

Council – 26 February 2026

Amendment to the Constitution – Procedure for Removing and Replacing the Leader of the Council

Purpose	For Decision
Classification	Public
Executive Summary	<p>This report considers amendments to the Council's Constitution relating to the procedure for removing and replacing the Leader of the Council (Chapter 4/5).</p> <p>The report sets out the legislative and local context, comparative research, and options for change, with a recommended approach.</p> <p>In light of the options appraisal, it is recommended specifically to remove the automatic trigger relating to "change in balance", with further amendments to clarify the procedures available to remove and replace the Leader.</p>
Recommendation(s)	<p>That Council approve the amendments to Chapter 4/5 (Procedure for Removing and Replacing the Leader of the Council) (Appendix 1) which:</p> <ol style="list-style-type: none">1. Removes the automatic trigger, following a change in political balance; and2. Clarifies the provisions for bringing forward a motion to remove the Leader, inclusive of a new threshold of at least one third of the total number of council members.
Reasons for recommendation(s)	<p>The procedure for the removal and replacement of the Leader, within the District Council's constitution has been reviewed following a recent change to the political balance of the council. This triggered the need to hold a</p>

	<p>Special Council meeting to consider the removal of the Leader.</p> <p>It is important to review procedures periodically to ensure that they are fit for purpose and do not put any unnecessary procedural burdens on the Council. The recommendations support good governance, provide greater clarity and transparency and would align the procedure more closely with best practice, having regard to the procedures adopted by other local authorities.</p>
Ward(s)	All
Portfolio Holder(s)	Councillor Cleary – Leader
Strategic Director(s)	Kate Ryan – Chief Executive
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Introduction and background

1. There have been recent changes to the political balance of the Council. Specifically, on 16 October, Cllr Thierry resigned as a member of the Conservative Group. This led to the Conservative Group losing its overall majority on the Council. On 20 October, Cllr Penman joined the Conservative Group, returning the Group to that majority.
2. Despite the Conservative Group regaining an overall majority within 4 days of losing it, this initial loss of overall majority automatically triggered the Council's "Procedure for Removing and Replacing the Leader of the Council" in relation the change in political balance under the Council's current Constitution.

3. The procedure for removing the leader when there is a change of political balance currently states the following:
 9. *Paragraphs 10 to 11 apply if:*
 - a) *the Leader is a member of the majority political Group ("the Leader's political group") represented on the Council; and*
 - b) *that political group loses its overall majority on the Council more than 15 working days before the date of the quadrennial election of Councillors.*
 10. *If a programmed meeting of the Council is due to take place within less than 15 clear working days after the date on which the Leader's political group loses its overall majority, election of the Leader shall be the first item of business at the next programmed Council meeting.*
 11. *If a programmed meeting of the Council is not due to take place within less than 15 clear working days after the date on which the Leader's political group loses its overall majority, the Chief Executive shall, within 5 working days of the day on which the Leader's political group loses its overall majority, summon a special Council meeting for the purpose of electing a Leader. No other business shall be conducted at that meeting. The special meeting shall take place within 10 working days of the date of the summons.*
4. Due to the changes in the political balance, paragraph 11 was applicable, and a Special meeting was arranged by the Chief Executive, within 5 working days of the day on which the Leader's political Group lost its overall majority. That meeting needed to be held within 10 working days of the date of the summons.
5. A Special meeting was held on 3 November to consider the removal of the Leader. In order to remove the Leader, at this meeting, a motion would have needed to have been moved and seconded and then carried, for a resolution to be passed to this effect. Only following a resolution passing could the council then consider the election of a new Leader. At this meeting, no motion to remove the Leader was proposed and therefore Council decided in effect not to remove the Leader.
6. Following this meeting, officers have reflected on the procedure and conducted a review of other local authorities and their constitutions in respect of the removal of the leader. The research from 20 other authorities shows that:

- All 20 authorities require a formal resolution of Full Council to remove the Leader, consistent with the legislation.
 - Only one other authority requires an automatic meeting following a change in political balance.
 - The majority allow the removal of the Leader through a motion of no confidence, or a motion on notice to an ordinary or extraordinary meeting.
 - Some require a threshold of member support for a notice of motion.
7. This suggests that New Forest's current provision is out of step with sector norms.
 8. The current arrangements in relation to a change of political balance are based on an automatic trigger. This is procedurally inflexible and might not reflect the will of members. The change of balance procedures lack clarity around how a motion to remove the Leader should be brought forward. They also assume removal of the Leader by specifying the election of a Leader being the purpose/first item of business on the summons for the meeting. It is only when read with paragraph 2(b) of the procedure, that it is clear that the change of balance provisions apply in the broader context of the Council considering the removal of the Leader.
 9. Officers have considered four options regarding amending the procedure for removing and replacing the Leader, these are set out in paragraph 12. below. This report proposes the removal of the section regarding the change to the political balance and therefore the removal of the automatic trigger for a Council meeting to consider the removal of the Leader. This approach balances flexibility, transparency, and alignment with sector norms.
 10. The notice of motion procedure to remove the leader has also been reviewed. The procedure currently requires at least half (24) of Council members sign it. This report asks members to consider whether this element be amended. The options are set out in paragraph 13 below. It is recommended that the level of support when submitting a notice of motion be amended to a third of all members (16). It is proposed that this is a more balanced approach and would still require the meaningful support of members, without it being in effect at least half of the Council. It would then enable members to debate the matter in a council meeting. A third of all members aligns with the Council's accepted threshold elsewhere in the constitution, such as to rescind any Council resolution passed within the preceding six months.

Corporate plan priorities

11. The recommendation supports the Council in delivering all corporate plan priorities, by maintaining the Council's ability to function as a collective body in accordance with relevant legislation and the Council's constitution.

Options appraisal

12. The following options in amending the procedures have been considered:
 - **Maintain the current Status Quo (Not recommended):** Retain the current constitutional provisions, including automatic meeting trigger. This will ensure that the council remains responsive to any political changes. However, having reviewed other local authorities and their constitutions, it is unusual practice and is considered to create unnecessary procedural burdens.
 - **Retain the Political Balance Trigger with amendments to clarify the procedure to be followed (Not recommended) –** Whilst clarity on the procedures to be followed would enable a more structured approach to a change of balance occurring, retaining this trigger remains out of line with practice of other authorities, with a process not led by Members.
 - **Remove Political Balance Trigger (Recommended) –** This change is recommended because it aligns with the research conducted and places the onus on members to provide a notice of motion. It therefore would be within Members' control, rather than driven by procedures.
 - **Lower the threshold for Motion Procedure to remove the Leader (Recommended) –** In view of the recommended removal of the political balance trigger, a lower threshold of a third of Members allows the council to be more responsive to political changes, whilst allowing members to retain control of the procedures.
13. Officers have reviewed the procedure for the notice of motion to remove the Leader. Paragraph 6 (b) sets out that in order to bring forward a motion to remove the Leader currently, the notice of motion must be signed by at least half of the total number of Council Members. Whilst Members retain control in these circumstances without an automatic trigger, this threshold may be considered inflexible to political changes. It is recommended that in order to

submit a notice of motion to remove the Leader it must be signed by at least a third of Council members.

14. Of those councils that have a threshold for a motion of this nature, the threshold varies by local authority. A third of the council is considered equally meaningful and responsive. A third of all members aligns with the Council's accepted threshold elsewhere in the constitution, such as to rescind any Council resolution passed within the preceding six months.

Consultation undertaken

15. Group Leaders have been consulted on the proposed options and are supportive of the recommendations.

Financial and resource implications

16. There are none.

Legal implications

17. Under the Local Government Act 2000, as amended, councils operating executive arrangements must appoint a Leader. The Act does not prescribe specific procedures for removal, other than that it must be by resolution, leaving the specific arrangements to local discretion via the Constitution.
18. The recommend amendments to the Councils Constitution are drafted to reflect the legal requirements as set out in the Local Government Act 2000.

Risk assessment

19. It is not considered necessary to conduct a formal risk assessment in relation to this report. The recommendation proposes to amend and clarify the procedure for removing and replacing the Leader within the Council's Constitution and therefore reduce any risk of the procedure being unclear and subject to interpretation.

Environmental / Climate and nature implications

20. There are none.

Equalities implications

21. There are none.

Crime and disorder implications

22. There are none.

Data protection / Information governance / ICT implications

23. There are none.

Appendices:

Appendix 1 – Proposed amended Chapter 4/5 of the Constitution – Procedure for Removing and Replacing the Leader

Appendix 2 - Removal and replacement of the Leader following changes in political balance - Research of other authorities procedures

Background Papers:

[Chapter 4/5 of the Constitution – Procedure for Removing and Replacing the Leader of the Council](#)