NOTICE OF MOTION RELATING TO ELECTION OF LEADER OF COUNCIL

Corporate Governance Committee on 17 November 2014 considered a report by the Monitoring Officer/Acting Head of Legal and Committee Services arising out of a Notice of Motion submitted by Councillor Jacob Williams which had been referred to the Committee for consideration and report back to Council for determination; such Motion being in the following terms:

That the Authority’s existing Constitution is amended so that the position of ‘Council Leader’ will be elected every year by a majority vote of Councillors at the AGM, and that nominations for the Leader post can be made during the AGM without any requirement for due notice to be provided.

Furthermore, the Council agrees that, following discussion of this proposal at Corporate Governance Committee, this Notice of Motion will be referred back to the December (or soonest) full Council meeting, and not to the Constitutional Issues Working Group or any other Committee, Sub-Committee or Panel.

Councillor Williams’ written submission in support of his Notice of Motion is attached as an Appendix.

In considering the matter, the Committee noted the following:

- The Constitution provided for the Leader of Council to be elected at a meeting of Council (Procedure Rule 7). Procedure Rule 1(f) provided that the Annual Meeting of the Council may elect the Leader (if there was a vacancy) – usually after a local government election - but there was no prohibition on a Leader being replaced by a resolution of Council passed by a simple majority of Members present at the meeting.

- The Model Constitution proposed that a motion to remove a Leader must be signed by 15% of the Members from at least two political groups; must be supported by two-thirds of Members present at the meeting, but the Leader could only be subject to such a motion once in any 12 month period.

- For comparison purposes, Ceredigion County Council elected the Leader at the First Annual Council for the duration of the Council term and could only be removed from post by a resolution supported by 75% of the Members present at the meeting. Whereas, Neath Port Talbot
County Borough Council elected the Leader annually at its Annual Meeting.

- The current Constitution allowed for the action proposed by the Notice of Motion, subject to a Member submitting a Notice of Motion nominating a Leader. Furthermore, it provided even further flexibility in the election of a Leader. However, the ability to consider any matter without any requirement for due notice to be provided was precluded by Section 100B(4) of the Local Government Act 1972.

- It was noted that Councillor Williams believed it would be improper for the report to conclude with a recommendation; but in view of the information contained in the report, it appeared appropriate to do so.

Councillor Jacob Williams spoke in support of his Notice of Motion and he pointed out that the purpose of the Motion was to include a standing item on the Agenda of the Annual Meeting of Council for the election of Leader; and, also, that nominations could be provided without notice, as was the case for appointing Chairmen of Regulatory and Overview and Scrutiny Committees at the Annual Meeting of Council.

The effect would be that the Leader would only hold office from an Annual Meeting to the commencement of the next Annual Meeting. It is possible that changes in the membership of a political group or a coalition may require the election of a Leader to be considered at another meeting of Council.

The Committee’s attention was drawn to paragraph 7.03 of Article 7, Part 2 which stated that Procedure Rule 7 of Part 4 of the Constitution would govern the procedure in respect of the election of Leader. Procedure Rule 7 requires that a nomination for Leader is received by the Chief Executive prior to the publication of the agenda. The Monitoring Officer advised the Committee of the consequence of the incumbent Leader not being re-elected and no alternative nomination being put forward and the difficulties this would cause to the functioning of the Authority.

The Leader of Council pointed out that the role of Leader was not taken on with the expectation that it would only be for the duration of 12 months given that it took time to form trusting relationships with Welsh Government, Inspectorates and the like. Furthermore, he considered that changing the Leader on an annual basis would be problematic and damaging to the functioning of the Authority.

Some Members considered that it was democratic and not unreasonable for an annual election to take place and pointed out that it was highly unlikely that there would be any change annually.

Councillor Jacob Williams stated that he was not seeking the removal of the Leader, but he considered that the principle of an annual election would be more conducive to providing confidence to Members of Council by electing the Leader of Council annually and for the Leader to have the opportunity to provide an annual mandate for his re-election.
The Committee’s Decision was to make the recommendation as set out below.

RECOMMENDATION:

That Council be recommended that the Notice of Motion be not adopted, as sufficient flexibility exists within the present Constitution for the election of Leader.

Background Documents: The Constitution
Supporting Submission - Notice of Motion relating to Election of Leader of Council

My proposal will make it possible for a mandate for the council’s leadership to be established every municipal year. This is an improvement over the current situation whereby the leader is elected following a general election of councillors with no facility for council to re-elect a leader or for an incumbent leader to be challenged at any point in-between the current term of office and the next.

No council leader in Wales is directly-elected by the public, so leaders should have no claim to a full term in the leadership position for the full length of the council term, just because they were elected by a majority of council following the previous election. I find this idea grossly undemocratic. My proposal for a contemporaneous leadership mandate from councillors will be achieved at no additional cost or burden and will result in a positive change which would better reflect the vision of all sixty councillors, who are directly accountable to the public.

Should my proposal be adopted, if only one candidate puts themselves forward or a leadership election results in no change of leadership, the mandate granted to the leader will be up-to-date, rather than several years old. This would be a positive change.

Similarly, if the leadership election at an AGM results in an incumbent leader being defeated, it will demonstrate that the incumbent had insufficient support from councillors to lead, and a fresh mandate will be issued to a new leader. This is a positive change because under the current system there is no way for a leader to be challenged and the council would otherwise continue to be led by a councillor with less confidence/support than a challenger who was unable to contest the leadership post if they wanted to.

I await with interest to hear how any arguments could be framed to the contrary by councillors, or how my proposal could be seen to do anything other than improve the democracy of the council and its governance.

I don’t know which officer of the authority will compile a report on my proposal, however I would like to use this supporting statement to say that I believe it would be improper for the report to conclude with either a recommendation in favour of approval or of refusal.

Councillor Jacob Williams