

<b>MEETING</b>	<b>THE COUNCIL</b>
<b>DATE</b>	<b>20 October, 2011</b>
<b>TITLE</b>	<b>THE COUNCIL'S DEMOCRATIC ARRANGEMENTS</b>
<b>PURPOSE</b>	<b>To submit proposals for changing to executive arrangements to the Full Council</b>
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## **Background**

- 1.1 The Local Government (Wales) Measure 2011 came into force on 10 July. One provision of the measure is that Gwynedd Council must change its arrangements from "alternative arrangements" (Board) to "executive arrangements" (Cabinet). The Council is required to submit proposals to the Welsh Government for changing to executive arrangements by 10 January, 2012 and then to implement them within six months.
- 1.2 The proposals are expected to include details regarding the following:
- The form of executive that the Council will have.
  - Which of the "local choice" functions will be the responsibility of the executive. ("Local choice" functions are those that can be the responsibility of either the Council or the executive).
  - A timetable for implementing the proposals.
  - A statement explaining the reasons why the Council is of the opinion that its proposals will ensure that decisions are made in an efficient, transparent and accountable way.
- 1.3 A working group of the Principal Scrutiny Committee has steered the work of developing the draft proposals. A report was presented to the Principal Scrutiny Committee on 6 October and to the Council Board on 11 October when it was resolved to recommend the proposals to the Full Council .
- 1.4 The proposals have been the subject of debate by members in awareness raising sessions during June and July (58 members attended) and then through reports to the area committees in September.

# The Proposals

## Form of executive

2.1 The Council has two choices:-

(a) **An elected Mayor and Cabinet.**

Under this model the mayor would be elected directly by Gwynedd electors for a term of four years. The mayor would be elected on a manifesto and all Council powers would be exercised by the elected mayor. The mayor would choose a cabinet to assist him (between two and nine members) and he could delegate specific powers to members of the cabinet. The cabinet would be in place to implement the commitments in the mayor's manifesto. Should the Council be in favour of a mayor and cabinet a referendum will be required to support the change. If the referendum decides against a mayoral arrangement, the Council would require back-up proposals for a Leader and Cabinet.

(b) **A Leader and Cabinet.**

Under this model, the leader is elected from amongst the councillors by the full Council, and can be dismissed from office by the full Council. There would be a cabinet of no more than ten councillors (including the leader) and no fewer than three. Appointments to the cabinet would be made either by the full Council or by the leader, depending on the exact model chosen by the Council. The cabinet will not have to be chosen on the basis of political balance, but it could be if that were the wish of the new Council. The operational powers of the Council would be given either to the cabinet as a whole, to a committee of the cabinet or to individual members of the cabinet. Any reserve powers would go to the leader to execute or allocate them.

2.2 Having considered a number of matters related to both forms, regarding accountability, cost, risk and democracy, and noting that no other council in Wales operates a Mayor and Cabinet arrangement, the Working Group concluded that it favoured a Leader and Cabinet form, for the following reasons.

2.3 A Leader and Cabinet form of executive will enable the Council to set a clearer and firmer direction on key policy matters. Whilst enabling the executive to make decisions in a more effective and efficient manner, it would also ensure clear accountability for the decisions made and the services provided. It will also strengthen political accountability, and the full Council will retain the right to appoint and dismiss the Leader.

- 2.4 A Mayor and Cabinet form of executive would concentrate too much power in the hands of one person, without ensuring adequate political accountability to the Council's members. Neither the full Council nor anyone else would have the right to dismiss the Mayor during his term in office. This would significantly weaken the element of calling to account in the Council's decisions and activities. There would also be additional costs due to the need to hold a referendum along with an additional election. The arrangement would not be suitable due to the nature of the County; a mayor from a populated area would find it difficult to represent a rural area, and vice versa.
- 2.5 The Working Group, Principal Scrutiny Committee and Board **recommend** that the Leader and Cabinet form of executive should be adopted.

### **The Leader and Cabinet Model**

- 3.1 In deciding to have a Leader and Cabinet form of executive, the Council must choose between two models:-
- (a) The Council selecting the Cabinet
  - (b) The Leader selecting the Cabinet.
- 3.2 Having looked at the advantages and disadvantages of both options, as well as speaking with other councils, the Working Group came to the following conclusions:
- The number of counties that have chosen an arrangement of the Leader appointing (namely 15 out of 21 counties, including all counties within the "family") suggest that it is the best arrangement.
  - If the leader were to appoint there would be clear responsibility and accountability, and it would be possible to have a vote of no confidence in him/her.
  - There would be less accountability if the Council were to appoint, as it would not be clear where the responsibility lay.
  - It was felt that an arrangement where the Council appointed was ultimately the same as one where the Leader appointed, as it is the Leader who nominates in councils where the Council appoints. Consequently, it could be said that such an arrangement is less open and democratic.
  - It would be the Leader's responsibility to select the best person for the post as he/she would be accountable in the end.
  - A leader who had the responsibility of appointing the Cabinet would be a stronger leader, and this should be considered as a positive thing.
  - Councillors have a duty to make the best choice when appointing a Leader, and should then have trust in that person.
  - Concern was expressed that the Leader would be granted too much power, and that it would be difficult to have a vote of no confidence in him/her.

3.3 From weighing up the above points, the Working Group is of the opinion that the best model is where a Leader appoints the Cabinet, and the Working Group, Principal Scrutiny Committee and Board **recommend** adopting this model in order to ensure efficient, transparent and accountable arrangements.

#### **“Local choice” functions**

- 4.1 One of the matters that the Council must include in its proposals to the Welsh Government is the statement concerning the degree to which the executive should be responsible for different functions.
- 4.2 To this end, the Council’s functions are allocated into three categories:-
- (i) functions that are the responsibility of the full Council, and which cannot be the responsibility of the executive;
  - (ii) Functions which are a matter of “local choice”, i.e. where the Council decides whether they should be the responsibility of the full Council or that of the executive, and
  - (iii) Every other function, which automatically falls within the executive’s responsibility.
- 4.3 It is the functions in category (ii) that are being considered here. The working group has considered the matter and has reached the conclusion that the arrangements should be kept as they are at present, with the functions that are the responsibility of the current Board transferring to the Cabinet and the rest remaining with the Council, apart from the two following matters.
- (a) Matters relating to appointing members of the police authority, and asking questions on police authority matters should be the responsibility of the full Council rather than the Cabinet, as this would be more democratic.
  - (b) Matters relating to statutory nuisances and notices of interest in land (which, in practice, are matters delegated to officers to act upon) should be the responsibility of the Cabinet as this would be more efficient.
- 4.4 The Working Group, Principal Scrutiny Committee and Board **recommend** making the above changes to the local choice functions.

#### **Timetable**

5. The Working Group, Principal Scrutiny Committee and Board **recommend** that the new arrangements should come into force at the start of the new Council term, immediately after the May 2012 elections, and that transitional arrangements are not required.

## Next Steps

- 6.1 Following adoption of the proposals by the full Council, they will be publicised for a period before they are sent to the Assembly in December.

It is intended to publicise the proposals by means of the following:

- Senior managers academy
  - Annual meetings with the community councils
  - Citizens Panel
  - Newyddion Gwynedd
  - Stakeholder meetings or forums
- 6.2 The executive side is one part of the changes to the constitutional arrangements. Just as important are the changes that will be required to strengthen the role of the backbench members and ensure that they can hold the cabinet to account. The Working Group will continue to consider this over the next few weeks and a further report addressing this issue will be presented to the Council in December.

## Recommendation

7. That the the Full Council on 20 October adopts the following proposals for the reasons given in this report:
- a) a Leader and Cabinet form of executive
  - b) a model whereby the Leader appoints the Cabinet
  - c) the changes outlined in paragraph 4.3 to the local choice functions
  - d) implementation in May 2012 with no transitional arrangements