

**CYNGOR SIR YNYS MÔN/
THE ISLE OF ANGLESEY COUNTY COUNCIL**

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| REPORT TO | AMENDED REPORT TO THE COUNTY COUNCIL |
| DATE: | 08/03/2011 |
| SUBJECT: | POLITICAL MANAGEMENT PROTOCOLS |
| PORTFOLIO HOLDER(S): | COUNCILLOR CLIVE McGREGOR - LEADER OF THE COUNCIL |
| LEAD OFFICER(S): | DAVID BOWLES – INTERIM MANAGING DIRECTOR |
| CONTACT OFFICER: | LYNN BALL – DIRECTOR OF LEGAL AND COMMITTEE SERVICES/MONITORING OFFICER (Ffôn/Tel: 01248 752586) |

1. The Isle of Anglesey County Council acknowledges the importance of Political Management and the need to have recognised and effective frameworks within which political business decisions can be reached in an orderly and mature way.
 - 2.1 Ian Bottrill, Development Manager for ContinYou Cymru, was engaged to lead this process and during July, August and early September 2010 consulted in detail with Members, individually, as Group Leaders, and in Groups and also with Senior Officers. 18 meetings were arranged.
 - 2.2 Following the discussion process Ian Bottrill prepared draft Protocols which were discussed in a meeting for all Councillors prior to the County Council meeting on the 14th of September 2010. The draft Protocols were subsequently revised as requested.
 - 2.3 It was considered useful to have a “workshop” on the Protocols prior to their being considered by the Executive and the Council. The workshop was arranged for 23rd November 2010 but had to be cancelled and rearranged to permit for the format of the draft Protocols to be revised into an appropriate format for inclusion in the Council’s Constitution.

- 2.4 The workshop was rearranged for the 19th January 2011 and all Members were invited. During that meeting it was indicated that all Groups wished to have an opportunity to further consider the Protocols. Following that meeting a letter of the 21st January 2011 was sent to all Group Leaders to confirm the timetable for the Protocols to be considered by the Executive on the 15th of February and the Council on the 8th of March and requesting responses from the Groups by 2nd February 2011. No response was received.
- 2.6 The Protocols now appear as **ENCLOSURE A**.
- 2.6 These Protocols were also considered by the Standards Committee on 2nd of February 2011; and endorsed. The Standards Committee was surprised at the choice of the Chairperson of the Standards Committee rather than Chairperson of the County Council at 2.1.6 and 4.1.6 in what could be considered to be political decisions.
3. These Protocols, as Ian Bottrill said in the meeting of 19th January 2011, are about the process of making decisions and not about the substance of those decisions. The Protocols are an important step in helping to establish and maintain better working relations between Members and individual Political Groups.

Clause 4 is a new clause.

- 4.1 Additions and changes have been made to the report which was presented to the Executive on the 15th of February 2011, following considerations of that meeting and the meeting of the County Council on the 8th February 2011.

The Protocols in Enclosure A (2.5 above) have been changed as follows:-

Protocol 2.1.3 – in order to avoid confusion an addition reflecting the advice of Ian Bottrill has been made to this clause.

Protocol 2.1.6 – the “Chair of the Standards Committee” has been changed to the “Chair of the County Council”.

Protocol 4.1.6 – the “Chair of the Standards Committee” has been changed to the “Chair of the County Council” and an addition has been made to subparagraph (b).

- 4.2 The Standards Committee considered the Protocols in its meeting on the 2nd of February 2011 and the following is an extract of the draft Minutes of that meeting:-

The Committee discussed this matter for some time and indicated at its conclusion:-

1. That the Protocols should be rules (not guidance) and be part of the

Council's Constitution.

2. It was surprised that the Chair of the Standards Committee and not the Chair of the Council was mentioned in paragraphs 2.1.6 and 4.1.6 because it could be seen as involving the Chair of the Standards Committee in a political decision dispute.
3. With regard 2.1.1 the x days was considered to be and should be 5.
4. 2.1.8 was thought to be useful.

Recommendations

1. The Executive is invited to recommend to the Council:-
 - 1.1 Whether the Chairperson of the Standards Committee should be involved at 2.1.6 and/or 4.1.6
 - 1.2 To adopt the Protocols as drafted in Attachment A into the Council's Constitution at 5.8
 - 1.3 To authorise officers to make all necessary and consequential amendments to the Council's Constitution including the insertion of the Protocols at 5.8
2. The Council is invited to resolve:-
 - 2.1 Whether the Chairperson of the Standards Committee should be involved at 2.1.6 and/or 4.1.6
 - 2.2 To adopt the Protocols as drafted in Attachment A into the Council's Constitution at 5.8
 - 2.3 To authorise officers to make all necessary and consequential amendments to the Council's Constitution including the insertion of the Protocols at 5.8

ATODIAD / ENCLOSURE A

PROTOCOLAU RHEOLAETH WLEIDYDDOL / POLITICAL MANAGEMENT PROTOCOLS

MYNEGAI / INDEX

1. Canllawiau ar Grwpiau / Guidance on Groups

2. Protocol ynghylch penodi Cynghorwyr i seddau ar Bwyllgorau gan gynnwys trefn ar gyfer dyrannu i Gadeiriau ac Is-Gadeiriau (Yn amgau Egwyddorion ar gyfer Dyrannu Cadeiriau ac Is-Gadeiriau)
Protocol on the appointment of Councillors to Committee seats including mechanism for allocation of Chairs and Vice Chairs (Enclosing Principles for allocation of Chairs and Vice Chairs)

3. Protocol ar gyfer Cadeirio'r Cyngor / Chairing the Council Protocol

4. Protocol ar benodiadau'r Cyngor i gyrff allanol / Protocol on Council appointments to outside bodies

5. Cytundeb y Gynghrair ar gyfer rheoli'r Pwyllgor Gwaith / Alliance agreement for management of the Executive

6. Protocol ar gyfer gweithredu'r Pwyllgor Gwaith / Protocol on operation of the Executive

Guidance on Groups

1. Groups are an integral part of the political management of the Council. The effective conduct of Council business depends on Groups (whether controlling or in opposition) operating in an efficient and effective manner. The Council recommends this guidance to Groups as a means of operating in this way.

Group Meeting

2. Unless specified otherwise by the rules of the political party to which members of the Group belong or its own standing orders, the Group Chairman should be elected by and from its members at a general meeting.
3. Unless specified otherwise by the rules of the relevant political party or the Group's own standing orders, the Group Chairman should not be the Leader of the Group. This is to ensure a reasonable spread of authority in the Group and to better enable the Leader to take part in and lead discussions within Group meetings.

Group Secretary

4. Each Group should elect a Group Secretary. The Group Secretary should prepare and distribute in advance an agenda for each Group meeting.

Group decision making

5. All members of a Group should feel able to present their opinions at a Group meeting openly and without fear of retribution. Members of the Group should treat each other with mutual respect, without aggression, personal attacks or threats.
6. The expression of dissent within Group meetings is a healthy and vital part of the political process. However, the expression of dissent about the Group or its decisions by Group members will undermine the effectiveness and credibility of both the Group and the member expressing dissent.
7. Decisions should be reached by consensus or majority vote. A Group may adopt model standing orders provided by a national political party or draft its own rules of procedure.
8. Once a decision has been taken by a Group, it should only be changed by the Group. Because of this it may be helpful to allow for some flexibility in policy or position to allow the Group Leader to respond to changes in situations.
9. Group members who are unable to attend a Group meeting should accept a decision taken by the Group in their absence. If a Group member feels genuinely unable to comply with such a decision then they should advise the Group Leader immediately.
10. In cases of urgency or where due to the sensitivity of the matter considered, it is not possible for a Group Leader to consult the Group before reaching a decision or expressing a view then the Group Leader should:-
 - (a) make it clear that he/she has not consulted their Group.

- (b) consult the Group as soon as possible.
- 11. Apart from discussions relating to normal Council business, members of one Group should not make political approaches to members of another Group without both Group Leaders being informed first.
- 12. No member of a Group should attempt to impose a whip (or instruction for Group members to vote in a particular way) in relation to any regulatory, quasi-judicial or audit matters.

Protocol on the appointment of Councillors to Committee seats and of Chairs and Vice Chairs (Enclosing Principles for allocation of Chairs and Vice Chairs)

1. The Group Leaders will inform the Monitoring Officer of the names of Councillors in their Groups at least 5 working days before the annual meeting of the Council.
2. The Monitoring Officer will prepare and send to all Group Leaders and Councillors who are not a member of a Group (Unaffiliated Councillors) a matrix setting out the political balance of the Groups and a proposed allocation of seats to each Group and Unaffiliated Councillors at least 3 working days before the annual meeting of the Council.
3. The outgoing Chair of the Council will meet with the Unaffiliated Councillors to establish their wishes in respect of allocation of seats and appointments. Allocation of seats to the Unaffiliated Councillors will be carried out according to their wishes where that is possible. Political balance applies to political parties and not to unaffiliated members. The established practice of allocating to unaffiliated members those seats which cannot be allocated to parties will be maintained, with the interests of unaffiliated members being represented by the outgoing Chair of the Council.

The process of allocation among unaffiliated members shall be as follows:-

- a. Unaffiliated members will collectively agree, if possible, their choices from among the available seats.
 - b. The unaffiliated members shall submit their preferences in writing to the outgoing Chair of the Council and he/she shall decide on the final allocations, taking into account any relevant issues regarding the suitability of those members for the committee seats suggested. This assessment of suitability shall include the experience and skills required to undertake the role together with any other appropriate considerations.
 - c. The outgoing Chair of the Council will submit the final nominations to the Committee Services Manager within any time limit specified. In making nominations to the Committee Services Manager and allocating seats, the outgoing Chair of the Council shall take into account any relevant issues. If the outgoing Chair of the Council is awaiting detail of preferences from any unaffiliated member, and these are not received by the deadline, then the allocation shall be made by the outgoing Chair of the Council at his/her absolute discretion.
4. The Group Leaders and the outgoing Chair of the Council will inform the Monitoring Officer of the names of those Councillors to be appointed to each Committee and their proposals for which Councillor should be the Chair and Vice Chair of each Committee at least 1 working day before the annual meeting of the Council.
 5. The Monitoring Officer will convene a meeting of the Group Leaders, the Leader of the Council and the outgoing Chair of the Council to seek to agree the allocation of seats, appointment of Councillors and appointment of Chairs and Vice Chairs to each Committee. The outgoing Chair of the Council will liaise with and represent the interests of Unaffiliated Councillors.

6. The meeting will be chaired by the Chair of the County Council who will seek to reach agreement with the Group Leaders and the outgoing Chair of the Council on the allocation of seats and appointment of Councillors.
7. The Monitoring Officer will present a report to the Annual Meeting of the Council setting out the proposals agreed at the above meeting. The Council meeting will appoint Councillors to Committees.
8. Each Committee will meet briefly immediately after the Council meeting to appoint its own Chair and Vice Chair.

Principles for allocation of Chairs and Vice Chairs

In order to give effect to the requirements of the Minister's letter of 4th March 2010 the following principles shall be applied in the allocation of Chairs and Vice Chairs:

- Corporate Scrutiny and Audit to be Chaired by the Opposition.
- Chairs of Corporate Scrutiny and Audit to be allocated to the two largest Opposition Groups (or both to the same Group if there is only one such Group). The largest Opposition Group has first choice.
- Chairs and Vice Chairs of all other Committees having special responsibility allowances to be divided up on a politically balanced basis (see attached example) ENC 1.
- Those unaffiliated Members who explicitly support the Administration shall be taken into account when calculating the number of Chairs and Vice Chairs to be allocated to the Administration. All other unaffiliated Members shall be taken into account when calculating the number of Chairs and Vice Chairs to be allocated to the Opposition.
- Where possible the Vice Chair shall be a Member from the "other side of the political divide" to the Chair of that Committee.
- When political balance is applied to Chairs and Vice Chairs then any fractions created between .1 and .4 shall be rounded down and any fraction created between .6 and .9 shall be rounded up. Any fraction of .5 shall be rounded up or down to favour the Opposition.
- When the allocation of Chairs and Vice Chairs is to be made, in the absence of agreement between the Administration and the Opposition, then the approach shall be by selection, turn and turn about. So, the Administration shall select the first Chair and the Opposition the second Chair and so on until all the Chairs have been allocated in accordance with the numbers permitted to each side. There shall be no interference by either side in the selections made by the other and this shall extend to the formal appointments process at the relevant Committees.
- The political groups within the Administration, and those within the Opposition, shall nominate Members from among their number to serve as Chairs and Vice Chairs in accordance with the selections made and by agreement within the Administration, and within the Opposition, respectively.
- If there is disagreement within the Administration, or within the Opposition, as to which of their Members shall be allocated to Chairs or Vice Chairs then the process of calculating the political balance, and the selection of Chairs and Vice Chairs shall, instead, be done on a Group by Group basis beginning with the largest Group first until all the Chairs have been allocated in accordance with the numbers allowed to each Group. If the Groups entitled to select a Chair or Vice Chair are of equal numbers then the Leaders of those Groups shall agree among themselves which Group shall have first, second and third choice etc. In the absence of agreement, the Chairman of the Council shall decide the order of preference by lot(s).
- In the case of all Committees which do not carry a special responsibility allowance then the selection/appointment of the Chairs and Vice Chairs shall remain a matter for each of the relevant Committees.

- If all political groups are represented on the Executive then the allocation of all Chairs and Vice Chairs shall proceed turn and turn about between the Groups starting with the largest and moving on to the next largest and so on until each Group has exhausted its allocation.

Chairing the Council Protocol

1. The Chairperson, or in their absence, the Vice-Chairperson shall have regard to this protocol in the exercise of their role of presiding over the Council Meeting.
2. The Chairperson will convene an agenda planning meeting between one and two working days before each Council Meeting. The Chairperson will invite the Leader of the Council, the Leaders of each Group, the Managing Director and Monitoring Officer to the meeting. Those invited must attend in person or send a representative. The Chairperson may also invite such other persons to the meeting as appear to him/her appropriate.
3. The purpose of the agenda planning meeting will be to assist the Chairperson to preside over Meetings of the Council in a fair and impartial manner so that business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
4. In particular, the Chairperson will establish through discussion with the Leader of the Council and Group Leaders:-
 - a. the identity of those intending to propose and second motions;
 - b. the wording of such proposed motions, and;
 - c. any areas of likely agreement or disagreement in relation to the conduct of business at the Council Meeting.
5. The Chairperson will not meet with any member or members of the Executive in relation to the conduct of business at a Council Meeting, other than at an agenda planning meeting, or political group meeting.
6. In presiding over the Council Meeting, the Chairperson will exercise his/her powers and duties without regard to their membership of any Political Group and will at all times seek to promote the interests of the Council as a whole.
7. In presiding over the Council Meeting, the Chairperson will exercise his/her powers and duties and the Council procedure Rules in an active, fair and impartial manner so that business can be carried out efficiently and with regard to the rights of all Councillors and the interests of the community.
8. The Chairperson will actively consider and review their own skills and competencies for the discharge of his/her role and in liaison with the Monitoring Officer and will seek to address any areas of training and development need.

Protocol on Council appointments to outside bodies

1. The Council Meeting (in the case of functions reserved to it or appointments referred to it by the Executive) and the Executive (in all other cases) will have regard to this protocol when making appointments to outside bodies.
2. The Council and the Executive will in respect of appointments made by them each review the list of outside bodies to which appointments are made every 12 months and shall determine in relation to each outside body:-
 - (a) whether representation by the Council is necessary for the carrying out of its functions, and if so;
 - (b) which Councillor or officer should be appointed to that body; and
 - (c) the manner and frequency of reporting by the Councillor appointed.
3. In the case of an outside body whose activities are confined wholly or mainly to a single Ward (a local outside body), the Ward Councillor will normally be appointed. In a Ward with more than one Ward Councillor, the Ward Councillors will agree which of them will be appointed.
4. In the case of an outside body whose activities are wholly or mainly related to an area greater than one Ward (a strategic outside body), the chairman or vice chairman of the relevant committee, or portfolio holder in the case of an appointment made by the Executive will normally be appointed.
5. Where it is the appointing body, the Council will seek to ensure that appointments to strategic outside bodies reflect the relative overall numbers of seats held by each Group on the Council and Councillors who are not a member of a Group.
6. The Chair of the County Council will seek to resolve any dispute between Groups or Councillors as to any proposed appointment, taking into account, in respect of strategic outside bodies, any representations made by:
 - (a) the secretary of each Group and;
 - (b) the Unaffiliated Members, to him/her, the Chair of the Council, acting as the guardian of the interest of all Councillors, especially those not in a Group.
7. Councillors appointed to a local outside body must attend its meetings regularly and supply a brief written report at least once every 12 months for circulation to all Councillors by the Monitoring Officer.
8. Councillors appointed to strategic outside bodies will report to the Council Meeting or Executive as appropriate.
9. A Councillor taking part in the activities of an outside body must still comply with the Member Code of Conduct, including the declaration of personal and/or prejudicial interests.
10. A Councillor appointed to an outside body should seek to represent the views and interests of the Council as a whole including its policies and decisions.

The Councillor may indicate that their own view, or that of their Group, differs from the Council's position.

11. A Councillor appointed to an outside body should seek a briefing from relevant Council officers prior to any significant meeting of the body concerned.

Alliance agreement for management of the Executive

1. The Labour, Plaid Cymru, Voice of Anglesey and Menai Groups on the Council (the Alliance Groups) agree that they will comply with this agreement.

Alliance Groups Meetings

2. The Leaders of the Alliance Groups will appoint a member of one of those Groups (the Convenor) to convene meetings of all members of the Alliance Groups (Alliance Groups Meetings). The Convenor will not be a Group Leader.
3. The Convenor will chair Alliance Groups Meetings.
4. The Convenor will convene Alliance Groups Meetings regularly and not less than once in every two months.
5. The quorum for an Alliance Groups Meeting will be one member of each of the Alliance Groups.
6. The purpose of an Alliance Groups Meeting is to consider and identify areas of agreement between the Alliance Groups and possible areas of non agreement.

Alliance Groups Leaders Meetings

7. The Leaders of the Alliance Groups will meet regularly and not less than every month.

The Executive Business manager

8. The Leader of the Council in consultation with the Leaders of the Alliance Groups will designate a member of the Executive to manage the business of the Executive (the Executive Business Manager).
9. The Executive Business Manager will seek to facilitate the efficient and effective leadership of the Council as a whole and the development and implementation of policies and proposals through the Executive.
10. The Executive Business manager will:-
 - (a) assist the Convenor in calling Alliance Groups Meetings and act as secretary to those meetings;
 - (b) ensure the Convenor is briefed in a timely manner on the agenda of forthcoming Alliance Groups Meetings;
 - (c) in liaison with the Alliance Group Leaders ensure maximum attendance of members of the Alliance Groups at Alliance Groups Meetings;
 - (d) ensure the timely implementation of Executive decisions;
 - (e) ensure that members of Alliance Groups who are not on the Executive are informed of decisions and proposals under consideration by the

Executive, including by producing and distributing a regular bulletin on such matters;

- (f) ensure that members of the Executive are informed of the views of members of Alliance Groups who are not on the Executive;
- (g) liaise with members of the Alliance Groups and Senior officers to communicate the reasons for decisions taken by the Executive;
- (h) assist the Alliance Group Leaders to ensure that any programme of proposals or policies agreed by them is followed;
- (i) work with the Alliance Group Leaders and the Convenor to seek to resolve potential conflicts within the Alliance;
- (j) ensure that this agreement is followed by members of the Alliance Groups;
- (k) ensure that members of the Alliance Groups follow any vision, values or programme of policy proposals agreed by the alliance;
- (l) liaise with the Leader of the Council for regular informal, private meetings of members of the Executive.

Dispute resolution – member of an Alliance Group not on the Executive

- 11. If a member of an Alliance Group is unable to support a decision or proposal agreed by the Alliance then that member will inform their Group Leader immediately. The Group Leader will attempt to resolve the issue.
- 12. If the Group Leader is unable to resolve the issue, the Group Leader will inform the Leader of the Council and the Executive Business Manager immediately.
- 13. The Leader of the Council, Group Leader and Executive Business Manager will meet the member concerned to resolve the issue. The member may be accompanied by another member of their choice from their own Group.
- 14. If the matter remains unresolved, it will be referred to a meeting of the member's Group. The Group Leader will inform the Leader of the Council and Executive Business Manager of the outcome immediately.
- 15. The Leaders of the Alliance Groups will then decide on what, if any, action should be taken by the Alliance.

Dispute resolution – members of Executive

- 16. If a member of the Executive (including a Group Leader) is unable to support a decision or proposal agreed by the Alliance then they will inform the Leader of the Council, the Executive Business Manager and (if appropriate) their Group Leader immediately.
- 17. The Leader of the Council, the Group Leader (if appropriate) and the Executive Business Manager will meet the member of the Executive concerned to resolve the issue.

18. If the matter remains unresolved, the Leader of the Council will consider what, if any, action should be taken.

[add 4.4.2.5.5 to Executive Procedure Rules –

The Executive will have regard to the Protocol on operation of the Executive set out at Part 5 in this Constitution]

Protocol on operation of the Executive

Agendas and reports

1. The Leader of the Council will determine the agenda for meetings of the Executive in consultation with the Managing Director, the Monitoring Officer and the Alliance Group Leaders.
2. The Managing Director will publish the agenda of meetings of the Executive and send it to members of the Executive at least 5 days before the meeting.
3. All decisions by the Executive will be made after consideration of a written report by the Portfolio holder which will:-
 - (a) indicate who has made the proposal;
 - (b) show what will, or is likely to take place, if the proposal is agreed or not agreed;
 - (c) show which senior officers have been consulted on the contents of the report and their comments;
 - (d) set out the background, options and proposal in clear and brief terms, comprising normally no more than three A4 sheets of paper.
4. Agenda items will be considered as follows:-
 - (a) the proposal will be introduced by the Portfolio holder or in their absence the Leader of the Council;
 - (b) the Leader of the Council will call on the relevant Corporate Director or their nominee to speak if they so wish;
 - (c) the Leader of the Council will call on any Councillors who are not members of the Executive to speak in accordance with paragraphs 13, 14 or 15 below;
 - (d) the Leader of the Council will call on other members of the Executive to speak if they so wish. Each member may normally speak once in relation to each matter;
 - (e) the Leader of the Council will call on the Portfolio holder to close the debate;
 - (f) a decision will be made on the proposal.

Decision making – meetings of the Executive

5. Decisions of the Executive will normally be reached by consensus. If a consensus cannot be reached the matter will be put to the vote on show of hands.
6. Where there are equal numbers of votes for and against the proposal, the Leader of the Council will exercise a casting vote.
7. Full reasons will be set out in the minutes of a meeting of the Executive where it decides to reject a proposal which is supported by a senior officer.
8. The Managing Director will send action points arising from meetings of the Executive to all Councillors within two days of the meeting.
9. The Executive Business Manager will ensure that action points are implemented and will report to the next meeting of the Executive on progress on such implementation.
10. The Managing Director will send a bulletin to all Councillors of information provided to the Executive on which a decision is not required. Such matters will not be included in reports to the Executive.

Decision making – individual members of the Executive

11. Decisions taken by Executive members individually under delegated authority of the Executive will be made after consideration of a written report prepared by an officer and will be recorded in writing as soon as practicable after being made and reported to the next available meeting of the Executive.
12. An individual member of the Executive will not make a decision on a matter in which they have a personal or prejudicial interest and the decision will be taken by the Executive instead.

Participation in Executive Meetings by Councillors not in the Executive

13. Any Councillor who is not a member of the Executive wishing to attend and speak on a matter on an agenda of a meeting of the Executive will notify the Leader of the Council the day before the meeting or, in the case of a meeting to be held after 12 noon, by 9.00 am on the day of the meeting.
14. A Councillor giving such notice may address the Executive once in relation to a specific proposal for no longer than 3 minutes. The Leader of the Council may reduce the time allowed for speaking if there are several Councillors wishing to speak on the same matter and/or he/she may limit the number of Councillors speaking.
15. Subject to 13 above, a Councillor giving such notice may speak on more than one proposal.

Communications

16. Once a decision has been made by the Executive, all members of it will actively support that decision, though this will not prevent individual members of the Executive speaking privately about decisions with their Group.

17. Communications with the media about a decision will be by the Leader of the Council or the relevant Portfolio holder.
18. Media enquiries about anything other than a Ward matter or a general enquiry must be referred to the Leader of the Council or the relevant Portfolio holder.

Compliance

19. The Executive Business Manager will monitor compliance with this protocol and investigate and report on any possible breach to the relevant Group Leader.