

*A Green Paper on future electoral
arrangements for the National
Assembly for Wales*

A summary of responses



Wales Office
Swyddfa Cymru



HM Government

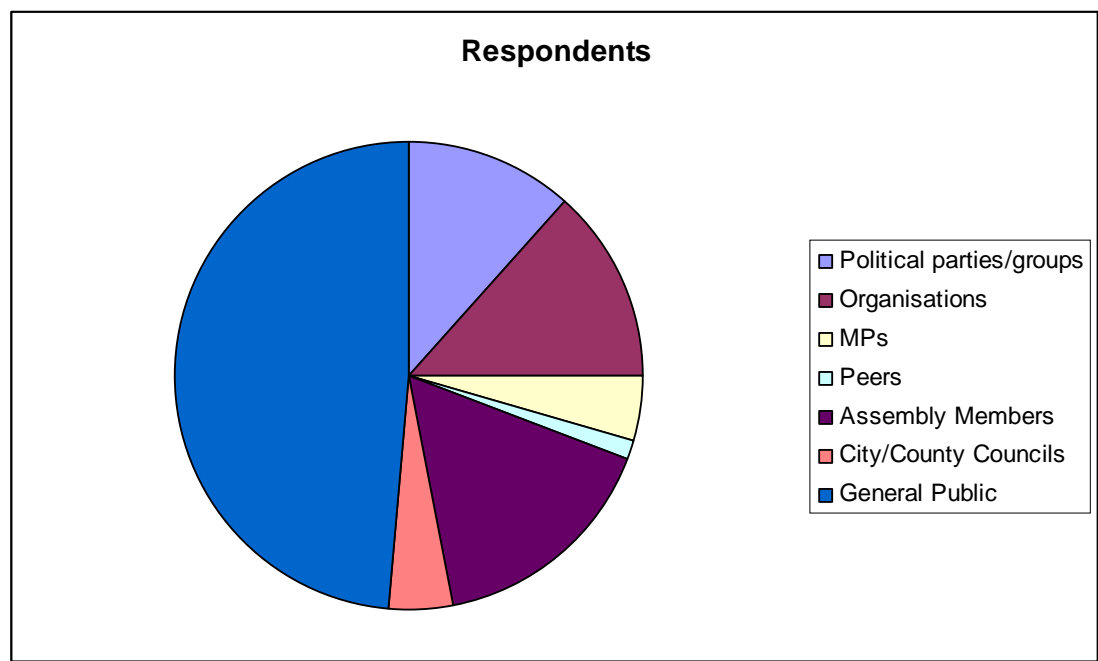
Introduction

In May 2012 the Secretary of State for Wales published “A Green Paper on future electoral arrangements for the National Assembly for Wales”. In this consultation paper the Government sought the views of interested parties on six questions relating to the make-up of constituencies for the National Assembly for Wales, the length of the Assembly’s terms, whether a candidate at an Assembly election should be able to stand in both a constituency and a region and whether Assembly Members should not also be able to sit in the Westminster Parliament. The consultation closed on 13 August 2012.

This document is a summary of what respondents to the consultation said in answer to each of the questions asked, as well as a number of other issues they raised. The Government will respond formally on matters of policy in due course.

In total, the Government received 68 responses to the consultation. Of these we received 56 via email and 12 by post. We received 64 in English only, one in Welsh only and three bilingually. A full list of respondents is set out at Annex A.

Table 1: Respondents by type



Not all respondents answered all questions. Our analysis of responses to each question includes only those respondents who answered the relevant question.

We would like to thank all those who took the time to contribute to the consultation.

Assembly constituencies

Question 1: Do you prefer Option 1: 40 Assembly constituencies, each containing a broadly equal number of electors and constituency boundaries periodically reviewed; or Option 2: reinstate the link between Assembly and Parliamentary constituencies by changing to an Assembly of 30 constituencies, with an equal number of constituency and regional members (30:30)?

Assembly constituencies are currently the Parliamentary constituencies in Wales. The Parliamentary Constituencies Act 1986, as amended by the Parliamentary Voting System and Constituencies (PVSC) Act 2011 provides for the number of Parliamentary constituencies to reduce to 600, and for constituencies to be made more equal in size. The number of parliamentary constituencies in Wales would reduce from forty to thirty as a result. The 2011 Act also breaks the link between Parliamentary and Assembly constituencies to ensure that these changes would not result in a smaller Assembly.

The four UK Boundary Commissions are currently consulting on proposals for new parliamentary constituencies and must present their final recommendations to the Secretary of State before October 2013. Parliament would need to approve the final proposals.

The Green Paper sought views on whether forty Assembly constituencies should be retained, but made more equal in size, or whether the link between parliamentary and Assembly constituencies should be reinstated.

Almost all respondents to this question favoured Option 2: reinstating the link between parliamentary and Assembly constituencies.

Respondents gave very similar reasons for favouring Option 2. The most common reason was that this option would increase proportionality in the Assembly - the number of regional Assembly Members (AMs) would increase in total (from twenty to thirty) and also as a proportion of the total number of AMs (from one third to half). Respondents also noted that the change would make things simpler administratively, for example making it easier for AMs and MPs to work together in representing the same constituents in both Westminster and Cardiff Bay. Some respondents also highlighted the cost savings of the Boundary Commission for Wales having to undertake only one review for both sets of constituencies.

The small number of respondents who preferred Option 1 stated that a link between Assembly and parliamentary constituencies was not

essential, and pointed to the findings of the Arbuthnott Commission¹ in Scotland in this respect. They did not favour having the same number of constituency and regional Assembly Members.

A small number of respondents noted that implementation of the Option 2 proposals would be dependent on Parliament approving the recommendations the Boundary Commission for Wales will make as a result of its current review of parliamentary constituencies.

Question 2: Under the 30 constituency option, do you agree the Government's proposal that the number of Assembly regional seats could be increased or decreased to take account of any change in the number of Assembly constituencies?

Under Option 2, Assembly constituencies would have the same boundaries as the new parliamentary constituencies approved by Parliament. The Parliamentary Constituencies Act 1986, as amended by the PVSC Act 2011, requires parliamentary constituencies to be reviewed every five years to ensure that votes across the United Kingdom continue to have broadly equal weight. In each review, every part of the UK will be allocated a proportion of the 600 Parliamentary constituencies, broadly reflecting its share of the overall UK population.

The current review has proposed thirty parliamentary constituencies in Wales. A significant change in the population of Wales relative to other parts of the United Kingdom means that in future the number of parliamentary seats in Wales would change from thirty. If the link between parliamentary and Assembly constituencies is reinstated (Option 2), this would mean a change in the number of Assembly constituencies as well.

The Government has made clear that an Assembly of 60 members is the right size and does not intend to alter the total number of AMs. To address the issue of an increase or decrease in the number of Parliamentary (and, therefore, Assembly) constituencies in Wales in future, the Government proposed in the Green Paper to increase or decrease the number of regional seats to make up an Assembly of sixty members.

In a scenario of 29 or 31 Assembly constituencies, it would not be possible to divide up evenly the resulting 31 or 29 regional seats between five regions. In this situation the Boundary Commission for Wales would determine which combination of constituencies would

¹ Commission on Boundary Differences and Voting Systems, "Putting Citizens First: Boundaries, Voting and Representation in Scotland", 2006.

best achieve a balance between equally weighted votes and building suitably sized regions, using the Sainte-Laguë formula².

There was general support among respondents that the current size of the Assembly should be maintained. A significant majority of respondents agreed that, if the link between parliamentary and Assembly constituencies is reinstated, the number of Assembly regional seats could be increased or decreased to take account of any change in the number of Assembly constituencies. Respondents did not generally give reasons for this view.

Those who disagreed with the Government's position were concerned that over time the proportionality of the Assembly could be affected, and that constituency AMs could become a minority in the Assembly.

Question 3: How should Assembly electoral regions be structured under Option 1: 40 Assembly constituencies; and Option 2: 30 Assembly constituencies?

In the Green Paper the Government stated that it does not propose to alter the number of Assembly regions from five under either option. Under Option 1, the five regions would continue to comprise groups of between 7 and 9 constituencies. The boundaries of each region would be liable to change as the constituency boundaries are modified following each review.

Few respondents commented on how regions should be structured under Option 1. Those who did, agreed with the Government's proposal that the current system of five regions, each returning four AMs, should continue.

Under Option 2, the Government proposed retaining five regions but increasing the number of AMs returned in each of these constituencies to six, to ensure a sixty seat Assembly. This received strong support from respondents, although a few preferred a move to six regions each electing five members. Respondents did not generally give reasons for these preferences.

There was also significant support for removing regions altogether. A small number of respondents preferred removing any proportional element and electing two AMs from each of the thirty constituencies via first past the post, while a larger number stated their preference for electing 'regional' AMs from an All-Wales list. However, in common with the Government's views, a similar number of respondents specifically rejected the idea of an All-Wales regional list on the

² The operation of the Sainte-Laguë formula is described on page 23 of the Green Paper.

grounds that it would put more distance between regional members and their constituents.

Only a small number of respondents expressed a view on how regions should be determined in the event of the number of Assembly constituencies altering to 29 or 31. Most did not comment on the use of the Sainte-Laguë formula and agreed that it should be for the Boundary Commission for Wales, or a similarly independent body or commission, to construct the regional boundaries. Concerns were raised however that this process could become highly politicised and safeguards would need to be put in place to retain the independence of the Boundary Commission for Wales.

Length of term for the National Assembly for Wales

Question 4: Do you think that elections to the National Assembly for Wales should be held every four or five years? Why do you favour four or five year terms?

The Government of Wales Act 2006 sets out that elections to the Assembly will take place on the first Thursday in May, every four years. The Fixed-term Parliaments Act 2011 moved the Westminster Parliament to five-year fixed terms, with elections also taking place on the first Thursday in May. This meant that the two sets of elections would coincide every twenty years, starting in 2015. Following concerns raised by the Welsh Government about having two polls on the same day in Wales, the Fixed-term Parliaments Act 2011 exceptionally deferred the 2015 Assembly elections by one year to 2016 to avoid it coinciding with the General Election.

After 2016 the Assembly returns to a four-year electoral cycle, and elections will coincide again in 2020 and every twenty years after that. In the Green Paper the Government sought people's opinions on whether Assembly elections should be moved to five-year cycles permanently to make a coincidence of elections less likely in future.

A small majority of respondents were in favour of moving to five-year fixed terms, including all four political parties in the Assembly.

The overwhelming reason that respondents gave for moving to five-year fixed terms was to avoid a regular coincidence with elections to the Westminster Parliament. Respondents referred to the potential of Westminster elections "drowning out" or "overshadowing" Assembly elections. A number of political parties also highlighted the administrative difficulties for them of running campaigns for elections to two legislatures at the same time. Some respondents considered that having five-year terms would allow the Assembly to take a longer term view in budget setting than is possible under four-year fixed terms.

Respondents who were in favour of the Assembly remaining on four-year fixed terms gave a variety of reasons for their position. Several respondents believed that holding elections to the Westminster Parliament and the Assembly on the same day should be encouraged because of the cost savings of combination and the potential for a higher turnout than would be achieved with just one poll. Several respondents thought that four-year fixed terms provided the right balance between ensuring the Assembly is able to carry out the job it was elected for and retaining a mandate from the electorate.

Standing as a constituency candidate and a regional candidate

Question 5: Do you agree that candidates should be able to stand in a constituency and a region in the same election?

Since 2006 a candidate at an Assembly election has been prohibited from standing in both a constituency and a region at the same time. The Government made clear in the Green Paper its intention to repeal this ban.

A small majority of respondents disagreed with this proposal. Many of these, including a number of Assembly Members, argued that the ban was introduced under a democratic mandate, having been a Labour Party manifesto commitment at the 2005 Parliamentary General Election, before being included in the Government of Wales Act 2006.

These respondents also agreed with the assertion that permitting dual candidacy allows “losers to become winners” and that this was anti-democratic. Others argued that constituency and regional AMs played different roles and required different skills, and that standing as both would blur the distinction between the two.

A number of respondents in favour of ending the ban noted the disproportionate impact it had on smaller parties. They argued that ending the ban would make it more likely that independent candidates would stand for election as they would no longer have to choose between standing in a region or a constituency. Political parties may also need to nominate fewer candidates in each election than at present (although a respondent in favour of the ban believed that having more candidates benefits the Assembly, as the experience of an election campaign broadens candidates’ talents and skills for future elections).

Several respondents agreed with the Government’s concerns that good quality candidates were being lost to the Assembly, as a result of having to choose between standing in a constituency and a region and losing a regional seat when their party had done better than expected in constituency elections within a region.

Others pointed out that Scotland does not ban dual candidacy and that in prohibiting it Wales is out of step with international practice. The fact that dual candidacy does not appear to affect turn out was also raised.

Multiple mandates

Question 6: Do you think that a Member of the National Assembly for Wales should not also be able to sit in the Westminster Parliament?

The term “multiple mandates” (also known as “double jobbing”) is used to describe when an elected representative serves in more than one legislature simultaneously. While this occurs more frequently in other parts of the United Kingdom, a small number of AMs have sat as MPs at the same time.

The Government has committed to bringing the practice to an end, preferably by agreement between political parties but through legislation if necessary.

A large majority of respondents agreed that AMs should be prevented from sitting in the Westminster Parliament. A significant number of those who favoured a ban believed that being an AM or an MP was a full-time job and the two could not be satisfactorily combined. Some respondents raised the possibility that an AM could be elected as an MP for a different area to the one that they represent in the Assembly, making concerns about being able to represent all their constituents more acute. Some respondents were concerned that the outcome of votes in the Assembly could be affected by the non-attendance of an AM who was instead at Westminster.

In the Green Paper the Government set out that any prohibition would need to be flexible enough to allow an AM to retain their post having become an MP if an Assembly election was due to be held in the following 12 months. The majority of respondents agreed that an “overlap” period was required, although there was no overall agreement as to how long this period should be. There was also agreement that during this overlap period a Member should receive only one salary - there was again no consensus as to which salary should be forfeited.

The consultation also sought views on whether any prohibition should apply to the House of Lords. Almost all respondents who wished to see a ban thought it should apply to the House of Lords as well as the House of Commons, with a small majority seeking a general ban and a large minority seeking a ban only if the Government’s proposals for reform of the Lords are implemented³.

A large number of respondents felt that a prohibition on multiple mandates should apply to other elected offices, including police and

³ In September 2012, the Government formally withdrew the House of Lords Reform Bill.

crime commissioners, Members of the European Parliament and local councillors.

The few people who did not wish to see a ban stated that as this was currently not a problem in Wales there was no need for legislation. They believed that it should be for voters to decide at the ballot box whether their elected representatives are adequately representing them.

Other issues

Some respondents highlighted other issues they believed are related to the consultation and should therefore be considered. This section sets out the issues which were raised by more than one respondent.

Legislative competence of the National Assembly for Wales

A large number of respondents questioned whether the UK Government has the mandate to carry out a consultation on electoral matters relating to the Assembly. The Assembly's electoral arrangements are non-devolved, and the Government has made clear that the Assembly does not have the legislative competence to make changes to its own electoral arrangements. Acknowledging this, many respondents called for these powers to be devolved to the Assembly.

The voting system for Assembly elections

Several respondents favoured a move to the Single Transferable Vote electoral system for Assembly elections, stating that issues such as dual candidacy would then become irrelevant.

The Government believes that the current Additional Member System of proportional representation works well for the Assembly, and has no plans to change it.

The use of Welsh in constituency names

Assembly constituencies in Wales currently only have one name, either in English or Welsh. In areas with a large Welsh-speaking population the constituency name tends to be in Welsh, and in areas with large English-speaking populations the constituency name tends to be in English. A small number of respondents noted that while the Green Paper set out the Government's proposals on how new constituencies would be formed under both options, no proposals were presented on the naming convention for these new constituencies. One respondent believed that a constituency formed as part of any review and given a name in English could also be given a name in Welsh, while another believed that all the proposed constituencies should be given names in both English and Welsh.

Annex A: Summary of respondents

Welsh Government
Plaid Cymru
Welsh Conservatives
Welsh Conservatives Assembly Group
Welsh Labour
Welsh Liberal Democrats
Newport West Conservative Association
Plaid Cymru Blaenau Ffestiniog Branch

Boundary Commission for Wales
Democratic Audit
Electoral Reform Society Wales
Local Government Boundary Commission for Wales
Institute of Civil Engineers Wales Cymru
NFU Cymru
The Electoral Commission
True Wales
Welsh Language Commissioner

Guto Bebb MP	MP for Aberconwy
Madeline Moon MP	MP for Bridgend
Peter Hain MP	MP for Neath

Baroness Randerson and Lord German (joint)

Christine Chapmen AM	AM for Cynon Valley
David Rees AM	AM for Aberavon
Janice Gregory AM	AM for Ogmore
Julie James AM	AM for Swansea West
Julie Morgan AM	AM for Cardiff North
Ken Skates AM	AM for Clwyd South
Leighton Andrews AM	AM for Rhondda
Lesley Griffiths AM	AM for Wrexham
Mark Isherwood AM	AM for North Wales
Mike Hedges AM	AM for Swansea East
Jeff Cuthbert AM	AM for Caerphilly

City & County of Swansea
Neath Port Talbot County Borough Council
Powys County Council

33 members of the public