



National Assembly for **Wales**
Cynulliad Cenedlaethol **Cymru**

Councils in Wales after the 2004 Local Elections

Abstract

This paper provides details of political control in Welsh Councils following the Local Government Elections in June 2004. Several councils changed hands between parties and a number are under no overall control and are run by coalitions of parties. Some councils wish to alter their executive arrangements and the paper explains the background to the Assembly Regulations that will enable them to do this.

December 2004



Councils in Wales after the 2004 Local Elections

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December 2004

Paper number: 04/2731/at

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Executive Summary

This research paper provides further detail about political control and executive arrangements in Welsh councils following the local council elections in June 2004.

Part II of the Local Government Act 2000 contains provisions for new political management structures for local authorities in England and Wales, including local authority executives and executive arrangements.

The Act set out three options for executive arrangements: Leader and Cabinet; executive mayor and mayor and council manager. A 'fourth option' that includes a politically balanced board has also been adopted in Wales

The Act is implemented in Wales through Regulations and Guidance issued by the National Assembly for Wales and the Welsh Assembly Government.

The *Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002* No. 2880 (W.276) do not allow local authorities to change the basic constitutional model that they operate.

In its report on the operation of new political management structures in local government the Assembly's Local Government and Public Services Committee recommended that the Welsh Assembly Government should amend these Regulations 'so that local authorities have the freedom to reform their political management structures and overview and scrutiny arrangements as they see fit'.

Cardiff Council has applied to the Welsh Assembly Government to change its executive arrangements.

The Welsh Assembly Government has responded by introducing the *Draft Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004*. These were discussed in Plenary on 30 November and came into force on 9 December 2004.

The paper provides details of the political control, leader and existing political arrangements in each council. It also provides a breakdown of cabinet membership in councils where there is no overall control and board membership in councils with the 'fourth option'.

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Councils in Wales after the 2004 Local Elections

1 Introduction

Research Paper 04/013 provided a summary of the results of the local council elections held on 10 June 2004. The elections left Labour in control of eight councils, Independents in control of three, Plaid Cymru and the Conservatives with one each and nine with no party in overall control.

This research paper provides further detail about political control and executive arrangements in Welsh councils. Having changed hands, some councils wish to change their executive and overview and scrutiny arrangements. Regulations made by the Assembly under the *Local Government Act 2000* allow councils to make some changes with the consent of the Assembly but not to change the basic constitutional model. However, following a recommendation in the Local Government and Public Services Committee's Policy Review Report on New Political Arrangements in Local Government the Welsh Assembly Government is bringing in regulations that will enable councils to change their constitutional model subject to consultation.

2 Executive Arrangements after the *Local Government Act 2000*

2.1 *The Local Government Act 2000*

Part II of the *Local Government Act 2000* contains provisions for new political management structures for local authorities in England and Wales, including local authority executives and executive arrangements. *Section 37* of the Act requires each local authority to prepare, keep up to date and publicise a document known as the council's constitution.

It sets out three initial broad forms of executive:

- ◆ a directly-elected mayor who appoints two or more councillors to the executive (referred to in *Part II* as a mayor and cabinet executive);
- ◆ an executive leader, elected by the full council, plus two or more councillors appointed by the leader or the council (a leader and cabinet executive); or
- ◆ a directly-elected mayor, with an officer of the authority appointed by the council as a council manager (a mayor and council manager executive).

However, the Partnership Agreement, *Putting Wales First*, which underpinned the Labour/Liberal Democrat coalition in October 2000, contained a commitment to a 'fourth option' of adopting a modernised committee structure with enhanced scrutiny powers in place of the cabinet system. The Act permits the National Assembly for Wales to specify which local authorities may operate 'alternative arrangements'. The *Local Authorities (Alternative Arrangements) (Wales) Regulations 2001* enacted by the National Assembly allow for a fourth option to be taken by local authorities.

With this option:

- ◆ councils retain sovereignty on matters of policy and finance.
- ◆ a politically balanced Board deals with strategic issues and delegated authority from council.
- ◆ a 'super' scrutiny committee is established and is chaired by a member of an opposition party and does not include any cabinet members.

- ◆ not fewer than three or more than six further scrutiny committees are established.
- ◆ regulatory committees such as planning or licensing are retained or the alternative option of area committees dealing with these functions.

All four options require an overview and scrutiny function to be run by councillors who are not part of the executive.

Under all arrangements, planning, licensing and other 'semi-judicial' matters should be dealt with in a way that ensures that all points of view can be heard and the interested individuals have the right to present their case.

All the options have a standards committee and procedures to ensure that politicians behave in a manner that is appropriate and ethical.

Extensive public consultation exercises were carried out by local authorities during 2001 and early 2002, with the majority of authorities in Wales adopting the leader and cabinet option. Three councils, Powys, Gwynedd and Merthyr Tydfil, adopted the 'fourth option'.

2.2 Implementation of the Local Government Act 2000 in Wales

The Act is implemented in Wales through Regulations and Guidance.

The Assembly has made a range of regulations including some relating to how councils decide and change their executive arrangements; about the procedures for holding a referendum and access to information.

Under section 38 of the Act Statutory Guidance was issued in *Guidance for County and County Borough Councils in Wales on Executive Arrangements 2001* which covers:

- ◆ the content and operation of a new constitution including executive arrangements
- ◆ the process of changing to a new constitution including executive arrangements.

Non-statutory Guidance has also been produced that councils must follow in consulting local people about what kind of executive arrangements they want and guidelines for local authorities in drawing up constitutions, as required under the Act.

3 Political Control and Executive Arrangements after June 2004

The party group is a product of local representative democracy, in which political power is transferred from the citizens to elected representatives via the mechanisms of the political party. Political power is then transferred again via the councillor, to the party group of councillors cohering around the same, or a shared, party label.¹

Following the local elections on 10 June 2004 elected members within local authorities organised themselves into groups ahead of each council's Annual Meeting. Generally these adhere around party labels but Independents make up the second largest grouping across Welsh local authorities and in some councils there are distinct groups of Independents or groups made up of more than one party. Some members remain unaligned to any group.

¹ Colin Copus, *It's my party: the role of the group in executive arrangements*, LGA Briefing, 2001.
http://217.154.109.138/Documents/Briefing/Our_Work/BLG/myparty.pdf



The table on the next page shows political control and types of executive arrangements in the 22 local authorities after the elections in June 2004. It also lists the leaders of the 22 local authorities, many of whom are new. Nine leaders are Labour councillors, seven are Independents, three are Liberal Democrats, two are Conservatives and one is a Plaid Cymru – Party of Wales councillor.

Following the elections some councils wish to alter their executive arrangements, the process and details of particular cases are discussed in the section 4.

Some councils use the term 'cabinet, while others prefer 'executive board'. For the sake of clarity the term 'cabinet' is used to describe executive arrangements in councils operating a Leader and Cabinet model. The term 'board' is used to describe arrangements in 'fourth option' councils.



3.1 Party Control and Leaders

Local Authority	Control	Executive Arrangements	Leader
Blaenau Gwent	Labour	Leader and Cabinet	Cllr. John Hopkins (Labour)
Bridgend	NOC	Leader and Cabinet	Cllr. Cheryl Green (Liberal Democrat)
Caerphilly	Labour	Leader and Cabinet	Cllr. Harry Andrews (Labour)
Cardiff	NOC	Interim arrangement but wishes to change to Board	Cllr. Rodney Berman (Liberal Democrat)
Carmarthenshire	NOC	Leader and Cabinet	Cllr. Meryl Gravell (Independent)
Ceredigion	NOC	Leader and Cabinet	Cllr. Dai Lloyd Evans (Independent)
Conwy	NOC	Leader and Cabinet	Cllr. Emlyn Davies (Independent)
Denbighshire	NOC	Leader and Cabinet	Cllr. Rhiannon Hughes (Independent)
Flintshire	Labour	Leader and Cabinet	Cllr. Alex Aldridge (Labour)
Gwynedd	Plaid Cymru	Board	Cllr. Richard Parry Hughes (Plaid Cymru)
Isle of Anglesey	Independent	Leader and Cabinet	Cllr. WJ Williams (Anglesey Forward – Independent)
Merthyr Tydfil	Labour	Board	Cllr. Harvey Russell Jones (Labour)
Monmouthshire	Conservative	Leader and Cabinet	Cllr. Andrew Crump (Conservative)
Neath Port Talbot	Labour	Leader and Cabinet	Cllr. Derek Vaughan (Labour)
Newport	Labour	Leader and Cabinet	Cllr. Robert Bright (Labour)
Pembrokeshire	Independent	Leader and Cabinet	Cllr. John Davies (Independent)
Powys	Independent	Board	Cllr. Michael Jones (Chair of the Board)
Rhondda-Cynon-Tâf	Labour	Leader and Cabinet	Cllr. Russell Roberts (Labour)
Swansea	NOC	Leader and Cabinet	Cllr. Christopher Holley (Liberal Democrat)
Torfaen	Labour	Leader and Cabinet	Cllr. Bob G Wellington (Labour)
Vale of Glamorgan	NOC	Leader and Cabinet	Cllr. Jeffrey James (Conservative)
Wrexham	NOC	Leader and Cabinet	Cllr. Neil Rogers (Labour)



3.2 Executive make up in councils with no overall control and a Leader and cabinet system

Where one party won overall control of a council, the cabinet will be made up of members of the largest group. The exceptions to this are Merthyr Tydfil, Powys and Gwynedd which have adopted the 'fourth option' and must therefore have politically balanced boards. In Powys, however, no councillors declare a affiliation to a political group so the requirement for political balance is circumvented.² Information is provided below on the political make up of cabinets in councils where no party won overall control and those councils operating the 'fourth option'.

Bridgend

Following the county borough elections in June 2004, a new coalition was formed, called the Rainbow Alliance. The cabinet is made up of three Liberal Democrats, two Conservatives and one Independent.

<http://www.bridgend.gov.uk/Web1/groups/public/documents/democracy/000133.hcsp>

Cardiff

All members of Cardiff's Executive Board are Liberal Democrats despite the fact that no party won overall control. The minutes of the Annual Meeting of Cardiff Council held on 1 July 2004 record that::

The Leaderstated that he had earlier appointed 3 Liberal Democrat Councillors to the Executive. As no nominations for the Executive had been forthcoming from other parties he had decided to appoint an additional 3 Members, namely Councillors James, Kelloway and Stephens.³

The council has applied to the National Assembly for Wales to introduce alternative political management arrangements based on a modernised committee system with enhanced scrutiny powers. This is subject to the passage of *Draft Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004* as discussed below in section 5. In the interim, the council's decision-making process is based on a new system of executive government, which will support an enhanced role for the council and scrutiny. It will include an executive consisting of seven members. In August 2004 the Minister for Finance, Local Government and Public Services approved the council's proposal that the council, rather than the leader, appoints the executive. The Minister also approved the council's proposal that the responsibility for "local choice" functions, other than the operation of the Harbour Authority, be moved from the executive to the council.

Ceredigion

Ceredigion's cabinet is made up of four Independents, three Liberal Democrats and one Labour member.

<http://www.ceredigion.gov.uk/index.cfm?articleid=341>

² Some councillors are elected on a party ticket but have not formed a party group.

³ Cardiff City Council, Minutes of Annual Meeting

Conwy

Conwy's cabinet is made up of four Independents, three Plaid Cymru – Party of Wales members, two Conservatives and one Liberal Democrat.

<http://www.conwy.gov.uk/doc.asp?cat=1993&doc=2365>

Denbighshire

Denbighshire's cabinet is made up of five Independents, three Conservatives, one Plaid Cymru – Party of Wales member and one Democratic Alliance member.

<http://www.denbighshire.gov.uk/CE/Councillors.nsf/e87e24edc3247f918025681d0032da2d/b8a95c143a5dc5598025692900398afb?OpenDocument>

Swansea

Swansea's cabinet is made up of six Liberal Democrats, three Independents and one Conservative.

<http://www.swansea.gov.uk/index.cfm?articleid=3385>

Wrexham

Wrexham's cabinet has three Labour members, three Liberal Democrat/Independents, one Independent, one Conservative, one Wrexham Independent and one non-aligned member.

http://www.wrexham.gov.uk/english/council/committees_new/executive_board.htm

Vale of Glamorgan

Although the Conservatives fell short of an overall majority in the Vale of Glamorgan, all members of the cabinet are Conservatives.

<http://www.valeofglamorgan.gov.uk/Our%20Council/Councillors/Leader%20and%20Cabinet/Cabinet.aspx>

3.3 Councils with the 'fourth option'

Merthyr Tydfil

Although Labour gained control of Merthyr Tydfil from no overall control its constitution currently requires it to run a politically balanced board. Its ten member board has five Labour members, three members of the People before Politics group and two Independents.

<http://www.merthyr.gov.uk/Home/Council/How+the+Council++Works/Membership/Decision+Making+Committees.htm#themepartfolios>

Gwynedd

Gwynedd's politically balanced board is made of nine Plaid Cymru-Party of Wales members, three Independents, two Labour members and one Liberal Democrat.

http://www.gwynedd.gov.uk/gwy_doc.asp?cat=3101&doc=8702

Powys

None of Powys's councillors declare affiliation to a party group so there is no requirement for political balance.

<http://demserv.powys.gov.uk/english/newcon/board.pdf>

<http://demserv.powys.gov.uk/english/const/part8-1.pdf>

3.4 Links to Cabinet/Executive Board pages of councils with one party majorities

Anglesey

<http://www.anglesey.gov.uk/english/council/index.htm>

Caerphilly

<http://www.caerphilly.gov.uk/newsandviews/news/pressrelease/0900-0999/0914.htm>

Neath Port Talbot

<http://www.neath-porttalbot.gov.uk/democraticprocess/cabinet.cfm>

Monmouthshire

http://www.monmouthshire.gov.uk/Monmouth/English/YourCouncil/Councillors_Meetings/Cabinet/

Rhondda-Cynon- Tâf

<http://www.rhondda-cynon-taf.gov.uk/general/CABINET%20%20PORTFOLIOS.pdf>

Pembrokeshire

http://www.pembrokeshire.gov.uk/content.asp?Language=&id=6316&nav=112,161&parent_directory_id=101

Torfaen

<http://www.torfaen.gov.uk/en/yourcouncil/index.php/mid=338~omid=337>

4 Changing Executive Arrangements

Procedures for changing local authorities' standing orders stem from the *Local Government Act 2000* and provisions relating to the changing of arrangements are found under sections 30 (executive arrangements) and 33 (alternative arrangements). The regulations made under these sections are the *Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002* No. 2880 (W.276).

These regulations do not allow local authorities to change the basic model that they are operating. In other words, the authorities that are operating a leader and cabinet model are unable to move to a different model, such as the 'fourth option' or a mayoral model. A council can, however, alter the role or responsibilities of the council or its executive, or change the role or structure of overview and scrutiny committees with the written consent of the National Assembly for Wales. Following the 2004 local elections Anglesey, Torfaen and Blaenau Gwent have all made applications to the Minister for Finance, Local Government and Public Services in order to make changes to their overview and scrutiny arrangements.



In its report on the operation of new political management structures in local government the Assembly's Local Government and Public Services Committee recommended that the Welsh Assembly Government should amend the *Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002* 'so that local authorities have the freedom to reform their political management structures and overview and scrutiny arrangements as they see fit'.

In her response to the Committee Report, the Finance, Local Government and Public Services Minister, Sue Essex, stated:

The Assembly Government recognises the demand for greater flexibility. We will shortly conduct a consultation exercise on this matter, in which we will propose changes to the regulations to enable local authorities to change their political structure and reduce other restrictions currently in force. We would, however, seek to ensure that no council could change its basic political model without public consultation, as was required before their new constitutions were adopted in 2002.⁴

The Explanatory Memorandum for the *Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004* states:

These regulations relate to the Assembly's powers to introduce provisions in connection with enabling local authorities which operate executive arrangements to change those executive arrangements in any respect, which would include changing the form of the executive or changing from executive to alternative arrangements (or vice versa). Regulations currently in force in Wales do not allow for any change to the form of the council's constitutional model.⁵

The Welsh Assembly Government consulted with local government and other relevant bodies on the draft regulations between 1 and the 29 September 2004. The consultation revealed that consultees felt that, as originally drafted, the regulations would have placed more constraints on them than the current 2002 regulations. In particular, that a local authority would have been required to consult and forward proposals on any changes made to their constitution (for example, to scrutiny committees). As a result of the consultation the regulations have been re-drafted and now provide that local authorities are required to consult and forward proposals, only if their intention is to make changes to their basic constitutional model. The Explanatory Note for the draft Regulations can be seen in Annex 1.

The Local Government and Public Services Committee considered the draft regulations as part of the Minister's response to their report on new political structures on 22 September 2004.

The regulations were scheduled for Plenary on 30 November and came into force on the 9 December 2004.

⁴ Cabinet Written Statement by Sue Essex in response to the Local Government and Public Services Committee's inquiry into the operation of new political management structures in local government., 6 July 2004.

⁵ Explanatory Memorandum, *Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004*, November 2004.

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- Sources:** Cabinet Written Statement by Sue Essex in response to the Local Government and Public Services Committee's inquiry into the operation of new political management structures in local government., 6 July 2004.
- Cardiff City Council, Minutes of Annual Meeting, 1 July 2004.
- Copus C, *It's my party: the role of the group in executive arrangements*, LGA Briefing, 2001.
[http://217.154.109.138/Documents/Briefing/Our Work/BLG/myparty.pdf](http://217.154.109.138/Documents/Briefing/Our_Work/BLG/myparty.pdf)
- Explanatory Memorandum, *Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004*, November 2004.
<http://www.wales-legislation.hmso.gov.uk/legislation/wales/wsi2004/20043158e.htm>
- Local Authority websites
- Local Government and Public Services Committee Report, *The Operation of New Political Management Structures in Local Government*, June 2004.
- National Assembly for Wales Guidance on Executive Arrangements
<http://www.wales.gov.uk/subilocalgov/content/guidance/executive-arrangements-e.pdf>
- National Assembly for Wales Guidance on Modular Constitutions
<http://www.wales.gov.uk/subilocalgov/content/guidance/modular-e.pdf>
- Welsh Assembly Government, Local Government Modernisation Division

5 Annex 1: Explanatory Note to Draft Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004.

Following the commencement of Part II of the Local Government Act 2000 (“the 2000 Act”) in Wales, Welsh county and county borough councils drew up proposals for the operation of either executive arrangements (under which certain functions of such local authorities are the responsibility of an executive) or the operation of alternative arrangements. In the case of executive arrangements, the local authority’s executive must take one of the forms specified in section 11(2) to (4) of the 2000 Act.

These Regulations revoke the Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002 and enable a local authority in Wales, which is operating executive arrangements, to draw up proposals to change those executive arrangements or replace them with alternative arrangements. These Regulations also enable a local authority which is operating alternative arrangements to draw up proposals to change those alternative arrangements or to replace them with executive arrangements (regulation 2).

Regulation 3 makes provision, in respect of certain proposals, for consultation and for what must be included in the proposals. There is a requirement, in respect of all proposals, for the local authority to consider how the proposals may assist in securing continuous improvement in the way its functions are exercised, having regard to economy, efficiency and effectiveness.

Regulation 4 provides that a local authority must comply with any directions given by the National Assembly for Wales (“the Assembly”) for the purposes of these Regulations.

Regulation 5 sets out when a referendum is required before a local authority can take steps to implement its proposals. The Assembly must first approve those proposals.

Regulation 6 provides for certain information to be sent to the Assembly.

Regulation 7 provides for certain proposals, which do not require a referendum, to be implemented in accordance with the timetable included in the proposals. This is subject to the Assembly having first approved those proposals.

Where a referendum rejects proposals, the local authority must continue to operate its existing arrangements unless and until it is authorised or required to operate other arrangements. Where a referendum approves proposals, the local authority must implement them in accordance with the timetable included in the proposals (regulation 8).

Regulation 9 requires a resolution of the local authority in order for that authority to operate different arrangements.

After making a resolution under section 29(1) or 33(2) of the 2000 Act, as applied by regulation 9, copies of a document setting out the provisions of the proposed arrangements must be available for public inspection at the local authority’s principal office. For certain proposals, and for proposals that have been rejected by a referendum, specified information must be published in one or more newspapers (regulation 10).

Regulation 11 makes provision in respect of consultation undertaken by a local authority, for the purposes of regulation 3(1), prior to the coming into force of these Regulations.