

### **Election of Councillors and Term of Office:**

Local Government Act 1972, Section 7(9)(b) states "except where an order is in force for the election of councillors by thirds, the whole number of councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1976 the newly elected councillors shall come into office on the day on which their predecessors retire;"

The important phrase is "the whole of the number of councillors shall retire together". This signifies the end of one Council membership and the beginning of another.

Under section 102 of the Local Government Act, 1972, the Council may appoint Committees and Sub-Committees. Under MDC procedure rules, the Committees are appointed at the statutory annual meeting of the Council. It follows that the previous Council membership having retired, and a new membership elected, until committees have been appointed there can be no chairmen of committees in post. There is nothing in the law that provides otherwise.

The only provision within the Local Government Act 2000 relating to the term of office of a Leader is in relation to the operation of Executive Arrangements. Given that this Council operates alternative arrangements as provided for under that Act, and that there is nothing further within the Council's Constitution on the matter, the rationale as set out above regarding committee chairmen must similarly apply.

The position of the Chairman and Vice Chairman is slightly different. Under the Local Government Act 1972, section 3, the Chairman of the Council shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Chairman. Under section 5, the Vice-Chairman of the Council continues to hold office until immediately after the election of a chairman at the next annual meeting of the Council. Both continuing appointments hold good regardless of the provisions of the Act relating to the retirement of councillors.

It is confirmed that the Corporate Governance Working Group will meet in order to ensure that the Constitution is amended if necessary to deal with any issues around delegations that may arise during the period between the conclusion of one Council and the beginning of the next.