

**Constitutional and Legislative Affairs Committee
Inquiry into Disqualification of Membership from the National Assembly for Wales
DQ5 - Independent Remuneration Panel for Wales - Democracy, Ethics & Partnership Division**



Eich cyf . Your ref :
Ein cyf . Our ref : qA753050

Gareth Williams
Clerk
Constitutional and Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
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28th April 2014

Dear Gareth,

Please find enclosed with this covering letter the submission of the Independent Remuneration Panel for Wales to the Inquiry into the Disqualification of Membership from the National Assembly for Wales by the Constitutional and Legislative Affairs Committee.

This evidence is being submitted by me for and on behalf of the Panel. The Panel is content with this evidence being shared as part of the consultation process.

Yours Sincerely,

Lauren Matthews
Secretariat

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Introduction

The Independent Remuneration Panel for Wales was appointed in January 2008 by the then Welsh Government Minister for Social Justice and Local Government following a public recruitment exercise.

The Panel is independent of central and local government and was established on a permanent basis, initially to determine the range and levels of allowances payable by county and county borough councils to their councillors and co-opted members with voting rights.

The Panel's remit was extended, under the Local Government (Wales) Measure 2011 to also include members of national park authorities, Welsh fire and rescue authorities and community and town councils in Wales.

The Panel consists of Richard Penn - Chair, John Bader – Vice Chair, Anne Abel, Gregory Owens and Stephen Mulholland.

The Independent Remuneration Panel for Wales (the Panel) considered the Inquiry into Disqualification of Membership from the National Assembly for Wales of the Constitutional and Legislative Affairs Committee at its meeting of 15 April 2014 and offers the following comments following its consideration:

1. What rules and principles should underpin the disqualifying posts and employments contained in a revised National Assembly for Wales (Disqualification) Order?

- 1.1. The Panel has recognised in its remuneration framework the significant time commitment required of an elected member of a principal council in Wales for the effective discharge of the duties involved. In particular the payments to the Leader or an Executive Member of a principal council are based on the principle that the time commitment is ¹equivalent to full-time employment and that a person discharging this position would be required to be working and largely available during council working hours. In addition to this, these post holders would be required to commit time to their duties representing constituents in their electoral ward. 'Backbench' elected members of principal councils are remunerated on the principle that there is a time commitment ² equivalent to at least three working days per week required to discharge their duties representing constituents in their electoral ward, Council/committee work and participation in the work of outside bodies.

¹ IRPW Annual Report July 2008 p24 paragraph 7.4

² IRPW Annual Report December 2009 p7 paragraph 3.3

- 1.2. The Committee will be generally aware of the significant time commitment required to discharge the duties of a member of the National Assembly for Wales although it appears that this has not been quantified in the determinations of the Independent Remuneration Board. It is very likely that persons serving as elected members of principal councils will seek election to the Assembly. It is the view of the Panel that the Committee should consider the incompatibility of the time commitments of holding posts both as an AM and as an elected member of a principal council and the acceptability of such remunerated 'twin-hatting' in the eye of the general public. The Panel has based its determinations on the principle that double remuneration should not occur. Therefore a Leader or Executive Member of a principal council, determined as full-time by the Panel, may not receive a ³second salary serving as a member appointed to a national park authority or a Welsh fire and rescue authority. The Committee may wish to consider the extent to which this principle is relevant to its deliberations.
- 1.3. It is of course still possible that an elected member ineligible for a second salary covered by the Panel's determinations may receive one from a body outside its remit (such as the work of a Police and Crime Commission as opposed to a fire and rescue authority). It should be noted that an ⁴elected member may not receive more than one basic salary from a relevant authority in the Panel framework, but may receive a further basic salary by being appointed a member of another relevant authority.

2. What changes should be made, if any, to the existing list of disqualifying posts and employments?

- 2.1. The Panel has no comment in relation to this question, although if the Inquiry concluded that it would propose a similar principle to that adopted by the Panel in relation to Leaders or Executive Members of principal councils not receiving a second salary from another body within its remit then those posts would be added to the existing list.

3. When should disqualifications take effect?

- 3.1. The Panel's view is that it is necessary for a list of disqualifying posts and employments to be determined. However, this should be managed in order to promote inclusion and encourage involvement and candidature for elected office. Therefore, as far as it is practical, the Panel regards the most appropriate time for a successful candidate to be required to resign from any

³ IRPW Annual Report December 2012 p31 paragraph 16

⁴ IRPW Annual Report December 2012 p30 paragraph 7

disqualifying positions would be shortly before taking the oath as an Assembly Member. This would reduce the risk of discouraging persons from standing for election because they would be required to resign positions or employments whilst having no certainty of becoming elected.