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## **NOTICE OF MOTION – LEADER OF THE COUNCIL**

To: **Council – 8 December 2011**

By: **Corporate & Regulatory Services Manager and Monitoring Officer**

Classification: **Unrestricted**

Ward: **All Wards**

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**Summary:** **To consider a Notice of Motion submitted in relation to the Leader of the Council**

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1. Council Procedure Rule No. 16 governs the process for motions on notice being submitted to Council.
- 1.2.1 The following motion on notice has been received from Councillor Hart in accordance with that Rule::

“Council resolves that Cllr Bayford be removed from the Office of Leader of the Council and that a new Leader be appointed”

#### **2.0 Options**

- 2.1 To debate the motion
- 2.2 Not to debate the motion

#### **3.0 Corporate Implications**

##### **3.1 Financial**

- 3.1.1 None at this stage

##### **3.2 Legal**

- 3.2.1 Council Procedure Rule 16.3 states that, if seconded, a motion on notice will stand referred without discussion to the Cabinet or appropriate Committee for determination or report, unless the Council decides to debate the motion in accordance with Council Procedure Rule 19 (rules of debate). As the Leader can only be removed from office by a resolution of full Council, this means that if Council does not agree to debate the motion, the motion will fall at that point.
- 3.2.2 If Council agrees to debate the motion and the motion is subsequently carried, Article 7.04 of the Constitution requires Council to proceed to elect a new Leader. The election of a new Leader will be conducted in accordance with the requirements of Council Procedure Rule 21.6 (voting on appointments). Any new Leader would hold office for the

unexpired residue of the term of office of the previous Leader, i.e. to the date of the Annual Meeting of Council in 2015, subject to the removal power of full Council.

- 3.2.3 Article 7.05 provides that upon election, the Leader will appoint a Councillor to the office of Deputy Leader with full power to act in the absence of the Leader. Consequently if a new Leader is elected and does not intend to confirm the continuation in office of the current Deputy Leader, it will be necessary for the new Leader to first remove the current Deputy Leader from office in accordance with the requirements of Article 7.05. This will conclude all the issues that cannot be postponed to a further meeting of Council or dealt with by the new Leader under executive powers. Council is entitled to be informed at the next ordinary meeting of Council of the final composition of the Cabinet, including the allocation of portfolio responsibilities.

### **3.3 Corporate**

- 3.3.1 Council Procedure Rule 16 provides the opportunity for Councillors to give advance notice of motions to be put to Council. Article 7 of the Constitution deals with the election and removal from office of the Leader.

### **3.4 Equity and Equalities**

- 3.4.1 None arising at this stage.

### **4.0 Recommendation**

- 4.1 Council is invited to consider whether or not to debate the motion.

### **5.0 Decision Making Process**

- 5.1 Article 7 of the Constitution provides that the Leader can be removed from office by a resolution of full Council.

Contact Officer:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer
Reporting to:	Sue McGonigal, Chief Executive and S.151 Officer

### ***Annex List***

None	
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### ***Background Papers***

Title	Details of where to access copy
None	

### ***Corporate Consultation Undertaken***

Finance	n/a
Legal	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005