



ANNUAL COUNCIL: 17 MAY 2023

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**Report of:** Chief Operating Officer

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**SUBJECT: ELECTION OF THE LEADER, THE LEADER'S APPOINTMENT OF THE DEPUTY LEADER AND CABINET, AND 'PROPER OFFICER PROVISIONS AND SCHEMES OF DELEGATION'**

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Borough-wide interest

## **1.0 PURPOSE OF THE REPORT**

1.1 To elect the Leader of the Council until the Annual Meeting in 2024, to note the Leader's appointment of a Deputy Leader for the same term and of Cabinet for the Municipal Year 2023/24, and to confirm/note the 'Proper Officer Provisions and Schemes of Delegation'.

## **2.0 RECOMMENDATIONS**

- 2.1 That a Councillor be elected as the Leader of the Council for a term of office expiring on the date of the Annual meeting in 2024.
- 2.2 That the Member appointed by the Leader as Deputy Leader for the same term of office, and the Members appointed by the Leader as Members of the Cabinet for 2023/24, with the Portfolios identified by the Leader, set out in the Appendix to the report, be noted.
- 2.3 That the 'Proper Officer Provisions and Scheme of Delegation to Chief Officers', insofar as they are Council functions be confirmed and insofar as they are Cabinet functions it be noted that the Leader has delegated these to the officers stated therein.
- 2.4 That the Leader's Scheme of Delegation to Cabinet members, be updated to reflect the Portfolios/Portfolio Holders now appointed.
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## **3.0 BACKGROUND**

3.1 The Council has been operating executive arrangements under the Local Government Act 2000 since May 2002. The Council's Constitution was first

adopted at that time and continues to be updated to take account of changes since then. On 15 December 2010 the Council resolved to change its executive arrangements from May 2011, as required by the Local Government Public Involvement in Health Act 2007, and adopt the Leader and Cabinet Executive (England) model.

- 3.2 The Localism Act 2011 altered the local governance arrangements in the Local Government Act 2000. The key points were that the Leader and Cabinet Executive arrangements kept the Strong Leader features, but the Council could move to the Committee system, if it wished, with one or more overview and scrutiny committees, but this was not obligatory. The legal requirement for the Leader to be elected for a 4-year term was removed and the Council returned to a 12-month term of office for the Leader.
- 3.3 The Council should therefore elect a Leader of the Council until the day of the next Annual Meeting. The election will be by direct ballot. If there is more than one nomination, an election will take place. 1 vote in favour for 1 nominated person. If there are more than two people nominated and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The Leader remains a member of the Council until the next Annual Council meeting unless he/she resigns from the office of Leader; is disqualified from being a Councillor; or the Council so resolve. This provision would be applicable in circumstances such as the Leader wishing to step down, political change or the Council wishing to remove a Leader from office.
- 3.4 The Leader determines the size of the Cabinet, appoints the Deputy Leader for the same term as their own and appoints Members of the Cabinet and allocates portfolios or areas of responsibility to the various Cabinet Members. The Leader also allocates decision-making powers to the Cabinet and individual Cabinet Members and is responsible for removing and replacing Cabinet Members. In addition, it is the Leader who approves the Scheme of Delegation of executive (Cabinet) powers to officers. Under the Local Government Act 2000, the Cabinet is to consist of the Leader, together with at least 2, but not more than 9 Councillors. The executive cannot be the chairman or vice-chairman of the authority.
- 3.5 From May 2024 the Council will operate a Committee system. There will still be a requirement to appoint a Leader although they will have no formal legal powers and duties vested in them under the Local Government Act 1972 or the Local Government Act 2000. However, in practice, all local authorities need to appoint a Leader and the Leader will hold the most significant elected Member role within the Council. The Council's Leader will be the political/elected head, the focus for policy direction and community development and the chief advocate and ambassador for the Borough.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Appropriate resources are in place to provide support for the current political management system. The Leader, Deputy Leader and Members of the Cabinet receive a Special Responsibility Allowance, as approved at the budget Council meeting held in February.

## **5.0 SUSTAINABILITY IMPLICATIONS**

5.1 The Local Government Act 2000 and supporting legislation and guidance requires the Council to maintain a Constitution setting out the working rules and procedures of the Council.

## **6.0 RISK ASSESSMENT**

6.1 Appointing the Leader at the Annual meeting ensures that the Council meets its statutory responsibilities.

## **7.0 HEALTH AND WELLBEING IMPLICATIONS**

7.1 There are no health and wellbeing implications arising from this report.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices:**

Constitution 4.1A – Membership of the Cabinet (To follow)

Constitution 4.2 Proper Officer Provisions and Scheme of Delegation to Chief Officers:  
[Constitution - West Lancashire Borough Council \(westlancs.gov.uk\)](http://westlancs.gov.uk)