

# Election of Leader of the Council and appointment of Deputy Leader and Executive

## REPORT TO FULL COUNCIL



DATE	19/05/2021
PORTFOLIO	None
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## PURPOSE

1. Following the resignation of the Leader of the Council, to consider the election of a new Leader of the Council from 2021/22 and note the new Leader's appointment of Deputy Leader and the Executive, in accordance with the Constitution and legislative arrangements.

## RECOMMENDATION

2. The Council is asked to:
  - (1) Elect the Leader of the Council for 4 years up to the date of the next Appointments Council after the resignation of the Leader, in accordance with the Constitution and legislative requirements in relation to the arrangements for Leader of the Council (Appendix 1); and
  - (2) Note the Leader's appointment of the Deputy Leader and the Executive as set out in Appendix 2 (to be circulated at the meeting) and, if relevant, detailed remits of the Executive portfolios (Appendix 3 – to be circulated before, at , or as soon as practicable after the meeting , as set out in Paragraph 8(ii) of this report).

## REASONS FOR RECOMMENDATION

3. To enable the Council to appoint the Leader and note the Leader's appointment of the Deputy Leader and the Executive according to the Council's constitution and legislative requirements.

## SUMMARY OF KEY POINTS

4. Due to legislative changes the Council now has the ability to determine the period for which a Leader may be appointed, and on 20<sup>th</sup> May 2015 Council determined that the appointment will be for a period of 4 years up to the date of the Appointments Council following the end of the 4 year term (see Appendix 1 -Article 7.03 of the constitution).

5. Cllr Mark Townsend was elected Leader of the Council on 29<sup>th</sup> September 2020. However Cllr Townsend has conditionally resigned as Leader of the Council on 19<sup>th</sup> May 2021 in order to take up the position of Mayor of the Borough, bringing to an end his term of office as paragraph 7.03 (a) of Part 2 (Articles) of the Council's Constitution (Appendix 1).

The Council Procedure Rules state that following the end of the Leader's term of office then the Council will elect a new Leader as soon as is reasonably practicable, and that the Leader will then appoint between 2 and 9 members to the Executive one of whom will be appointed by the Leader to act as Deputy Leader.

**Populated Appendix 2 detailing the Executive Members (to be confirmed at/via Group Leaders) will be circulated at the Council meeting following the election of the Leader.**

**Appendix 3 detailing the current detailed remits of Executive Portfolios (191120) is attached.**

6. Part 4.4 paragraph 1.2 of the Constitution further sets out the rules to be followed regarding the appointment of the Executive and delegations by the Leader.

"Appointments and delegation by Leader;

(a) At the Appointments Meeting of the Council, the Leader will present to the Council the names of the Members appointed to the Executive by the Leader (including the Executive Member who is appointed as the Deputy Leader) and their Portfolios.

(b) Either at the Appointments Council Meeting or as soon as practicable afterwards, the Leader will present to the Head of Legal and Democratic Services a written record of;

(i) the detailed remits of the Portfolios of the Executive Members

(ii) any delegations made by the Leader in respect of the discharge of the Council's executive functions." i.e. Part 3 of the constitution.

Part 2 Article 7.04 of the constitution further sets out practical arrangements for the appointment of the Deputy Leader and Executive Members, as follows;

"The Leader will appoint one of the Members of the Executive to act as Deputy Leader. The Leader must give written notice of such appointment to both the person who he/she is appointing as Deputy Leader and the Head of Legal and Democratic Services.

The appointment of the Deputy Leader will take effect on receipt of the Leader's written notice by both the person who the Leader is appointing as Deputy Leader and the Head of Chief Executive's Office.

The Head of Legal and Democratic Services will keep a written record of the appointment of the Deputy Leader, and the Leader will report the appointment to Council and the Executive at the earliest opportunity".

7. **It is anticipated that a Group Leaders meeting will have taken place in advance of Appointments Council meeting to discuss both the election of Leader and**

**appointment of Deputy Leader and Executive Members, which will then enable consequent appointment of Committees, Chairs/Vice-Chairs, and Outside Body appointments at the Appointments Council.**

8. Issues arising

- (a) As referred to in paragraph 6 above once a Leader is elected by the Council the Leader must give notice in writing to the Deputy Leader and Executive Members of their appointments – this should take place immediately before Council is informed of their appointments.

It is proposed;

- (i) That at the Council meeting, once the Leader has been elected, the Leader circulates the letters of appointment to the Deputy Leader and the Executive Members to give effect to their appointments, and that the Council are then informed of the appointments by circulation of a finalised version of Appendix 2
- (ii) That a written record of the detailed remits of the Executive portfolios be presented either at the Appointments Council (Appendix 3) or to the Head of Legal and Democratic Services as soon as practicable after the Appointments Council.

<b>FINANCIAL IMPLICATIONS AND BUDGET PROVISION</b>
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9. None

<b>POLICY IMPLICATIONS</b>
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10. None

<b>DETAILS OF CONSULTATION</b>
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11. Management Team, Group Leaders.

<b>BACKGROUND PAPERS</b>
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12. None

<b>FURTHER INFORMATION</b>
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**PLEASE CONTACT:** Catherine Waudby

**ALSO:**

### 7.03 Leader

The Leader will be a Member elected to the position of leader by the Council. The Leader's term of office will end on the day when the Council holds its first Appointment Council Meeting after the Leader's normal day of retirement as a Member, unless:

- (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 Member; or
- (d) he/she is removed by resolution of Council provided that no such resolution may be moved unless a Notice of Motion is delivered to the Head of Legal and Democratic Services not later than 7 days before the meeting at which it is to be debated, and signed by one third of the Members (for the time being) of the Council (which will also meet signing requirements in Part 4.1 Council Procedure Rule 15 Previous Decisions and Motions), and that this particular Motion be exempt from Council Procedure Rule 22 relating to waiving of Standing Orders

### Conditional Resignation from Cllr Townsend-For Information Only

**From:** Councillor Mark Townsend <MTownsend@burnley.gov.uk>

**Sent:** Tuesday, April 20, 2021 11:15:20 AM

**To:** Mick Cartledge <MCartledge@burnley.gov.uk>; Lukman Patel <LPatel@burnley.gov.uk>

**Subject:** Mayor 2021/22

Mick / Lukman,

Following the Full Council decision to make me Mayor elect for municipal year 2021/22 I can confirm that I will resign as Leader of the Council with immediate effect on the appointment being confirmed at the Annual Council.

Regards

Mark Townsend  
Leader of Burnley Council  
Councillor Mark Townsend  
Burnley Borough Council