

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	25 MARCH 2013	

## LEADER OF THE COUNCIL

### Public/Exempt item

This item is for consideration in the public part of the meeting.

### Urgency Powers

The Local Government Act 1972, in paragraph 4 (5) of schedule 12 provides that, except in the case of business required by, or under, this or any other Act to be transacted at the annual meeting of a principal council, and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons.

The only exception to this would be where business required by law to be done was inadvertently omitted from an agenda (as it has been purported that this matter extends to by an omission of the matter on the May 2011 Annual Council meeting agenda). Political Group Leaders have been consulted on this matter and have agreed that they would accept the use of urgency powers in this matter in order to deal and close this matter even though it was not specified on the agenda. In view of this, the Mayor has indicated her consent that she is willing to add this matter to the agenda.

### Summary

The report outlines the Leader's intent to hold a vote to confirm the Executive Leader of the Council although this it is the advice of the Council's solicitor this is not required until May 2014.

### Recommendation/s

1. That the council votes to confirm Councillor David Eaves, as Executive Leader of the Council, and for the avoidance of doubt, that previous decisions of the Leader, or those acting under powers delegated by his office since May 23<sup>rd</sup> 2011, be endorsed.

Continued....

## Cabinet Portfolio

The item falls within the following cabinet portfolio[s]: Finance and governance: (Councillor Karen Buckley).

### Report

#### Background

1. Information recently presented to the Council has claimed that the position of the leader of the council has not been formally endorsed in accordance with applicable legislation. A number of elected members of the council have expressed concern that this might be the case.
2. The Council's Solicitor advises that despite an administrative failure, there is no material doubt that Councillor David Eaves was properly elected as Executive Leader of the council and continues to hold that position until May 2014 when the four year tenure expires.
3. Notwithstanding the legal position that confirms the status of the Leader until May 2014, Councillor Eaves has expressed a wish that the Council should have the opportunity to vote and confirm the position of Leader in order to remove any residual uncertainty that members may have.

IMPLICATIONS	
Finance	There are no direct financial implications arising from this report.
Legal	The legal implications are included in the report.
Community Safety	There are no direct community safety implications arising from this report.
Human Rights and Equalities	There are no direct human rights or equalities implications arising from this report.
Sustainability	There are no direct sustainability implications arising from this report.
Health & Safety and Risk Management	There are no direct health and safety or risk management implications arising from this report.

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	21 March 2013	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
None		