delegated authority as set out in Part 3 of the Constitution.
2. In relation to any Executive function for which the Mayor has not delegated his powers to the Cabinet, to advise the Mayor on the discharge of that function.	No delegations
3. To refer to the Standards Advisory Committee for consideration any report which contains implications for the Council's ethical framework	No delegations
Quorum: Three (3) Members of the Cabinet	

The Cabinet may establish Sub-Committees to discharge functions on its behalf but any Cabinet Sub-Committee may only include Cabinet Members.

3.4.2 King George's Fields Charity Board

Membership: All Members of the Cabinet	
Functions	Delegation of Functions
1. To administer the affairs of the King George's Field, Mile End charity, registered number 1077859 and the King George's Field – Stepney (Tredegar Square, Bow) charity, registered number 1088999 and discharge all duties of the Council as sole trustee of these charities.	No delegations
2. To administer the affairs and discharge the duties of trustee of such other charities controlled by the Council as the Executive might authorise.	No delegations
Quorum: Three (3) Members of the Board	

3.4.3 Grants Determination Sub-Committee

Membership: Three Members of the Cabinet (Executive Councillors or the Mayor) as appointed by the Mayor. All other Executive Members can substitute where necessary.	
Functions	Delegation of Functions
1. To determine all applications for grant funding received by the Council.	No delegations
2. To determine all applications for corporate match funding received by the Council.	No delegations
3. The Sub-Committee may delegate decision making to individual officers, provided that the extent of this delegation is made clear and that it is minuted properly	No delegations
4. Where decision making has been delegated, to receive a report advising as to the exercise of a discretion at the next Sub-Committee meeting following the exercise of such discretion.	No delegations
5. To receive quarterly update reports against defined parameters in order for the Council to demonstrate either: that delivery is in line with the application and, therefore, the grant achieved its purpose; or to provide clear delineation where outcomes were not achieved and the reasons for such failure are apparent. Such Monitoring should therefore include measuring performance against the expected outcomes.	No delegations
6. To determine criteria under which grant applications will be considered.	No delegations
Quorum: Three (3) Members of the Committee	