

# Constitutional and Legislative Affairs Committee Inquiry into Disqualification of Membership from the National Assembly for Wales DQ10 - William Powell AM

## **Evidence to Constitutional and Legislative Affairs Committee Inquiry into the NAW Disqualifications Order**

I am submitting this evidence in response to the Constitutional and Legislative Affairs Committee Inquiry into disqualification from membership from the National Assembly for Wales. It relates to the petition submitted by Northridge Perrott to the NAW Petitions Committee, which I currently chair. The petition proposes that serving Principle Authority Councillors should not be permitted to serve as Assembly Members due to the perceived conflicts of a dual mandate, sometimes known as 'double-jobbing.'

### **Context**

I was first elected to Powys County Council in June 2004, as the Councillor for Talgarth Ward, prior to becoming a member of the National Assembly for Wales and was re-elected in 2008. Following my election as Assembly Member for Mid & West Wales, I was once again returned as a member of PCC in the local government election of 2012. At the 2012 elections, the electorate were aware that I was carrying out the part-time role of Ward Councillor and the full-time job of Welsh Assembly Member.

### **Dual mandate**

In my experience of local government over the past ten years, those County Councillors who were neither retired nor of independent means were usually in full time employment or busily self-employed alongside fulfilling their role as a Councillor. This was common practice prior to the Local Government Act 2000, when it was uncontroversial that the role of Councillor was part time and had service to the local community at its heart. Indeed, prior to 1996, Councillors often served on both the County and District Council and sometimes on a Town or Community Council too.

The Local Government Act 2000 heralded in Executive roles but even then it was widely expected that non portfolio Councillors, such as me, should remain on a part-time basis.

In terms of the 60 Members of this Fourth Assembly, some 12 declare remunerated Band 1 employment (less than 5 hours a week) - alongside their full time Assembly role. 8 Members declare Band 2 jobs - (5 to 20 hours a week). Four of this latter group are Principle Local authority Councillors, including myself.

The fact that this is allowed reflects the National Assembly for Wales's current standing orders. Many people with whom I have spoken regard these additional external interests as positively complimenting an Assembly Member's understanding of his/her work and providing valuable expertise, so long as inappropriate conflicts of interest are scrupulously avoided. Indeed, a frequently rehearsed argument from those who oppose an Assembly Member also being a Councillor is that it leads to a conflict of interest. However, if correctly observed, the National Assembly for Wales' standing orders and those of each Principle Local Authority provide for the declaration of cases of personal and pecuniary interest. In my view, this, combined with the respective Standards Committees, affords sufficient protection against such a conflict. In any event,

the final say remains, as it always should do, with the respective electorate. I have never carried out a Cabinet role whilst an Assembly Member and would not consider doing so.

### **Comparison with Westminster**

The current Government of Wales Bill seeks to prohibit the possibility of being an MP and an AM at the same time, although not, as far as I am aware, to prevent a member of the Upper House from becoming or remaining an AM. However, interestingly, it remains possible for a member of either Chamber to become an MEP and exercise that dual mandate. Such variations are a feature of our constitution, perhaps inevitably, given the incremental changes that have come with the devolution settlement.

Being either an MP or an AM is a full-time, demanding role – and both involve regular simultaneous participation in Committee or Plenary sessions some three and a half hours travel away from each other. Clearly, being an MEP would involve a much more challenging itinerary. However, being a County Councillor and an Assembly Member, involves in the former case a part-time role and it generally involves serving the same constituents and can be reconciled with the full time role through effective management of time.

Indeed, I would contend that the dual mandate can enable a fuller understanding of the respective functions and can enrich one's representation of the respective electorate. For example I have helped to facilitate communications between my Council and the Welsh Government on important Ministerial initiatives such as the Powys Local Growth Zones. Similarly, I hope that my understanding of the Powys County Council/Brecon Beacons NPA relationship has added value to my Plenary and Committee contributions.

### **Conclusion**

It is my considered view that there is no material or inevitable conflict in being a County Councillor and simultaneously an AM. In fact, the dual role may be mutually supportive to the individual representative and their respective electorate. As I stated earlier, the decision to permit or reject a dual role should be vested, where it belongs, with the voter. However, I believe that in considering the disqualification orders, it would enrich Welsh democracy and the National Assembly for Wales to make them more liberal rather than less.

We should not be seeking to impose further restrictions on candidacy, and thus further restrict the field of potential candidates but rather actively remove barriers to representation. To impose such a ban would be profoundly illiberal – and detrimental to our democracy.

**William Powell**  
**21st May 2014**