

COUNCIL

19 July 2023

Report of the Democracy and General Purposes Committee held on 21 June 2023 – Amendment to the Constitution

Timetable	
<i>Meeting</i>	<i>Date</i>
Democracy & General Purposes Committee	21 June 2023
Council	19 July 2023

Wards affected	All.
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Executive Summary

This report outlines a proposed amendment to the constitution to introduce a procedure for the removal of the Leader.

This report makes the following recommendations to the Council:

That the amendment to part A2, 7.2 The Leader, as set out in point 1.2 Option 1 of this report, be approved.

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1. REASONS FOR RECOMMENDATION

1.1 It has come to Officer and Member attention during the preparations for the Annual Meeting that the constitution, whilst meeting the legal requirements for the removal of the Leader, does not contain a specific provision to enable the removal of the Leader should Councillors wish to pursue this. The Local Government Act 2000 states that:

'9IA - Executive arrangements by a local authority which provide for a leader and cabinet executive (England) must include provision for the council to remove the executive leader by resolution.'

Democracy and General Purposes Committee considered a report setting out an amendment to put in place a specific provision for the removal of the Leader setting out that this should be a motion on notice, signed by at least two Members.

1.2 The amendment proposed to the constitution is set out in bold and italics at the end of Rule 7.2 in Part A2 (Option 1):

Part A2

7.2. The Leader

7.2.1. The Leader will be a Member elected to the position of Leader by the Council.

7.2.2. The Leader will hold office until:

- (a) They resign from office; or
- (b) They are no longer a Member; or
- (c) The earlier of: -
 - (i) The fourth Annual Meeting following their election, or
 - (ii) The Annual Meeting following Whole Council Elections

save that the Leader may be removed from Office at an earlier date by resolution of the Council, ***pursuant to a notice of Motion signed by at least two members of the council. Notice of the proposed motion must be given in writing to the proper Officer at least six clear working days prior to the meeting. The motion shall take precedence over other items of business.***

2. ALTERNATIVES CONSIDERED AND WHY NOT RECOMMENDED

2.1 The Democracy and General Purposes Committee was informed of the following alternative options, but chose to recommend the changes outlined in point 1.2 of the report to the Council:

Alternatives considered:

Option 2 - To retain the present wording and make no amendment. This is not recommended as the constitution does not contain clear provision for the removal of the Leader.

Option 3 – To Recommend different wording to Council to set out how the provision may be enacted.

3. REPORT APPENDICES

None.

4. BACKGROUND PAPERS

Agenda and Minutes of the Democracy and General Purposes Committee Meeting held on 19 July 2023:

[Your Councillors – Maidstone Borough Council](#)