

# Report to Council

**7 December 2021**

<b>Subject:</b>	Election of Leader of the Council
<b>Director:</b>	Director of Law and Governance and Monitoring Officer – Surjit Tour
<b>Contact Officer:</b>	Trisha Newton Senior Democratic Services Officer Trisha_newton@sandwell.gov.uk

## 1 Recommendations

That Council:







- (1) elects an Elected Member as Leader of the Council, for a four year term of office, or for the remainder of their current term of office as councillor, subject to that person remaining as an elected member of the Council or otherwise not having been removed from office by a decision of the Council or resigned as leader, with immediate effect pursuant to the Local Government Act 2000 (as amended) and Articles 4.02(d) and 7.03 of the Council's Constitution; and
- (2) That subject to (1) above, requests the duly elected Leader of the Council to:
  - a) confirm the Statutory Deputy Leader of the Council pursuant to Article 7.04 of the Constitution;
  - b) confirm the Cabinet Members pursuant to Article 7.06 of the Constitution;
  - c) confirm the Cabinet Portfolios pursuant to Article 7.06 of the Constitution.



## 2 Reasons for Recommendations

- 2.1 To elect the Leader of the Council with immediate effect in accordance with the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011) and Articles 4.03(d) and 7.03 of the Council's Constitution.
- 2.2 Under the Local Government Act 2000 (as amended) and Article 7.03 of the Council's Constitution, the appointed Leader will hold office (subject to specific caveats detailed within Article 7.03) for four years or until his/her term of office as Councillor expires, if this is less than four years.
- 2.3 Subject to the election of the Leader of the Council, the duly elected Leader is statutorily required to appoint a Deputy Leader of the Council.
- 2.4 The Leader of the Council has the discretion to appoint up to nine Cabinet Members (which includes the Deputy Leader of the Council) and to determine their portfolios.
- 2.5 The Leader of the Council will therefore be invited to confirm the:
  - Statutory Deputy Leader of the Council; and
  - Cabinet Members and their Portfolios.

## 3 How does this deliver objectives of the Corporate Plan?

		All executive functions vest in the Leader of the Council, who together with Cabinet Members, the Cabinet and officers discharge those functions. Vision 2030 will influence and help determine how those executive functions will be discharged.
		
		



## 4 Context and Key Issues

4.1 The Local Government Act 2000, when it came into force, required almost all principal local authorities to adopt “executive arrangements” in one of three forms, namely:-

Mayor and Cabinet Executive;  
Leader and Cabinet Executive; or  
Mayor and Council Manager.

4.2 In England, Part 3 of the Local Government and Public Involvement in Health Act 2007 abolished the ‘Mayor and Council Manager’ model of governance and amended Section 11 of the Local Government Act 2000 to replace the ‘Leader and Cabinet Executive’ model with the ‘Leader and Cabinet Executive (England)’ model.

4.3 The Local Government and Public Involvement in Health Act 2007, required Metropolitan Borough Councils to approve a move to a new form of executive arrangement by 31 December 2009.

4.4 The Council’s revised governance arrangements were considered and approved by Full Council at its meeting on 1 December 2009, and the arrangements subsequently came into force on 6 May 2010, three days after the May 2010 Local Elections.

4.5 Further subsequent amendments to the executive model of governance were made by the Localism Act 2011.

4.6 Under the current Leader and Cabinet Executive (England) model, Full Council elects the Leader of the Council; however, the Leader is responsible for: -

- determining the membership size of the Cabinet (which can be between 3 and 10 excluding the Statutory Deputy Leader);
- appointing the Members of the Cabinet;
- allocating portfolios or areas of responsibility to the Cabinet Members, Cabinet, Committees of the Cabinet, and/or officers;



- allocating decision-making powers to the Cabinet and to individual Cabinet Members, Cabinet, Committees of Cabinet and officers; and
- removing and replacing Cabinet Members.

### **Cabinet Members**

- 4.7 Article 7.06 of the Constitution provides that Cabinet Members are appointed by the Leader of the Council and will hold that office until he/she is removed by the Leader or resigns, is suspended, or ceases to be a councillor. The Leader of the Council will advise the Council at the meeting of any appointments he/she intends to make.
- 4.8 Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) details the information relating to each Cabinet Member that must be submitted to the Annual Meeting of the Council (ie name, address and ward).
- 4.9 Article 7.08 of the Constitution requires the Leader of the Council to maintain a list of which member of the Cabinet is responsible for the exercise of a particular executive function.

Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) requires the executive leader to submit a written record of the delegations to Cabinet Members to the Annual Meeting of the Council, i.e. the Executive Portfolios. The allocation of portfolio responsibilities is the sole responsibility of the Leader of the Council.

## **5 Alternative Options**

- 5.1 In the absence of a new Leader of the Council being elected, under the Local Government Act 2000 (as amended) and Article 7.04 of the Constitution, the Deputy Leader of the Council must act in the place of the Leader of the Council.



## 6 Implications

<b>Resources:</b>	There are no strategic resource implications arising from this report. The Council has in place an approved Members' Allowances Scheme.
<b>Legal and Governance:</b>	These considerations are set out in the main body of the report.
<b>Risk:</b>	The Council is legally required to elect a Leader of the Council. In the absence of a new Leader of the Council being elected, the Deputy Leader must act.
<b>Equality:</b>	There is no requirement for an equality assessment. However, any Elected Member is eligible to be nominated as Leader of the Council. The Council has appropriate policies, procedures and practices in place to enable any Elected Member to be nominated and be supported in the role of Leader of the Council.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no social value implications arising from this report.

## 7. Appendices

None. Details of the Statutory Deputy Leader of the Council, Cabinet Members and Cabinet Portfolios will be provided at the meeting.

## 8. Background Papers

None.

