

Evidence to Constitutional and Legislative Affairs Committee Inquiry into disqualification of membership from the National Assembly for Wales from Peter Black AM

This written evidence is submitted in respect of the Constitutional and Legal Affairs Committee inquiry into disqualification of membership from the National Assembly for Wales. It is a response to the petition that suggests that serving Principal Councillors should not be allowed to sit as Assembly Members due to the 'offence' of 'double-jobbing'.

Background

I was first elected to Swansea City Council in May 1984 and prior to becoming a member of the National Assembly for Wales was subsequently re-elected in 1988, 1992 and 1995. I was elected to the National Assembly and re-elected to the City and County of Swansea on the same day in 1999 and have since been re-elected to the Assembly in 2003, 2007 and 2011. In that time I was also been re-elected as a Councillor in 2004, 2008 and 2012.

In each of the elections subsequent to 1999 the electorate were aware that I carried out the part-time role of a Councillor and the full-time job of Welsh Assembly Member. In a number of council elections my opponents sought to make it an issue. Despite that I was re-elected with comfortable majorities indicating that it is not an issue for voters.

'Double-jobbing'

Throughout the period 1984 to 1999 I carried on a full-time job as a civil servant with the Land Registry as well as fulfilling my role as a Councillor. This is common with members who are below retirement age and in fact prior to the Local Government Act 2000, it was widely accepted that the role of Councillor was part time and predicated on service to the local community.

In a number of instances, prior to 1995 Councillors served on both the County and District Councils and sometimes on a Community Council as well. Only the Labour Party sought to prevent this happening but it was common practice prior to the creation of unitary authorities.

The 2000 Act brought in Executive roles but even then it was intended that non-executive councillors, of which I am one, should remain part-time.

An analysis of the declarations of interest of the current 72 members of the City and County of Swansea indicates that of the ten Executive Cabinet members, in receipt of a senior salary of £33,000 a year (more in the case of Leader and Deputy Leader), six declare other paid roles. Of the 72 Councillors 36 have other paid employment.

In terms of the 60 current Assembly Members, 12 declare remunerated Band 1 (less than 5 hours a week) jobs in addition to their full time role. Eight Assembly Members declare Band 2 (5 to 20 hours a week) jobs. Four of the latter group are Councillors.

That this is allowed is reflected in the Welsh Assembly's standing orders. There is a strand of opinion that these additional outside interests can complement the work of an Assembly Member and provide additional expertise provided that conflict of interests are avoided.

Conflicts of interest

The other argument against an Assembly Member also being a Councillor is that it creates a conflict of interest. Clearly the standing orders of the National Assembly for Wales and each Principal Council allows for the declaration of personal and pecuniary interests.

In general terms, I would argue that the chances of a conflict arising in terms of policy or the implementation of guidance for example, will only occur if the Assembly Member holds an executive role. If this were to arise then the individual member should be held accountable to the respective electorates and the various standards regimes for their actions rather than ban them outright.

The National Assembly for Wales is no longer a corporate body of course and in the case of councils most decisions are now taken by the executive with delegated powers.

I have never held an executive role or taken a senior salary whilst an Assembly Member and would not envisage doing so.

Comparsion with MPs

It is the case of course that the latest Government of Wales Bill seeks to prevent a member simultaneously being an MP and an Assembly Member. To the best of my knowledge it does not seek to prevent a member of the House of Lords being an AM, whilst it is still permissible as far as I am aware for a member of either house to become an MEP and hold that dual role.

These sorts of inconsistencies in our constitution have become commonplace as a result of the UK's asymmetric devolution settlement.

Both an MP and a Welsh Assembly Member are full-time jobs requiring attendance at venues over 150 miles apart on the same days. I would argue that it is difficult to do both jobs adequately.

In the case of being a Councillor and an AM, the former role is part-time, tends to serve the same set of constituents and can be managed in addition to the full time job through good time management. Clashes of meetings can be avoided..

Further more doing both enables a better understanding of each role and can add value to one's contribution in each case. For example I was able to assist the Council's planning committee in making representations on the Welsh Government's consultation on their planning bill.

I was also able to bring my first hand knowledge to bear in scrutinising Ministers on housing and local government bills and can call on additional expertise, not easily available to another AM, from council officers on policy matters.

Conclusion

In conclusion I would argue that there is no inherent conflict in an Assembly Member being a Principal Councillor. In fact the dual role may be mutually beneficial to the member and their electorate.

The expertise that a Councillor can bring to the role of Assembly Member and vice versa is invaluable and should not be lost.

Ultimately the decision as to whether to allow a dual role should belong to the electorate. However, I would add that in considering the disqualification rules it would be beneficial to Welsh democracy and the Assembly as a whole to make them more permissive rather than less.

We should not be looking for additional categories to exclude from candidacy but actively seeking to dismantle barriers either through removing categories or changing the way that the rules are enforced.

Peter Black
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