

# COUNCIL (EXTRAORDINARY)

## MINUTES

### 16 SEPTEMBER 2013

- Present:**
- \* Councillor Nana Asante (The Worshipful the Mayor)
  - \* Councillor Mrs Camilla Bath (The Deputy Mayor)
- Councillors:**
- |                              |                     |
|------------------------------|---------------------|
| * Husain Akhtar              | * Amir Moshenson    |
| * Sue Anderson               | * Chris Mote        |
| † Marilyn Ashton             | * Janet Mote        |
| * Christine Bednell          | * John Nickolay     |
| * James Bond                 | * Joyce Nickolay    |
| * Mrs Lurline Champagnie OBE | * Christopher Noyce |
| * Kam Chana                  | † Phillip O'Dell    |
| * Ramji Chauhan              | * Asad Omar         |
| * Mrinal Choudhury           | * Paul Osborn       |
| * Bob Currie                 | * Varsha Parmar     |
| * Margaret Davine            | * David Perry       |
| * Mano Dharmarajah           | * Bill Phillips     |
| * Tony Ferrari               | * Raj Ray           |
| * Keith Ferry                | * Christine Robson  |
| † Ann Gate                   | * Richard Romain    |
| * David Gawn                 | * Anthony Seymour   |
| * Stephen Greek              | * Lynda Seymour     |
| * Mitzi Green                | * Navin Shah        |
| * Susan Hall                 | * Mrs Rekha Shah    |
| * Graham Henson              | * Sachin Shah       |
| * Thaya Idaikkadar           | * Stanley Sheinwald |
| * Nizam Ismail               | * Victoria Silver   |
| * Krishna James              | * Bill Stephenson   |
| * Manji Kara                 | * William Stoodley  |
| * Zarina Khalid              | * Krishna Suresh    |
| * Jean Lammiman              | * Sasi Suresh       |
| * Barry Macleod-Cullinane    | * Yogesh Teli       |
| * Kairul Kareema Marikar     | * Ben Wealthy       |
| * Ajay Maru                  | * Simon Williams    |
| * Jerry Miles                | * Stephen Wright    |
| * Mrs Vina Mithani           |                     |

- \* Denotes Member present
- † Denotes apologies received

### **333. DECLARATIONS OF INTEREST**

#### Item 3 – Leader of the Council

The Mayor declared a non-pecuniary interest in that as Mayor of Harrow she had sought legal advice on the validity of the meeting and the item being discussed. The legal advice she had received was contrary to that which the Council had received.

### **334. LEADER OF THE COUNCIL**

(i) Prior to the item being considered a Member raised points of order in relation to Rules 17.2.1, 14.4.1.4, 3.1.1.3, 5.1.1, 27.1 and article 5, paragraph 5.03 of the Constitution. The Member made the following points:

- Rule 17.2.1 stated that a Motion that was similar to one that had been considered at a meeting of Council within the last six months could not be considered unless the notice of Motion had been signed by at least one quarter of all Members. Rule 14.4.1.4 stated that the Mayor could rule out Motions which were substantially the same as those put at a meeting of Council within the last six months. There was no provision which confirmed which rule took precedence over one another. However Rule 27.1, which provided that the Mayor's ruling on the interpretation of the Rules was final, indicated that it was up to the Mayor as to which provision overrides one another;
- Rule 3.1.1.3 provided that any 5 Members could request the Monitoring Officer to call an Extraordinary meeting if they have signed a requisition and the Mayor has refused to call a meeting within 5 clear working days. The Mayor had not failed to call a meeting but had suggested an alternative date for the meeting to take place which was 23<sup>rd</sup> November 2013;
- The meeting was contrary to the legislative requirements of the Local Government Act 1972;
- Rule 5.1.1 allowed the Mayor to change the venue, day and time of the meeting if she believed it appropriate to the business of the Council;
- Article 5, paragraph 5.03 provided that the Mayor had a responsibility to uphold principles of the Constitution and interpret these where necessary.

(ii) The Mayor stated that she believed that this Extraordinary Meeting had not been properly constituted. This could mean that any decision that was taken could be ultra-vires and challenged accordingly. The Mayor

had additionally taken legal advice about the validity of the meeting and on any decisions that could be made. Given that there is a difference in the legal advice that she has received and that the Council had received, the Mayor moved a Motion that the meeting be adjourned to a future date to allow the legal issues to be resolved. Upon a Roll Call vote this Motion was not agreed;

- (iii) A Motion in the names of Councillors Keith Ferry and Paul Osborn was moved to suspend Rules 3.2, 5.1.1, 8.2, 8.3, 9.2 (in relation to the Leader of the Council item), 14.4.1.4, 15.2, 16.2.1, 16.10.1.1, 16.10.1.2, 16.10.1.3, 16.10.1.5, 16.10.1.6, 16.11, 22.2.1, 22.5.1, 24.3.1 and 27.1. The Mayor ruled that a vote would be taken on the suspension of each rule. At the conclusion of the voting, the Motion to suspend all of the above mentioned Rules was agreed;
- (iv) A Motion in the names of Councillors Susan Hall and Barry Macleod-Cullinane was moved to remove Councillor Thaya Idaikkadar as Leader. Upon a Roll Call vote this Motion was agreed. The Mayor thanked Councillor Idaikkadar and his Cabinet for their service to the Council;
- (v) Councillors Susan Hall and David Perry were each proposed and seconded for the position of the Leader of the Council. Upon a Roll Call vote, Councillor Susan Hall was elected as Leader of the Council.

**RESOLVED: That**

- (i) **The meeting be not adjourned following a proposal by the Mayor;**
- (ii) **Rules 3.2, 5.1.1, 8.2, 8.3, 9.2 (in relation to the Leader of the Council item), 14.4.1.4, 15.2, 16.2.1, 16.10.1.1, 16.10.1.2, 16.10.1.3, 16.10.1.5, 16.10.1.6, 16.11, 22.2.1, 22.5.1, 24.3.1 and 27.1 of the Council Procedure Rules be suspended for the duration of the meeting;**
- (iii) **Councillor Thaya Idaikkadar be removed as Leader of the Council;**
- (iv) **Councillor Susan Hall be elected as Leader of the Council.**

***Roll Call Vote (To Adjourn the Meeting Following a Proposal by The Mayor):***

**In Favour:** The Mayor Councillor Nana Asante, Councillors Husain Akhtar, James Bond, Mano Dharmarajah, David Gawn, Thaya Idaikkadar, Nizam Ismail, Krishna James, Zarina Khalid, Chris Noyce, Asad Omar, Stanley Sheinwald and William Stoodley.

**Against:** Councillors Anderson, Bath, Bednell, Lurline Champagnie OBE, Kam Chana, Ramji Chauhan, Mrinal Choudhury, Bob Currie, Margaret Davine, Tony Ferrari, Keith Ferry, Stephen Greek, Mitzi Green, Susan Hall, Graham Henson, Manji Kara, Jean Lammiman, Barry Macleod-Cullinane, Kairul Marikar, Ajay Maru, Jerry Miles, Vina Mithani, Amir Moshenson, Chris

Mote, Janet Mote, John Nickolay, Joyce Nickolay, Paul Osborn, Varsha Parmar, David Perry, Bill Phillips, Raj Ray, Christine Robson, Richard Romain, Anthony Seymour, Lynda Seymour, Navin Shah, Rekha Shah, Sachin Shah, Victoria Silver, Bill Stephenson, Krishna Suresh, Sasikala Suresh, Yogesh Teli, Ben Wealthy, Simon Williams and Stephen Wright.

***Roll Call Vote (To Remove Councillor Thaya Idaikkadar as Leader of the Council):***

**In Favour:** Councillors Anderson, Bath, Bednell, Lurline Champagnie OBE, Kam Chana, Ramji Chauhan, Mrinal Choudhury, Bob Currie, Margaret Davine, Tony Ferrari, Keith Ferry, Stephen Greek, Mitzi Green, Susan Hall, Graham Henson, Manji Kara, Jean Lammiman, Barry Macleod-Cullinane, Kairul Marikar, Ajay Maru, Jerry Miles, Vina Mithani, Amir Moshenson, Chris Mote, Janet Mote, John Nickolay, Joyce Nickolay, Paul Osborn, Varsha Parmar, David Perry, Bill Phillips, Raj Ray, Christine Robson, Richard Romain, Anthony Seymour, Lynda Seymour, Navin Shah, Rekha Shah, Sachin Shah, Victoria Silver, Bill Stephenson, Krishna Suresh, Sasikala Suresh, Yogesh Teli, Ben Wealthy, Simon Williams and Stephen Wright.

**Against:** The Mayor Councillor Nana Asante, Councillors Husain Akhtar, Mano Dharmarajah, David Gawn, Thaya Idaikkadar, Nizam Ismail, Krishna James, Zarina Khalid, Asad Omar and William Stoodley.

**Abstain:** Councillors James Bond, Chris Noyce and Stanley Sheinwald.

***Roll Call Vote (To Elect a New Leader of the Council):***

**In Favour of Councillor Susan Hall:** The Mayor Councillor Nana Asante, Councillors Camilla Bath, Christine Bednell, Lurline Champagnie OBE, Kam Chana, Ramji Chauhan, Mano Dharmarajah, Tony Ferrari, Stephen Greek, Susan Hall, Thaya Idaikkadar, Nizam Ismail, Manji Kara, Zarina Khalid, Jean Lammiman, Barry Macleod-Cullinane, Vina Mithani, Amir Moshenson, Chris Mote, Janet Mote, John Nickolay, Joyce Nickolay, Asad Omar, Paul Osborn, Richard Romain, Anthony Seymour, Lynda Seymour, William Stoodley, Yogesh Teli, Simon Williams and Stephen Wright.

**In Favour of Councillor David Perry:** Councillors Susan Anderson, James Bond, Mrinal Choudhury, Bob Currie, Margaret Davine, Keith Ferry, Mitzi Green, Graham Henson, Kairul Marikar, Ajay Maru, Jerry Miles, Varsha Parmar, David Perry, Bill Phillips, Raj Ray, Christine Robson, Navin Shah, Rekha Shah, Sachin Shah, Victoria Silver, Bill Stephenson, Krishna Suresh, Sasikala Suresh and Ben Wealthy.

**Abstain:** Councillors Husain Akhtar, David Gawn, Krishna James, Chris Noyce and Stanley Sheinwald.

Following the vote by Councillors, the Mayor called for a vote from the Public Gallery in view of the suspension of most of the Procedure Rules. Following their vote, she thanked Members of the Public for attending and their involvement.

**(CLOSE OF MEETING:** All business having been completed, the Mayor declared the meeting closed at 9.19 pm).