

Name of meeting: Annual Council
Date: 22 May 2013

Title of report: Determination of the Term of Office of the Leader

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Is it in the Council's Forward Plan ?	Not applicable
Is it eligible for "call in" by Scrutiny ?	Not applicable
Date signed off by <u>Director</u> & name	Not applicable
Is it signed off by the Director of Resources?	13 May 2013
Is it signed off by the Acting Assistant Director - Legal & Governance?	13 May 2013
Cabinet member portfolio	Resources

Electoral [wards](#) affected: All

Ward councillors consulted: Not applicable

Public or private: Public

1. Purpose of report

To consider whether to approve a set period of time for the term of office of the Leader.

2. Key points

The attached report was considered by Corporate Governance and Audit Committee on 10 May 2013.

That Committee reached no comment on any of the options (although one Member did express a preference for returning to annual elections) and so referred the matter, with no recommendations, to Annual Council for determination.

3. Implications for the Council

See attached report.

4. Consultees and their opinions

See attached report; plus Corporate Governance and Audit Committee, which had no comments on a preferred option.

5. Next steps

To implement Council's decision.

6. Officer recommendations and reasons

That Council determines one of the 4 options set out in 2.5 of the report previously considered by the Corporate Governance and Audit Committee (as attached).

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer and relevant papers

As per attached report.

9. Assistant director responsible

As per attached report.

DOC1252A
13 May 2012

CORPORATE GOVERNANCE & AUDIT COMMITTEE: 10 MAY 2013
Title of report: Determination of the Term of Office of the Leader

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Is it in the Council's Forward Plan?	N/A
Is it eligible for "call in" by Scrutiny?	N/A
Date signed off by <u>Director</u> & name	N/A
Is it signed off by the Director of Resources?	1 May 2013
Is it signed off by the Acting Assistant Director - Legal & Governance?	1 May 2013
Cabinet member portfolio	Resources

Electoral wards affected: All
Ward Councillors consulted: N/A
Public or private: Public
1. Purpose of Report

To consider whether Council should be recommended to approve a set period of time for the term of office of the Leader.

2. Key Points

- 2.1** Council resolved on 23 May 2012 to elect Cllr Mehboob Khan as Leader for the maximum term of office of 4 years pursuant to section 44E of the Local Government Act 2000 ("LGA 2000").

2.2 The provisions of the LGA 2000 relating to the election of an executive leader were amended last year by Section 21 and Schedule 2 of the Localism Act 2011. This amendment brought into effect section 9I of the LGA 2000 which provides as follows:

“Executive arrangements by a local authority which provide for a leader and cabinet executive (England)-

- (a) must include provision with respect to the election of the executive leader, including provision for an election where there is a vacancy in the office of executive leader, and
- (b) may include provision with respect to the term of office of the executive leader.”

2.3 The provisions that currently govern the term of office of the executive leader are set out within Article 7.5.1 of the Council’s Constitution. They provide that:

“The Leader’s term of office shall commence upon the day of the Leader’s election pursuant to Article 7.2.1 or 7.2.2 and, unless Article 7.5.2 applies, will expire on the day when the authority holds its first annual meeting after the Leader’s normal day of retirement as a councillor. Accordingly, the maximum term of office for the Leader is 4 years.”

2.4 The wording of Article 7.5.1 reflects what the law was before the changes (referred to above) were brought into force by the Localism Act 2011 ie that the Council was legally required to elect an executive leader for a 4 year period unless their term as an elected member was due to expire prior to that date.

2.5 The consequence of section 9I LGA 2000 is that members must be given the opportunity to determine whether or not they wish to include provisions, within the Council’s Constitution, relating to the term of office of the executive leader.

The options available for Council’s consideration are:

- (i) Determine that no specific term of office should be specified within the Constitution;
- (ii) Maintain the status quo ie a 4 year term of office;
- (iii) Annual election ie a 12 month term of office; or
- (iv) Any other period (subject to the executive leader’s date for re-election as a councillor).

3. Implications for the Council

It is essential that the Council complies with Section 91 of the LGA 2000 and related legislation by determining whether to make provision, within the Constitution, with respect to the term of office of the executive leader.

4. Consultees and their Opinions

Cllr Mehboob Khan has been provided with a copy of this report for information.

The contents of this report were also discussed with Leading Members on 30 April 2013. Two of the leaders indicated that they would like to see a return to annual elections for the Leader of the Council.

5. Officer recommendation & reasons

That Corporate Governance and Audit Committee consider the options set out in paragraph 2.5 of this report and recommend one of those 4 options to Council for approval.

That, dependent upon the option to be recommended to Council for approval, authority be delegated to the Council's Monitoring Officer to make all necessary amendments to Article 7 of the Constitution.

6. Cabinet portfolio holder recommendation

Not applicable

7. Next Steps

Referral of this Committee's recommendation to the Annual Council meeting on 22 May 2013 for formal approval.

8. Contact Officer & relevant papers

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Background Papers:

Kirklees Council's Constitution