



**PROCEDURE FOR THE REMOVAL OF THE EXECUTIVE LEADER**

**SUMMARY**

- 1.1 At its meeting on 30 March, Council agreed changes to the Council Constitution to bring into effect the Executive Leader model of governance from May 2011.
- 1.2 An amendment was carried requesting that the Governance Committee consider and recommend a procedure to cover events where the Executive Leader could be removed from office.
- 1.3 A proposed procedure is included as Appendix 2 for consideration by the committee.

**RECOMMENDATION**

- 2.1 To consider the draft procedure attached as Appendix 2 and decide whether to recommend it, with or without amendment, to Council.

**REASONS FOR RECOMMENDATION**

- 3.1 The comply with the Council resolution passed on 30 March 2011.

**OTHER OPTIONS CONSIDERED**

- 4.1 There is no requirement to approve such a procedure, but to not do so would leave the Council in an unstable position in the event of a change of political control.

**This report has been approved by the following officers:**

<b>Legal officer</b>	Stuart Leslie
<b>Financial officer</b>	Not applicable
<b>Human Resources officer</b>	Not applicable
<b>Service Director(s)</b>	Stuart Leslie
<b>Other(s)</b>	Phil O'Brien

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<b>Background papers:</b>	None

**List of appendices:**

Appendix 1 – Implications  
Appendix 2 – Proposed procedure

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

1.1 Not applicable.

**Legal**

2.1 The 'Strong Leader' arrangements were introduced by the Local Government and Public Involvement in Health Act 2007 and were implemented from May 2007.

**Personnel**

3.1 Not applicable.

**Equalities Impact**

4.1 Not applicable.

**Health and Safety**

5.1 Not applicable.

**Environmental Sustainability**

6.1 Not applicable.

**Asset Management**

7.1 Not applicable.

**Risk Management**

8.1 Not applicable.

**Corporate objectives and priorities for change**

9.1 Not applicable.



## DRAFT PROTOCOL ON THE REMOVAL OF THE LEADER OF THE COUNCIL

### Introduction

1. The 'Strong Leader' model of constitutional governance was introduced by the Local Government and Public Involvement in Health Act 2007. Under these arrangements, implemented by Derby City Council from May 2011, the Leader of the Council is elected by the Full Council for a four-year term of office, subject to certain conditions. The Leader then appoints his/her Council Cabinet, one of whom is designated as Deputy Leader.
2. The 2007 Act specifies conditions under which the Leader ceases to hold office before his/her four-year term of office ends. These conditions have been incorporated in Article 7 of the Council's Constitution and read as follows:  
  
'The Leader will hold office for four years or until:
  - a) s/he resigns from the office; or
  - b) s/he is suspended from being a councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
  - c) his/her term of office as a councillor expires; or
  - d) s/he is no longer a councillor; or
  - e) s/he is removed from office by the full Council.'
3. The Deputy Leader and other Council Cabinet members also hold office for four years or until:
  - a) they resign from the office; or
  - b) they are suspended from being a councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
  - c) their term of office as a councillor expires; or
  - d) they are no longer a councillor; or
  - e) they are removed from office by the Leader; or
  - f) the Leader is removed from office.
4. This protocol aims to guide the Council on the circumstances under which it may seek to pass a resolution to remove the Leader under paragraph 2 e) above.

### The Protocol

5. Any motion to remove the Leader must be submitted to the Director of Legal and Democratic Services in accordance with Council Procedure Rule CP36. The Notice of Motion must be signed by at least one third of the members of the Council.

6. A Notice of Motion to remove the Leader must not be submitted where the Leader is absent on short-term sickness or other leave. In these circumstances, the Deputy Leader will act on the Leader's behalf.
7. The circumstances where it would be appropriate to submit a Notice of Motion to remove the Leader could include:
  - a) Where the Leader is absent and is not carrying out his/her duties on a long-term basis due to sickness or some other reason, but has not resigned.
  - b) Where the Leader has lost the confidence of a majority of the Council. This view would be expressed if a motion of no confidence in the Leader is passed by the full Council.
  - c) Where there is a change of political control of the Council. This could occur where a political group gains an overall majority of seats on the Council, or a coalition or alliance of political groups breaks down.
  - d) Where the Leader is convicted of a criminal offence, or fails to declare a previous conviction, which would make him/her unfit to hold the office of Leader.
  - e) Where the Leader is judged to have seriously breached the Council's Code of Conduct. (Note this circumstance will depend upon any change to the standards regime).

## **Review**

8. This protocol will be reviewed by Council as necessary in the light of experience.