

Chief Executive
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Dear Councillors

Following the Annual Council Meeting, I am writing to provide clarity on the process for electing a Leader of the Council and the implications for governance should a Leader not be appointed.

A Leader must be elected by a meeting of the Council and this function cannot be delegated. The established method for election is set out in the Constitution. Where there are multiple nominations and no candidate receives a majority, successive rounds of voting will take place, with the lowest polling candidate removed each round until a majority vote is achieved for one of the nominated candidates (CPR 24(6)).

An alternative voting method was recently proposed which was not carried; accordingly, it is not expected that the same proposal could be revisited within a six-month period (CPR 23(1)) as the required notice period cannot be given. Furthermore, next week's meeting is effectively a continuation of the adjourned Annual Meeting at which the proposal was voted down.

Under CPR 24(4), a vote may take place by ballot at the request of any Member supported by at least five other Members. No Member requested this method of voting at the meeting on 20 May. Should a ballot be agreed, the process would be that each Member would vote for/against or abstain for each individual candidate in two separate votes. The votes would be counted and the Mayor would deliver the numerical result.

Members may also wish to explore whether a debate on the position of Leader should take place. This is not currently provided for within the Constitution; however, any such proposal would need to be moved, seconded and agreed by a majority of Members voting. Should such a proposal come forward, it would be advisable to agree in advance the proposed parameters of any debate in terms of timings and rules of the debate.

The Council's governance framework is fundamentally based on the Leader and Cabinet model and is not designed to operate without a Leader for a prolonged period. In the absence

of a Leader (and Deputy Leader), the Council would continue to operate through officer decision-making arrangements led by me as Chief Executive.

Under the Constitution, where there is no Leader, any act or functions that could otherwise be performed by the Leader may be performed by the Chief Executive acting in consultation with Group Leaders (Constitution – Article 7.9.1).

In practical terms, this would mean me as Chief Executive taking decisions necessary to maintain the safe and lawful operation of the Council, including key decisions which cannot practicably be delayed. These decisions will continue to be formally recorded and published to ensure transparency and accountability. There would be structured and ongoing engagement with Group Leaders to consult before decisions are made.

This arrangement is intended to provide continuity only and does not replace formal political leadership or the collective decision-making role of a Cabinet. The Council can continue to function lawfully without a Leader through officer decision-making arrangements; however, these arrangements would be exceptional and temporary, designed to ensure continuity rather than to replicate political governance or substitute for a Leader and Cabinet model.

In terms of the wider governance implications relating to operating without a Leader, the Council will provide for the appointment of a Leader to remain a standing item on all future Full Council agendas. An extraordinary meeting may also be called in accordance with CPR 2(2).

With no Leader in place, no Cabinet can be appointed and, consequently, no Cabinet meetings would take place. Pre-decision scrutiny would continue where practicable, although officers would not be able to respond to questions relating to political priorities. Regulatory meetings of Planning, Licensing etc. would continue.

At a regional level, if Kirklees cannot appoint a Leader (and/or Cabinet), Kirklees' positions on Combined Authority decision-making boards would remain vacant; however, they would proceed as normal, continuing to take decisions, including on issues impacting Kirklees.

With regard to Council meetings, certain items of business would not be able to take place in the absence of a Leader and Cabinet, including:

- Holding the Executive to account
- Public questions to Cabinet Members
- Member questions to Cabinet Members

The Leader and Cabinet model underpins the Council's ability to exercise executive functions with clear political accountability. While interim arrangements ensure operational continuity, they are not designed as a long-term solution. If a council is not operating under a clearly established executive governance model for an extended period, there is a potential risk of external concern regarding governance stability and decision-making capacity. In such circumstances, where there is evidence of governance failure or an inability to discharge statutory functions effectively, the Secretary of State, via the Ministry of Housing, Communities and Local Government (MHCLG), has powers to intervene. This can include the

appointment of commissioners to exercise certain functions of the authority to ensure lawful and effective administration.

In light of the above, Members are therefore strongly encouraged to continue discussions — including potential agreements, coalitions, or other arrangements — to secure a Leader who can command the confidence of a majority of Council.

If you require any further procedural advice or clarification ahead of future meetings, please contact me or the Council's Governance Team.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Mawson', written in a cursive style.

Steve Mawson
Chief Executive