

COUNCIL

Term of Office of the Leader 15th April 2015

Report of the Monitoring Officer

PURPOSE OF REPORT

To consider the executive arrangements within the Constitution following amendments to the Local Government Act 2000.

This report is public

RECOMMENDATIONS

- (1) That Council considers whether it wishes to maintain the four year term of office for the Leader, or to revert to annual appointment, and to authorise the Monitoring Officer to make any consequential amendment to Article 7.03 of the Constitution.**
- (2) That the Monitoring Officer be authorised to amend Article 7 and Council Procedure Rule 1.1 as set out in the report, to ensure that the Council's Constitution complies with the requirements of Section 9I and Section 9IA of the Local Government Act 2000 as amended.**

1.0 Introduction

- 1.1** After the introduction of the Cabinet system under the Local Government Act 2000, the Council appointed the Leader annually. However, the Local Government and Public Involvement in Health Act 2007 amended the Local Government Act 2000 and removed the option to elect the Leader on an annual basis, requiring the Leader to be elected for a four-year term of office. There was also an option to include a provision for Full Council to remove the Leader during that time, and a requirement for the Constitution to state whether or not this option applied. The changes in the 2007 Act were implemented by Council in December 2010 to take effect from May 2011, and Council resolved to include the provision for removal of the Leader during the four year term. These arrangements were incorporated in Article 7 of the Constitution.
- 1.2** The Local Government Act 2000 was further amended by the Localism Act 2011. Section 9I requires executive arrangements to provide for the election of a Leader, including where there is a vacancy in the office. Executive arrangements may now also provide for the term of office of the Leader, and

there is no longer a requirement for the term of office to be four years, although this is still an option. Section 9IA provides that executive arrangements must provide for the Council to remove the Leader by resolution. If a council passes a resolution to remove the executive leader, a new executive leader is to be elected at the meeting at which the leader is removed from office, or at a subsequent meeting.

2.0 Proposal Details

- 2.1 Council is therefore asked to consider whether it wishes to maintain the four year term of office of the Leader, or to amend Article 7.03 of the Constitution to provide for annual appointment, so that the Leader holds office until the day of the next Annual Council meeting.
- 2.2 As Article 7 already provides for the Leader to be removed from office by a resolution of Council, no amendment is required in this respect in order to comply with Section 9IA.
- 2.3 Council Procedure Rule 1.1 already provides for the election of the Leader at the Annual Council meeting. However, there is no specific reference to the election of a Leader in the event of a vacancy, as is now required by the legislation. It is proposed therefore to amend Article 7 to provide that: "If the Council passes a resolution to remove the Leader, the Council shall elect another councillor as Leader at the meeting at which the Leader is removed from office, or at a subsequent meeting of the Council. If there is a vacancy in the office of Leader for any other reason, the Council shall elect another councillor as Leader at the first Council meeting after the vacancy occurs." This will also be cross-referenced by way of a footnote to Council Procedure Rule 1.1.

3.0 Details of Consultation

- 3.1 There has been no consultation, as the decision is a matter for Council.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The options open to Council are to endorse the current executive arrangements as set out in Article 7.03 whereby the Leader holds office for a four year term, or to amend Article 7.03 to provide for the Leader to hold office until the day of the next Annual Council meeting.
- 4.2 A four year term may be considered to promote a degree of stability and continuity, whilst a one year term gives Council the flexibility to reconsider the appointment/reappointment of a Leader each year.

5.0 Conclusion

- 5.1 Council is asked to consider the provisions of the Constitution with regard to the term of office of the Leader with effect from the next municipal year.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

LEGAL IMPLICATIONS

The provisions of the Localism Act 2011, which amended the Local Government Act 2000, are set out in the report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer as the officer responsible for the Constitution.

BACKGROUND PAPERS

None

Contact Officer: Mrs S Taylor

Telephone: 01524 582025

E-mail: STaylor@lancaster.gov.uk

Ref: ST