

Election of a Leader Report

Meeting:	Council
Date:	15th July 2026
Cabinet Member (if applicable)	N/A
Key Decision Eligible for Call In	No No
Purpose of Report To inform Members of their legal responsibilities to ensure a Leader of the Council is elected so executive arrangements can be established.	
Recommendations It is recommended that Council; 1) Note the contents of this report from the Monitoring Officer 2) Elect a Leader, who shall make appointments to the Cabinet and other outstanding statutory positions and appointments. Reasons for Recommendations The Council is required to operate effective executive arrangements (i.e. it must have a Leader and Cabinet) required under the section 9B and 9C Local Government Act 2000 (as amended). It is essential that Council now elect a Leader.	
Resource Implications: This does not have any resource implications at present, but the failure to elect a Leader may incur costs to the Council in the future.	
Date signed off by <u>Executive Director</u> & name Is it also signed off by the Service Director for Finance?	Give name and date for Cabinet / Scrutiny reports Rachel Spencer- Henshall 6th July 2026 Give name and date for Cabinet reports

Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?	Kevin Mulvaney 5th July 2026 Give name and date for Cabinet reports Samantha Lawton 3rd July 2026
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Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? Yes. This report does not contain any personal information.

1. Executive Summary

- 1.1 The Annual meeting of Council convened on 20 May 2026 failed to elect a Leader due to there being no majority in favour of either of the two candidates. The annual meeting of Council was reconvened on 28 May 2026 and the Council failed to elect a Leader. The next meeting of Council to elect a Leader will take place on 15th July 2026.
- 1.2 The Council is under a statutory duty to elect a Leader and has legal duties to operate effective executive arrangements (i.e. must at all times have a Leader and Cabinet) required under sections 9B and 9C of the Local Government Act 2000.
- 1.3 The Council has appointed all of its formal committees, set the date for meetings, and appointed the Chairs of committees. Committees such as Licensing, Planning and scrutiny panels are currently in operation. However, it does not have in place the executive arrangements as required by legislation and the Leader has not been able to appoint a lead member for Children's services under Section 19 of the Children Act 2004, alongside a number of other outside body appointments.

2. Information required to take a decision

- 2.1 Although the Council is continuing to perform its functions and duties, outside of the election of a Leader and the forming of Cabinet, there is an operational risk that without executive arrangements being in place, the day to day functions of the Council may begin to be compromised, resulting in a potential breach of substantive duties in service provision.
- 2.2 The Council is in the position that it cannot participate in various collaborative arrangements across West Yorkshire which is causing concerns for partners and stakeholders where the Leader or a Cabinet Member is the Council's formal representative due to the current vacancies which is causing reputational damage. For example, there is no representation on the West Yorkshire Combined Authority. For the time being this situation is being managed but the position may adversely impact on the Council, its businesses and residents if Members fail to resolve the current impasse.

- 2.3 Section 5 of the Local Government & Housing Act 1989 imposes obligations on the Monitoring Officer who is required to safeguard the legal and ethical governance of a Local Authority, to prepare a report to the Council, if it appears to her that what the Council has done or is proposing to do is likely to contravene any enactment or rule of law. Failing to do something that is required by law can be the subject of a future Section 5 report.
- 2.4 In the above circumstances and in the event the Council fails again to elect a Leader it will be necessary for the Monitoring Officer to make a formal public statutory report to all Members of the Council under Section 5 of the Local Government and Housing Act 1989 setting out the legal position to ensure the Council acts within the law and to ensure Members are aware of potential legal breaches. A meeting of Council would follow where Members must consider that report.
- 2.5 The present political stalemate has significant consequences and Members are urged to consider all options whilst voting, including abstaining. Voting against proposals, knowing that the result means that no Leader is elected is incompatible with Members' obligations under the Code of Conduct, as failure to elect a Leader is likely to bring the Council into disrepute. Members are also urged to consider:-

-whether any coalition or collaboration across groups working together to achieve a majority can be achieved

-whether all nominees wish to continue to stand or an agreement can be reached to put forward one nominee only

3. Implications for the Council

3.1 Council Plan

Not applicable

3.2 Financial Implications

To date, so far as officers are aware there are no direct financial losses arising out of the failure to elect a Leader. However, this may change unless the Council resolves to elect a Leader. The Chief Executive and Service Director - Finance (Section 151 Officer) are monitoring all expenditure and income to ensure proper controls and the risks of unlawful expenditure and receipts of income concerning Executive (and possibly Council) functions are mitigated. Of particular concern to the Council is the need to avoid adverse implications for the preparation of next year's budget which needs to be underway as soon as possible. Members are reminded that the Section 151 Officer may be required to issue a statutory Section 114 (2) Notice to the Council if it appears to him the Council has made a decision which involves or would involve unlawful expenditure.

3.3 Legal Implications

If the Council continues to fail to elect a Leader the Council could face a claim that failure to operate executive arrangements is unlawful and a breach of its statutory duty. The current interim arrangements relating to the Chief Executive's powers under Article 7.9.1 of the Constitution are a short term measure and are not intended for long term reliance. Such long term reliance on this short term mitigation may not protect the Council or its officers against a subsequent challenge.

- 3.4 Members must now elect a leader so that the use of Article 7.9.1 can cease as soon as possible. The failure to elect a Leader increases the risks of legal challenge around decision making.
- 3.5 A further risk is that, if services are compromised as a result of the lack of executive arrangements, the Council could face further judicial review claims, and/or claims for damages if people suffer losses as a result.

Risks other than litigation risks to the Council

- 3.6 As to risks other than risks of litigation against the Council, these include the following and apply to officers and members.

Intervention by the Secretary of State

- a. The Council's external, Auditor Grant Thornton has indicated to the Chief Executive that as a result of the failure to elect a Leader and operate executive arrangements they are considering a Public Interest Report by the end of July 2026 and publicising it under Section 24 of the Local Audit and Accountability Act 2014. This is the first step towards potential intervention.
- b. Section 3 of the Local Government Act 1999 imposes a best value duty on the council "...to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness".
- c. The Section 15(5) of the Local Government Act 1999 gives the Secretary of State the power to intervene and take a range of measures. Intervention by the Secretary of State is a measure of last resort and is usually preceded by a report from external auditors, an inspector appointed by the Secretary of State or a regulatory body. However, the Secretary of State can intervene directly in cases of urgency and this includes the power to send in commissioners to take over some functions, which can be long term and over many months/years.

Members Code of Conduct

- d. The Localism Act 2011 imposes a duty on Members to abide by the Code of Conduct for Members. In interpreting the Code, regard must be had to the seven Principles of Public life, including the requirement that Members should make decisions in accordance with the law. Paragraph 5 of the Code states: *As a Councillor: 5.2 I do not bring my role or local authority into disrepute. 5.3 I do not conduct myself in a manner which is contrary to the Council's duty to promote and maintain high standards of behaviour.*
- e. In order to elect a Leader, all Members should consider the following:
 - exercising all of their options when voting including abstaining rather than voting against proposals, knowing that the result means a Leader is not elected,
 - whether any coalition or collaboration across groups working together to achieve a majority can be achieved
 - whether all nominees wish to continue to stand or an agreement can be reached to put forward one nominee only

- f. A continuing political stalemate in the absence of electing a Leader is incompatible with Members' obligations under the Code as failure to elect a Leader is likely to bring the Council into disrepute.
- g. The Code of Conduct states at paragraph 11.1 :*When reaching decisions on any matter I will have regard to any relevant advice from: ... b. The Monitoring Officer (Service Director of Legal, Governance and Commissioning) where she is acting pursuant to her statutory duties.* This report is pursuant to those duties.

Reputational damage

- h. Failure to elect a Leader, even in the absence of legal challenge and/or formal/informal intervention by the Secretary of State is already having significant impact on the Council's reputation locally and nationally. It may have an impact in terms of public and investor confidence, and people's preparedness to work with the Council or work for the Council as residents/investors may see the council as high risk and/or inefficient. Reputation and credibility is hard to earn, but once lost, difficult to regain.

3.4 Climate Change and Air Quality

Not applicable

3.5 Other (eg Risk, Integrated Impact Assessment or Human Resources)

4. Consultation

The Group Leaders of the political groups have been advised and consulted in relation to this report.

5. Engagement

The Group Leaders for each political party have been engaged in relation to the contents of this report.

The Chief Executive wrote to all Members on 22nd May 2026 and a copy of the letter is attached at Appendix 1.

6. Options

6.1 Options considered

The Council must operative executive arrangements in place pursuant to section 9B and 9C of the Local Government Act 2000. It is recommended that Council vote and appoint a Leader of the Council.

If the Council fails to elect a Leader the potential risks and consequences are likely to begin to happen as set out earlier in this report.

6.2 Reasons for recommended option

To comply with legislative requirements to ensure the Council is operating executive arrangements.

7. Next steps and timelines

The Council will proceed to consider the report and vote on the Election of the Leader.

8. Contact officer

Samantha Lawton
Service Director – Legal, Governance and Commissioning
Samantha.lawton@kirklees.gov.uk
01484 221 000

9. Background Papers and History of Decisions

Not applicable

10. Appendices

Appendix 1 – Letter from the Chief Executive

11. Service Director responsible

Samantha Lawton
Service Director -Legal, Governance and Commissioning
Samantha.lawton@kirklees.gov.uk
01484 221000