

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday, 6 November 2024
Report Subject	Appointment of the Leader of the Council
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Leader of Council resigned over the summer. Whilst a new Leader was appointed at the next available Full Council meeting, the Constitution did not specifically require that to happen. The drafting could therefore be tightened up to specify what needs to happen in such circumstances.

RECOMMENDATIONS

1	<p>That when the Constitution is amended in accordance with the report to require a new Leader to be appointed either:</p> <ol style="list-style-type: none"> 1) at the next available council meeting whenever the office falls vacant, or 2) immediately after the Leader is removed by a motion on notice.
---	---

REPORT DETAILS

1.00	EXPLAINING THE APPOINTMENT OF THE LEADER OF THE COUNCIL
1.01	<p>The rules for appointing the Leader of Council are set out in the Constitution under the business to be transacted at the Annual Meeting (paragraph 4.10.1(v)). The duration of the Leader's term of office is provided for in paragraph 5.3 as follows:</p> <p>"5.3 The Leader will hold office until:</p>

	<p>a) he/she resigns from the office; or</p> <p>b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or</p> <p>c) he/she is no longer a Councillor; or</p> <p>d) the next Annual Meeting of the Council save that the Council may remove the Leader from office at an earlier date but only in the event of a change in political control of the Council.”</p>
1.02	<p>There are two points to note:</p> <ol style="list-style-type: none"> 1) there is no other provision mentioning the appointment of a new Leader (even in the event of the Leader being removed following a notice of motion). 2) the limitation in paragraph 5.3(d) is inconsistent with the rule on dismissal of the Leader by notice of motion (at paragraph 14.10.11)
1.03	<p>It is suggested therefore that paragraph 5.3 should be re-written as follows:</p> <p>“5.3.1 The Leader will hold office until:</p> <ol style="list-style-type: none"> a) he/she resigns from the office; or b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or c) he/she is no longer a Councillor; or d) the next Annual Meeting of the Council (unless dismissed following a notice of motion under council procedure rule 14.10.11.6) <p>5.3.2 In the event that the office of Leader falls vacant pursuant to sub paragraphs 5.3.1 a) or c) above, then a new Leader shall be elected at the next following meeting of Full Council (whether that be an ordinary meeting, or a special meeting called specifically for the purpose)</p> <p>5.3.3 In the event that the office of Leader falls vacant pursuant to council procedure rule 11.6 (Motion to Remove the Leader), then a new Leader shall be elected as the next item of business at the same meeting of Full Council.</p>

2.00	RESOURCE IMPLICATIONS
2.01	None.

--	--

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Following consideration by this committee the issue will need to be appointed to Full Council for adoption as part of the constitution.

4.00	RISK MANAGEMENT
4.01	The risks of making/not making the proposed changes are minimal given that the Council did comply with its duty to appoint a new Leader at the next available Full Council meeting, and would, therefore, presumably do so again in the event that another Leader cease to hold office. However, the proposed changes put the matter beyond doubt.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Annual Meeting – each year the council is required to hold an annual meeting in May to undertake certain items of business specified in legislation and its constitution. Special Meeting – a meeting of the council called to transact specific item(s) of business. The types of business that can be considered at special meetings are limited.