

Committee Name and Date of Committee Meeting

Council – 26 May 2021

Report Title

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

Jo Brown, 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 an appointment be made to the position of Leader of the Council, in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007.

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

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 an Executive Leader of the Council for a four-year term of office in alignment to election cycles.
- 1.2 The Council has adopted a “strong” Leader and Cabinet form of Executive. The Executive will carry out all of the Authority’s functions that are not the responsibility of any other part of the Authority, whether by law or under the Constitution.
- 1.3 At the Council meeting of 27th February 2019, it was resolved that 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.
- 1.4 However, in 2020 as a result of the Coronavirus Pandemic, the Government postponed the elections until 2021 and extended the term of office for councillors by a year. In order to align with the previous four year cycle the current term of office will be for only three years. The cycle will then return to being every four years.

2. Key Issues

- 2.1 The Authority’s Constitution further provides that the elected Leader will hold office until the day of the first annual meeting of the Council held after the expiry of their term of office as a councillor following the elections.
- 2.2 There is therefore a requirement at today’s Annual Council meeting that the office of Leader is filled for a three year period.
- 2.3 The political balance of the Council is presently:

Labour	32 Members
Conservative	20 Members
Liberal Democrats	3 Members
Rotherham Democratic Party	3 Members
Non-aligned (1 Independent)	1 Member

It is for the Council to decide who to appoint as the Leader from amongst its Members, but it is a legislative requirement that a Leader be appointed.

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 an appointment be made to the position of Leader of the Council.

- 3.2 In adopting the provisions of this act in February 2019, the Constitution was 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 agreed was:

The Leader will be a councillor elected to the position of Leader by the Council at its annual meeting in 2021 for a term of three years, or until the day of the first annual meeting of the Council held after the expiry of their term of office as a councillor, if the latter is a shorter period. 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

Subject to the decision of the Council, the appointment of a Leader will be effective immediately for a period of three years or until the date of the Annual Council meeting following the expiry of their term of office whichever is the shorter period.

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 within its 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)

Craig Tyler, Head of Democratic Services