



Llywodraeth Cymru
Welsh Government

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Consultation on the extension of job share provisions for elected members of principal councils to non-executive roles

We want your views on proposed changes to extend job sharing arrangements for elected members in principal councils to include non-executive roles.

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Consultation questions

Question 1

We would be interested in any observations/comments you may have on the operation of job-share arrangements within executive roles within councils in Wales.

The ability of Cabinet members to share a portfolio role has enabled greater flexibility for those members to balance their work as a Cabinet member with other responsibilities. This has a positive impact on diversity by creating opportunities for individuals who may not otherwise have had sufficient time to devote to a role on the executive due to other commitments. Further, allowing a Cabinet role to be shared by more than one individual, allows a wider range of knowledge and experience to be utilised.

However, in smaller authorities, an increased number of executive members may cause workload management issues for non-executive members in relation to other committee work. For example, Cabinet members are unable to sit on Scrutiny Committees, and there are restrictions set out within existing legislation relating to executive membership of other committees. Therefore, where more members are part of the executive due to job sharing arrangements, this could increase the workload of non-executive members and impact upon attendance levels across committee meetings.

Members with experience of undertaking job sharing roles in the executive would have benefited from training and clearer guidance on how to share the responsibilities of the post and ensure that the role is divided equally between those members.

Question 2

Do you agree with the proposed approach for the voting arrangements for non-executive job-share partners and that the details of the approach should be set out in guidance?

It is agreed that the approach to voting arrangements in respect of non-executive job share partners should be set out in guidance. However, consideration should be given to the fact that there may be certain implications for committees which do not arise in relation to current job sharing arrangements for executive members. For example, executive members are more likely to be from one political party, and the discounting of votes where there is a divergence of opinion between job sharing partners, is less likely to affect the outcome of a decision than at other committees which are subject to political balance requirements and are therefore made up of

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members from a number of political groups or independent members.

Consideration should also be given to the potential consequences of the proposal that Chairs be required to exercise their casting vote against a proposal where there is no agreement between job share partners. This has potentially significant implications for quasi-judicial committees in particular, such as Licensing Committee or Planning Committee, where mandating that a vote be cast a particular way, could lead to unintended results, including unlawful decisions being made leading to the Council facing legal, reputational and financial consequences.

Question 3

Do you agree that under normal circumstances job-share arrangements should not impact upon the political balance of committees?

Yes. It is a legal requirement that committees are politically balanced in accordance with the requirements set out in s.15 Local Government and Housing Act 1989 'so far as is reasonably practicable'.

In most circumstances, where job share partners are from the same political group, there would be no impact on political balance calculations.

Question 4

Do you agree that in those cases where a job-share is made up of partners from different parties, the approach to calculating the membership of the committee should be agreed by all parties?

Yes. Where job share partners are from different political groups, this could affect the ability to comply with political balance requirements, and we agree with the proposals that in those circumstances, there would need to be provision for cross party agreement prior to such arrangements being confirmed.

Question 5

We would like to know your views on the effects the proposed change would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

- What effects do you think there would be?
- How could positive effects be increased, or negative effects be mitigated?

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We do not consider that the proposed change have any implications for the Welsh language.

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Question 6

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Consideration should be given to the impact of job sharing in relation vice chairs of the relevant committees in particular the following:

- Where the chair of a committee is subject to job sharing arrangements, vice chairs will have less opportunity to stand in as chair, and therefore less opportunity to develop those skills;
- Job sharing chairs will be entitled to a proportion of a senior responsibility allowance, whereas a vice chair, who will take on additional responsibility under these proposals by being required to exercise a casting vote in certain situations, will not be entitled to a proportion of the senior responsibility allowance.