

Committee Name and Date of Committee Meeting

Council – 27 February 2019

Report Title

Local Government and Public Involvement in Health Act 2007 – Election of the Leader of the Council

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The purpose of this report is to consider the election of the Leader of the Council in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.

Recommendations

1. That Councillor Chris Read, as Leader of the Majority Group, be elected as Leader of the Council, in accordance with the provisions of the Local Government and Public Involvement in Health Act and
2. That Article 7.3 of the Constitution be amended to read:-

The Leader will be a councillor elected to the position of Leader by the Council at its annual meeting for a term of four years, to be coterminous with the electoral cycle of whole Council elections.

He or she will hold office until:

- *he or she resigns from the office; or*
- *he or she is no longer a councillor; or*
- *he or she is removed from office by resolution of the Council, whereupon his or her term of office as Leader shall end on the day of that Council meeting.*

List of Appendices Included

None

Background Papers

Local Government and Public Involvement in Health Act 2007

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Local Government and Public Involvement in Health Act 2007 – Election of the Leader of the Council

1. Background

- 1.1 In accordance with the Local Government and Public Involvement in Health Act 2007, under the system of governance used by Rotherham Metropolitan Borough Council, it is a requirement to elect the Leader of the Council for a four year term of office. The present Leader of the Council, Councillor Chris Read, was elected to this position on 4 March 2015.

2. Key Issues

- 2.1 As the current term of office of the Leader of the Council is due to expire on 4 March 2019, it is necessary to vote to ensure that the office of Leader is filled. The political balance of the Council is presently:-

Labour	48 Members
UK Independence Party	13 Members
Non-aligned (1 Independent and 1 Liberal Democrat)	2 Members

- 2.2 The convention in English local government is for the leader of the largest political group to be elected as Leader of the Council. At its annual meeting on 23 May 2018, the Council noted that Councillor Chris Read was leader of the Labour Group, the largest political group on the Council. On this basis, it is recommended that Councillor Chris Read be elected as Leader of the Council in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007.
- 2.3 After the move to whole Council elections, it is recommended that the Constitution be amended to reflect the need to appoint a Leader for a four year term of office from the date of the first “Business” Annual Meeting after an election. This will ensure that the term of office is coterminous with the electoral cycle.

3. Options considered and recommended proposal

- 3.1 The Council is required to appoint a Leader, in accordance with the Local Government and Public Involvement in Health Act 2007 and the provisions of the authority’s constitution. It is recommended that the leader of the largest political group be appointed as Leader of the Council.
- 3.2 It is also recommended that the Constitution be amended to reflect the need to appoint a Leader of the Council at the first “Business” Annual Meeting after an election. The proposed wording for Article 7.3 is set out below:-

The Leader will be a councillor elected to the position of Leader by the Council at its annual meeting for a term of four years, to be coterminous with the electoral cycle of whole Council elections.

He or she will hold office until:

- *he or she resigns from the office; or*

- *he or she is no longer a councillor; or*
- *he or she is removed from office by resolution of the Council, whereupon his or her term of office as Leader shall end on the day of that Council meeting*

4. Timetable and Accountability for Implementing this Decision

- 4.1 Subject to the decision of the Council, the appointment of a Leader will be effective immediately. The proposed change to the Constitution would take effect immediately.
- 4.2 The Head of Democratic Services will be accountable for the implementation of the decision of the Council in respect of the amendment to Article 7.3 of the Constitution.

5. Financial and Procurement Advice and Implications

- 5.1 There are no financial implications arising from this report.
- 5.2 There are no procurement implications arising from this report.

6. Legal Advice and Implications

- 6.1 The Council is required to comply with the provisions own constitution and those within the Local Government and Public Involvement in Health Act 2007. The recommendations to appoint a Leader and amend the Constitution ensure compliance in respect of both issues.

7. Human Resources Advice and Implications

- 7.1 There are no human resources implications arising from this report.

8. Implications for Children and Young People and Vulnerable Adults

- 8.1 There are no implications for children and young people or vulnerable adults arising from this report.

9. Equalities and Human Rights Advice and Implications

- 9.1 There are no equalities or human rights implications arising from this report.

10. Implications for Partners

- 10.1 There are no implications for partners arising from this report.

11. Risks and Mitigation

- 11.1 The recommendations within this report are proposed to mitigate risks associated with governance.

12. Accountable Officer(s)

James McLaughlin, Head of Democratic Services