

Open

# Extraordinary Council

## Agenda

6pm  
Wednesday, 2nd April 2014  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Council

### **Public Information**

1. If you have any questions regarding the agenda, the attached papers or the meeting being webcast, please do not hesitate to contact the officer named below.
2. The Council meeting is open to the public except for any exempt/confidential items. These items are normally discussed at the end of the meeting
3. The public are welcome to speak at meetings of Council provided they have requested to speak in advance of the Agenda being published. Details of the guidance for public speaking can be found on our website [www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk)
4. If you have any special requirements regarding access to the venue and its facilities including audio and visual needs please let us know in advance so that we can make arrangements for you.
5. This Agenda can be made available in larger print on request; if you require a copy please contact:

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**EXTRAORDINARY COUNCIL MEETING**

**25<sup>th</sup> March 2014**

**TO ALL MEMBERS OF THE COUNCIL**

**PRESS AND PUBLIC**

Dear Member

**YOU ARE INVITED** to attend an extraordinary meeting of the Wyre Forest District Council to be held **at 6.00p.m. on Wednesday 2<sup>nd</sup> April 2014**, in the Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster.

The Agenda for the meeting is enclosed.

Yours sincerely,

A handwritten signature in black ink that reads "I R Miller".

Ian Miller  
Chief Executive

## **Declaration of Interests by Members – interests of members in contracts and other matters**

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of this constitution for full details.

## **Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)**

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

### **(A) TERMS OF REFERENCE OF THE COUNCIL**

The Council

1. Is the ultimate decision making Body.
2. Determines the Budget (but reserves powers to itself in relation to requirements).
3. Is responsible for appointing (and dismissing) the Leader of the Council.
4. Appoints at its Annual Meeting, the Regulatory Committees, the Overview and Scrutiny Committee and any other Committees/Forums necessary to conduct the Council’s business.
5. Decides on matters where the Cabinet is not minded to determine a matter in accordance with Council policy.

### **(B) MATTERS RESERVED TO THE COUNCIL**

1. Those reserved by Law e.g. levying a rate, borrowing money, promotion of or opposition to a Bill in Parliament.
2. Matters reserved to the Council by financial regulations.
3. The adoption and amendment of Standing Orders, including the powers and duties of Committees and other forums.
4. Power to make, amend, revoke or enact or enforce any byelaws.
5. The determination of the objectives of the Council.
6. Matters of new policy or variation of existing policy as contained within the budget and policy framework.
7. Local Development Framework adoption.
8. Any function where a decision would be contrary to a plan, policy, budget or strategy previously adopted by the Council, which would be contrary to the Council’s Standing Orders, Financial Regulations or Executive arrangements.
9. The Scheme of Delegations to Officers.

## WEBCASTING NOTICE

This meeting is being filmed for live or subsequent broadcast via the Council's website site ([www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk)).

At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council's website for 6 months and shall be retained in accordance with the Council's published policy.

**By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.**

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

**If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.**

Wyre Forest District Council

Extraordinary Council

Wednesday, 2nd April 2014

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
<b>3.</b>	<b>Appointment of Leader of the Council</b>  To consider a report from the Chief Executive which asks Members to appoint the Leader of the Council.	7

**WYRE FOREST DISTRICT COUNCIL**  
**EXTRAORDINARY COUNCIL MEETING**

**2<sup>ND</sup> APRIL 2014**

**Appointment of Leader of the Council**

<b>OPEN</b>	
<b>DIRECTOR:</b>	Ian Miller Chief Executive
<b>CONTACT OFFICER:</b>	Caroline Newlands Solicitor to the Council Ext 2715
<b>APPENDICES:</b>	None

**1. PURPOSE OF REPORT**

- 1.1 To inform Council of the constitutional and legislative provisions relating to appointment of Leader of the Council.

**2. RECOMMENDATION**

**Council is asked to APPOINT the Leader of the Council.**

**3. BACKGROUND**

- 3.1 On 1<sup>st</sup> December 2010, the Council adopted a new governance model for its executive arrangements with effect from May 2011. The Local Government 2000 (as amended by the Local Government and Public Involvement in Health Act 2007) required Councils to adopt what has been described as a “strong leader” in governance terms for executive arrangements.
- 3.2 Under this model Council appoints the Leader, who then appoints the Cabinet and allocates Cabinet responsibilities. The Leader has a strengthened role and is directly responsible for deciding the discharge of the functions which are the responsibility of the executive.
- 3.3 The Leader of the Council decides the size of the Cabinet (the legal maximum of 10 remains) and areas of Cabinet member responsibility. The Leader of the Council must appoint at least 2 other Councillors to the Cabinet, and under Article 7 of the Council’s Constitution must appoint one of them as Deputy Leader.
- 3.4 The Leader allocates responsibility for the discharge of executive functions, whether by himself or herself, the Cabinet collectively, individual members of the Cabinet, or officers, or any combination. The discharge of functions which are not the responsibility of the executive (e.g. Planning, Overview and Scrutiny and Ethics and Standards) remains unaffected.

**4. KEY ISSUES**

- 4.1 Under section 44E of the 2000 Act, the Council was required to appoint its Leader for up to a 4 year term of office. The term of office is linked to the term of office of the Member as a Councillor, as set out in article 7 of the Council's constitution. Section 44E has since been repealed by the Localism Act 2011. In accordance with the permissive powers in section 9I of the 2000 Act (as inserted by the 2011 Act), Wyre Forest's constitution continues to make provision for the term of office of the Leader to be linked to his or her term of office as a Councillor.
- 4.2 For example, if a Member elected in 2010 is appointed as Leader, he or she would be Leader of the Council until the annual meeting on 18 June 2014. If a Member elected in 2011 or 2012 is appointed as Leader, he or she would be Leader of the Council until the annual meeting in May 2015 or May 2016 respectively. The Local Government Boundary Commission's electoral review is due to be implemented by all-out elections in May 2015 although the necessary electoral order has yet to be made. Thus, for a Member elected in 2011 or 2012, in practice the term of office as Leader is expected to extend to the annual meeting in May 2015.
- 4.3 The position described above in respect of the term of office of the Leader reflects what is required by the Council's constitution. Council is reminded that, under Article 7 of its constitution, it has the ability to vote to remove the Leader from office following submission of a motion to that effect; and any Leader has the ability to resign from office.

**5. FINANCIAL IMPLICATIONS**

- 5.1 None. The Council's budget includes provision for the Leader's allowance.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 The relevant provisions of the 2000 Act and the Council's constitution have been mentioned above.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 This report relates to an appointment to be made by the Council and an equality impact assessment is not required.

**8. RISK MANAGEMENT**

- 8.1 The meeting of Council to appoint a Leader is being held within the 21 day limit specified by the Constitution.

**9. CONCLUSION**

- 9.1 The Council is invited to appoint a new Leader.



**10. CONSULTEES**

- 10.1 Chairman of the Council.
- 10.2 Corporate Leadership Team.

**11. BACKGROUND PAPERS**

- 11.1 Part 2 of the Council's constitution, Article 7  
<http://www.wyreforestdc.gov.uk/cms/your-council-meet-and-elections/council-constitution.aspx>
- 11.2 Part 1A of the Local Government Act 2000, as inserted by Schedule 2 to the Localism Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/20/schedule/2>
- 11.3 The Local Government and Public Involvement in Health Act, Report to Council 1<sup>st</sup> December 2010  
[http://www.wyreforest.gov.uk/council/docs/doc43097\\_20101201\\_special\\_council\\_report.pdf](http://www.wyreforest.gov.uk/council/docs/doc43097_20101201_special_council_report.pdf)