

# **COUNCIL**

## **Term of Office and Appointment of the Leader 26<sup>th</sup> May 2015**

### **Report of the Monitoring Officer**

#### **PURPOSE OF REPORT**

To enable Council to consider the executive arrangements within the Constitution following amendments to the Local Government Act 2000, and if it is so minded, to amend the Constitution prior to the appointment of the Leader.

**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.
- (3) That, in the light of its decision on recommendation 1 above, Council then proceed to appoint the Leader.

#### **1.0 Introduction**

1.1 At its meeting on the 15<sup>th</sup> April 2015, Council considered a report on the provision in the Constitution for the term of office of the Leader. A copy of the report is appended to this report for ease of reference. The report was brought in the light of an amendment to the legislation. Previously there had been a requirement for the Leader to be appointed for a term of four years. However, the Localism Act 2011 had amended that requirement, and Council is now able to decide for itself the length of the term of office of the Leader.

1.2 Council on the 15<sup>th</sup> April resolved that a decision on the length of the term of office of the Leader be deferred to this 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 Whatever, its decision on the Leader's term of office, Council is also requested to approve further amendments to the Constitution in order to ensure compliance with the Localism Act 2011. As set out in the report of the 15<sup>th</sup> April, it is proposed 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.
- 2.3 Having made a decision on the Leader's term of office, Council is asked to proceed to elect the Leader.

### **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 Whilst some other term of office, for example two years, could be considered, one year or four years are thought to be the most suitable options. 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. In any event, the Constitution provides for the Leader to be removed from office at any time by resolution of Council.

### **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, and then to proceed with the election of the Leader.

**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

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