

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	Executive and Council
Date:	14 February 2017 and 28 February 2017
Subject:	Constitutional Change – Term of Council/Leader
Portfolio Holder(s):	Alwyn Rowlands
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Local Members:	Relevant to all

A –Recommendation/s and reason/s
<p><u>Recommendations</u></p> <p>To authorise the Monitoring Officer to make and publish the following amendments to the Council’s Constiutuion:</p> <ol style="list-style-type: none"> 1. Paragraph 2.2.2 shall now read “The regular election of Councillors will be held on <u>the date and at the intervals determined by the Welsh Assembly Government</u> the first Thursday in May every four years beginning in 2004. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election”. 2. Paragraph 2.7.3.1 shall now read “The Leader’s term of office will <u>be for the duration of the term of the Council, subject to paragraph 2.7.3.3 below</u> normally be a term of 4 years”. 3. Any consequential amendments relevant to 1 and 2 above, including those arising from the Government of Wales Bill, or the excise of powers under the Local Government Act 2000. <p><u>Reasons</u></p> <p>Under the Local Government Act 1972 elections to Councils in Wales currently take place on the first Thursday in May, every four years.</p> <p>So, the next local election, after May 2017, should take place in May 2021.</p>

However, it is now intended that those elected in May 2017 shall hold office until May 2022, being a term of five years. It is intended that the five year term shall become the norm in local councils as it now is for the Welsh Assembly Government.

It is expected that this intention will come into effect when the Wales Bill comes into force, or else in reliance on powers under the Local Government Act 2000.

Whichever legislative mechanism is used, there will be two consequences for this Council:-

1. Paragraph 2.2.2 of the Constitution refers to a four year Council term and reflects the current legal position. In any event, a contrary decision by the Welsh Assembly Government will override our constitutional provision.

In the circumstances, the suggested amendment to paragraph 2.2.2 above is not, of itself, a priority. However, there is a potentially more significant consequence described in paragraph 2 below.

2. Paragraph 2.7.3 of the Constitution states:-

“The Leader will be a Councillor elected to the position of Leader by the Council at its first annual meeting after the ordinary local government elections”

Paragraph 2.7.3.1 then goes on to state that: “the Leader’s term of office will normally be a term of four years”.

The term of office of the Leader is a matter of local choice for this Council. Members are referred to the [Commissioners’ Report](#) which was approved by the Council on the 10th May 2012. Paragraphs 9 and 10 of that report describe the Commissioners’ reasons for recommending to the Council that the Leader’s term of office reflect that of the Council, rather than following the previous arrangement which involved electing a Leader every two years.

Clearly, when a Leader is appointed by this Council in May 2017, given the current wording in the Constitution, extending the term of the Council (following a decision by the Welsh Assembly Government) would not affect the term of office of the Leader, so the Council would face a further leadership election in May 2021; a year before the next local government election.

While it remains a local political decision, Members may not wish to face the uncertainty of a leadership election during the final year of the next Council’s term.

It is therefore appropriate to bring this to the attention of Members before May 2017 so that Council may decide on whether or not to address this issue now.

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B – What other options did you consider and why did you reject them and/or opt for this option?
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<p>To take no further action until the Welsh Government formally implements its decision.</p> <p>This would have had no practical implications for the Council in relation to the changes to paragraph 2.2.2, as the decision of the Welsh Assembly Government would override the Constitution.</p> <p>However, this would have implications for the Council if changes are not made to paragraph 2.7.3.1 as this is a local choice and Members may prefer the certainty of having the issue resolved now, before a Leader is elected in May 2017.</p>
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C – Why is this a decision for the Executive?
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<p>It is not a decision for the Executive. It is a decision for Council but as it may involve constitutional changes the Executive is invited to express a view; should it wish to do so, before the matter proceeds to Council.</p>
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CH – Is this decision consistent with policy approved by the full Council?

<p>This may be a constitutional change; which is reserved to Council.</p>

D – Is this decision within the budget approved by the Council?
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<p>Not relevant</p>

DD – Who did you consult?	What did they say?
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1	Chief Executive / Senior Leadership Team (SLT) (mandatory)	Response awaited
2	Finance / Section 151 (mandatory)	Response awaited
3	Legal / Monitoring Officer (mandatory)	Author of the report
4	Human Resources (HR)	n/a
5	Property	n/a
6	Information Communication Technology (ICT)	n/a
7	Procurement	n/a
8	Scrutiny	n/a
9	Local Members	n/a

10	Any external bodies / other/s	Group Leaders 26/1/2017
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E – Risks and any mitigation (if relevant)		
1	Economic	
2	Anti-poverty	
3	Crime and Disorder	
4	Environmental	
5	Equalities	
6	Outcome Agreements	
7	Other	

F - Appendices:
None

FF - Background papers (please contact the author of the Report for any further information):
<ol style="list-style-type: none"> 1. Report to Board of Commissioners 30th April 2012 and County Council dated 10th May 2012 2. Minutes County Council 10th May 2012 3. Article 7 – 2.7 of the Constitution