

Tower Hamlets Council
Council meeting 18th November 2020

Report on Governance Model Referendum – proposed alternative recommendations

Proposer: Cllr Andrew Wood

Seconders: Cllr Peter Golds and Cllr Rabina Khan

This Council resolves:

- To agree to the principle of a referendum in 2021 or 2022 but not rush into a fixed choice today without due process, we can learn from what other Councils have done to guide us;
- That if there is not enough time for a full debate tonight that we hold a dedicated Council meeting on this subject only in the coming month;
- That we ask for a working group to form with the help of the Centre for Governance and Scrutiny which will report back to the next Council meeting on the 20th January with more detail on the choices available to us, timings and how we can make the decision;
- That no referendum be held until it is clear;
 - How each option will work in practise, who will hold responsibility & power?
 - What happens within 28 days of a vote for each option?
 - How and by whom the final two referendum choices are chosen and that this is done in public.
- That we ask the Head of Electoral Services what options exist to reduce the cost of a referendum later in 2021 by voting on a Saturday, using publicly owned facilities, counting delayed until a working day etc and to also report back to us on the 20th January;
- That we also consider a May 2022 referendum so that Mayoral candidates can make clear their views, and that voters can then decide whether to keep the Mayoral system or switch to an alternative model;
- That a referendum late in 2021 or 2022 would:
 - Allow time to formulate the referendum options in public;
 - Reduce the impact of COVID on polling stations;
 - Allow the referendum to be conducted in a neutral manner as would then be clear that the current Mayor continues in post until the May 2022 elections.
- That we engage the wider public before making any decision and that decisions are made with a full set of publicly available information after a detailed debate.

Background Information - Reasons for the proposed recommendations:

This Council notes:

1. A statement from the Mayor on the 10th November 2020 that “Tower Hamlets Labour Group has voted to trigger a referendum on whether the borough should keep the mayoral system or move to the ‘leader and cabinet’ system.” But when, how and on what information or advice that decision was made is unclear and is not in the public domain.
2. That both models that the Labour Group appear to have chosen are both ‘strong leader’ models where power and patronage are largely left in the hands of one person and only differ in who elects them, it is unclear whether the Labour group considered hybrid models of governance where you combine the leader model with one that gives more power to Councillors in policy making or in reviewing decisions made by the leader.
3. The lack of clarity over the type of Leader and Cabinet model chosen;
 - where the leader is elected annually as was the case in Tower Hamlets or for four years as practised elsewhere?
 - or what powers (if any) Cabinet members will have, individual cabinet member decision-making or collective cabinet decision-making or are all powers retained by the leader?
4. That the Centre for Governance and Scrutiny, the national experts on this matter, based in Mansell Street in Tower Hamlets in their “*Rethinking governance, A summary of council activities on governance change*” detail how other Councils undertake these kind of decisions, it suggests that Tower Hamlets in the speed and brevity of its decision is very unusual.
5. Invitations extended to the Labour group as well as former Councillors from the Aspire/Tower Hamlets First party for an independently led online public debate on the 13th November, no response was received, ensuring that as a result no debate between the four governance options was possible in advance of this Council meeting.
6. Two petitions: one on the Council website, one on Change.org. favouring alternative options.
7. That our neighbours Newham Council undertook an independent Democracy and Civic Participation Commission which looked at a wide variety of issues including different options of governance and which met in public and reporting back on its findings.
8. That following that report Newham Councillors last month chose a different referendum choice, Committee system versus directly elected Mayor.
9. That in May 2010 after little public debate on the same day as national and locals elections and following a petition, that Tower Hamlets voters voted 60% for the new Executive Mayoral system, and only 40% to keep the existing Leader and Cabinet model. That might suggest dissatisfaction with the then Leader and Cabinet model.

This Council further notes:

That the Council paper contains almost no detail on alternative models (unlike the Newham papers) and is unclear about what the Centre for Governance and Scrutiny call hybrid models. There is only a brief reference at item 3.9 *“It should also be noted that within each model there are additional governance arrangements that can be adopted including the delegation of powers.”*

That across England there are broadly six broad governance choices available to us and used by other Councils:

1. A leader-cabinet system with individual cabinet member decision-making;
2. A leader-cabinet system with collective cabinet decision-making.
3. A Mayor, with various different approaches to cabinet autonomy;
4. A traditional committee system;
5. A streamlined committee system;
6. A hybrid system;

That the Centre for Scrutiny have said that while a full year is required for a full governance review that if options are limited that things could be undertaken more quickly.

That in the Council paper it says that following a referendum (note underline)

3.21 If a referendum is held and there is a majority vote in favour for a change of governance arrangements, within 28 days of the poll date, the Council must pass a second resolution to implement the change in a Special Council Meeting held for this purpose and if necessary transitional arrangements agreed.

That it is not clear what transitional arrangements mean, that Newham Council in its report did not include this term, they are clearer that any change is implemented within 28 days.

That once you have a referendum that decision cannot be changed for another ten years.

This Council believes:

Decisions should be made in public through an informed independent debate with clear information and that we are assisted by external experts.

That we need to learn lessons from the Brexit referendum including about the importance of making clear what happens as a result of each referendum choice.

That a referendum on the 6th May 2021 mean that if the Leader and Cabinet model is chosen that means its implementation within 28 days results in the removal from office of the current Mayor John Biggs, as he is not a Councillor. That inevitably the referendum could become mixed up with the performance of the current Mayor, that this would be an error and a diversion from what is a very serious choice.

That even next May COVID will be an issue and that polling stations will need to maintain social distancing and that the more ballot papers the slower the process and the greater the risk to participants.

That the results of any referendum must be implemented promptly and before people vote there should be clarity about what happens next, that transitional arrangements cannot last for a year until May 2022.

That important decisions that will last for ten years need greater scrutiny, preparation and debate as has been undertaken by other Councils. That decisions made in haste are often repented later.