

Isle of Anglesey County Council	
Report to:	The Executive / The Council
Date:	27th September 2022 / 29th September 2022
Subject:	Assistant Executive Members
Portfolio Holder(s):	The Leader
Head of Service / Director:	Lynn Ball Director of Function (Council Business) / Monitoring Officer 01248 752586 lynnball@ynysmon.llyw.cymru
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Local Members:	No direct impact on any specific ward

A –Recommendation/s and reason/s

A.1 The Executive

To submit any views to Council in relation to the proposals in paragraph **A.2** below

A.2 The Council

1. To authorise the appointment of no more than three assistant executive members, at any one time;
2. That any assistant executive member shall not be remunerated and that any application for remuneration (which would have to made to the Independent Remuneration Panel for Wales) shall first be authorised by full Council;
3. Aside from remuneration, all other terms and conditions shall be decided by the Leader, to include:
 - the number of assistant executive members appointed within the overall cap set by Council
 - any appointments process for such individuals
 - the individuals to be appointed
 - term of office
 - responsibilities and duties of the roles

Key Considerations

Section 57 of the Local Government and Elections (Wales) Act 2021 ('the Act') introduced provisions enabling the appointment of elected members to be assistants to the Executive (assistants).

A –Recommendation/s and reason/s

The Constitution has been amended to reflect Section 57 of the Act; but the operation of Section 57 can only be implemented by a decision of the full Council.

The Welsh Government's stated aim is to support diversity by enabling members who might not be in a position to take up a full time executive role, because of personal or other circumstances, to have the opportunity to learn and develop. Additionally, it would enable a broader range of members to acquire executive experience and assist with future succession planning.

Whilst assistants are not members of the Executive, they can attend and speak at meetings of the Executive but they cannot vote.

These posts will not attract a senior salary unless a successful application is made to the Independent Remuneration Panel for Wales. The Panel has stated;

"The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the executive."

Note: If a senior salary payment were to be made to an assistant, having first obtained the approval of the IRPW, such a payment would count towards the overall cap permitted for the Council; which is 17 (being the statutory maximum of no more than 50 per cent of the Council's membership).

If the Council agrees to the principle of appointing assistants, the Constitution must include provision as to the maximum number of assistants who may be appointed, although other details regarding tenure, roles and responsibilities etc will be the responsibility of the Leader.

The Act provides that neither the Chair nor the Vice-Chair of the Council may be appointed as assistants.

Assistants are not members of the Executive, but are to be treated as if they are members of the Executive for the purpose of the allocation of seats on scrutiny committees. In other words, neither members of the Executive, nor assistants, may be members of either scrutiny committee. This may have implications for membership of the scrutiny committees.

However, recently released draft guidance from the Welsh Government suggests that the number of co-opted members on scrutiny committees may be increased, up to a maximum of a third of the committee's membership. What is proposed is a power and not a duty and it will be a matter for Council to decide on whether or not to co-opt members of the public to the scrutiny committees.

Likewise, the committees which are able to include no more than one member of the Executive; namely the Governance and Audit Committee, the Democratic Services Committee and the Standards Committee, may only have a member of the Executive, or an assistant, but not both.

A – Recommendation/s and reason/s

It is not intended that an assistant be permanently dedicated to support a specified portfolio holder but, instead, is intended to assist the Executive as a whole and would be appointed, removed and line managed by the Leader, who would also allocate responsibilities and duties.

B – What other options did you consider and why did you reject them and/or opt for this option?

The options are to approve the principle of appointing assistants, or to reject the principle of appointing assistants. This report allows for the Council to choose either of the two options.

C – Why is this a decision for the Executive?

This is a decision for full Council. The Constitution requires that the Executive be given an opportunity to submit its views to Council before Council decides on whether to change the Constitution.

Ch – Is this decision consistent with policy approved by the full Council?

The purpose of the report is for Council to decide on the policy to be approved

D – Is this decision within the budget approved by the Council?

Yes

Dd – Assessing the potential impact (if relevant):

1	How does this decision impact on our long term needs as an Island?	<ul style="list-style-type: none">• Ensures that the Council is acting lawfully in its decision making• Provides an opportunity to give a broader range of experience to more elected members• Facilitates political succession planning
2	Is this a decision which it is envisaged will prevent future costs / dependencies on the Authority? If so, how?	No
3	Have we been working collaboratively with other organisations to come to this	No

Dd – Assessing the potential impact (if relevant):		
	decision? If so, please advise whom.	
4	Have Anglesey citizens played a part in drafting this way forward, including those directly affected by the decision? Please explain how.	No. The provisions are statutory
5	Note any potential impact that this decision would have on the groups protected under the Equality Act 2010.	The proposal may have a positive impact insofar as it contributes towards the Welsh Government's stated aim of supporting diversity by enabling members who might not be in a position to take up a full time executive role, because of personal or other circumstances, to have the opportunity to learn and develop.
6	If this is a strategic decision, note any potential impact that the decision would have on those experiencing socio-economic disadvantage.	Not relevant
7	Note any potential impact that this decision would have on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.	The proposal may have a positive impact insofar as assistant executive members may have greater opportunity to practice their Welsh when engaging with the Executive which is currently made up of Welsh speakers. Thus creating a new opportunity to use Welsh that would not otherwise be available were it not for the creation of the role.

E – Who did you consult?		What did they say?
1	Chief Executive / Strategic Leadership Team (SLT) (mandatory)	Considered the draft report on 5 September 2022. Supportive of the proposal
2	Finance / Section 151 (mandatory)	The Section 151 Officer is part of the Strategic Leadership Team and was present at the meeting on 5 September 2022
3	Legal / Monitoring Officer (mandatory)	Author of the report
4	Human Resources (HR)	Not relevant
5	Property	Not relevant
6	Information Technology (IT)	Not relevant
7	Procurement	Not relevant
8	Scrutiny	Not subject to pre-decision scrutiny as the Executive will be asked to express a

E – Who did you consult?		What did they say?
		view, if any, but the decision will be for full Council
9	Local Members	Of equal consequence to all local members who will form part of the ultimate decision making body, being the full Council. To be discussed by Group Leaders on 15 September 2022

F - Appendices:

Ff - Background papers (please contact the author of the Report for any further information):

The Local Government and Elections (Wales) Act 2021 and the relevant Statutory Instruments / guidance produced thereunder