



Northern Ireland
Assembly

**COMMITTEE FOR THE
ENVIRONMENT**

**OFFICIAL REPORT
(Hansard)**

**Local Government (Disqualification)
(Amendment) Bill**

20 May 2010

NORTHERN IRELAND ASSEMBLY

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ENVIRONMENT**

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Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)

Mr Roy Beggs

Mr Jonathan Bell

Mr John Dallat

Mr Danny Kinahan

Mr Ian McCrea

Mr Alastair Ross

Mr Peter Weir

Mr Brian Wilson

Witnesses:

Ms Dawn Purvis MLA

The Chairperson (Mr Boylan):

I welcome Dawn Purvis MLA and invite her to make her presentation.

Mr Beggs:

I declare an interest as member of Carrickfergus Borough Council.

The Chairperson:

Please declare interests. I see that many members who are councillors have raised their hands.

Mr Weir:

I am a member of North Down Borough Council and vice-president of the Northern Ireland Local Government Association.

Mr I McCrea:

I declare an interest as a member of Cookstown District Council.

Ms Purvis:

Thank you for the opportunity to discuss my private Member's Bill, the Local Government (Disqualification) (Amendment) Bill. I understand that the purpose of today's session is clause-by-clause analysis and discussion of the Bill, and I am certain, therefore, that members will be pleased with the brevity and conciseness of the legislation.

The purpose of the Bill is to end the practice of dual mandates between the Assembly and local district councils. Dual mandates occur when an individual holds more than one elected public office at the same time. The essence of the legislation is contained in clause 1, the language of which disqualifies any individual who is elected, appointed or otherwise selected as a local councillor while also holding the position of MLA. That disqualification would be automatic. If a sitting local councillor were to be elected to the Assembly, she or he would be automatically disqualified from holding a council seat. If the reverse were to happen, and a sitting MLA were to be elected to council without first resigning from the Assembly, that individual would have to make an immediate decision as to which seat to take. If a choice is not made or is delayed, the selection to local council would be nullified. In both circumstances, the political party to which the councillor belongs at the time of election would fill the seat by co-option, as is provided for by recent Westminster legislation.

It is important to note that there is no language in the Bill that creates new prohibitions on candidacy. The legislation does not prevent an individual from standing for local council and the Assembly at the same time if, for example, local and Assembly elections were to be held on the same day. Although that is not ideal, several respondents to the public consultation felt that

creating a prohibition to stand would limit choice and the principles of political participation. It also ensures that the natural progression from local office to regional government is not inhibited in any way. Local government retains its important role as a training ground or stepping stone to higher office.

Clause 2 contains the commencement provisions. The Bill would come into effect at the next local district elections after it receives Royal Assent. Under current assumptions, that would be after the local elections that are anticipated for 2011. Clause 3 offers the short title: the Local Government (Disqualification) (Amendment) Act (Northern Ireland) 2010.

I recognise that Committee members will have a number of questions and comments about the legislation, and, therefore, I will leave ample time for that. However, I will briefly mention the rationale behind the Bill.

Like many Committee members, I hear frequently from constituents about the failings of the Assembly. Although a lot of work goes on here, that is not necessarily what the voting public sees. The public perception — and it is a very strong perception — is that this body is dominated by individuals and parties who are here for personal gain first and the betterment of Northern Ireland second or, perhaps, last. There may be an element of that in any democracy. However, in Northern Ireland the distrust has reached unsustainable levels. Times are difficult for our country and are about to get even more difficult as the realities of the economic situation begin to affect even more sectors of our society. It is not a good time for public confidence in the Assembly to be waning in any way.

After speaking with a number of constituents on the matter, I contacted the Minister of the Environment, the Environment Committee and the Assembly and Executive Review Committee to see what action they intended to take on multiple mandates. In December 2008, when it became clear that the issue was not a priority for any of those bodies, I began to look into bringing forward a private Member's Bill that would address the issue of dual mandates. Draft legislation was constructed in June 2009 and went out to public consultation during the summer of last year. Feedback from that consultation was used to modify and improve the legislation.

On a statutory level, the Bill formalises a basic standard of good governance. It ensures that power and decision-making are diversified as much as possible and that occasions for conflicts of

interest are diminished. On a political and social level, the Bill demonstrates to the people of Northern Ireland that the Assembly cares about and is committed to inclusion, transparency and appropriate limits of power. It is a small but important gesture to make, and now is a critical time to make it.

During the debate on the Bill's Second Stage, there was a suggestion that it may be more appropriate to wait until we know the outcome of the 2011 local elections. I do not think that the public can wait that long, and I do not think that there is sufficient public confidence that the political parties will do a good enough job voluntarily. All parties have promised an end to multiple mandates for years, with very little progress. Recently, we saw a number of MPs trying to back out of commitments to end their dual mandates that they made prior to the general election. That adds fuel to the fire of public indignation about the Assembly.

Legislating for this change creates a firm deadline for the parties to work to and makes it irreversible, and that is an important and permanent standard and principle for our democracy. We know that when government more accurately reflects the make-up of the population, it delivers better policy and more accountable government, and it engenders higher levels of public confidence. I believe that the Local Government (Disqualification) (Amendment) Bill creates an opportunity for that to happen, for new people to be brought into government and for a culture of inclusion and transparency to take hold.

I have discussed the mechanisms for the implementation of the Bill with several Members, some of whom are members of this Committee. Some suggested the addition of a waiting period after an election to allow an individual who may have been elected to the Assembly and local government to decide which seat he or she will retain. I am willing to discuss that idea further, but I have some concerns about it. A short transition period was considered in the early stages of the Bill, but it was not incorporated, as it would add to the complexities of and delays to newly-elected bodies starting work. Surely, any individual who is standing for two levels of public office will have a sense of which seat he or she would prefer well in advance of election day?

Another Member expressed concern that parties will intentionally place high-profile individuals on the local election ballot paper for the sole purpose of increasing the party's vote and would then allow that person to be disqualified in order to co-opt a less well-known individual onto the seat. That is a possibility. Any system, if approached with cynicism, is open

to abuse. If the legislation were in place, however, voters would also be aware that any individual in receipt of a dual mandate would have to surrender one of those seats, and they may have a sense of what is coming before casting their vote.

More than one Member argued that it is necessary to retain dual mandates as a form of employment insurance in case the Assembly collapses. That view is troubling on a number of levels. It is my hope that, rather than endorsing such a perspective, the Assembly can demonstrate confidence in its permanence by removing the safety net of dual mandates. Given the fact that many of our constituents have lost their one and only job, it is grossly unfair to have such an employment insurance when others do not have that luxury.

Thank you for the opportunity to speak to the Committee, and I look forward to members' comments and questions.

The Chairperson:

Thank you for your presentation. I would like clarity on one issue. There is a suggestion that you would allow people to stand for the Assembly and local government elections in 2011 and to make their decisions following the results. That would be a one-off opportunity for them to do so, because, by the next election, in 2015, they would stand for only one office. It might be the right thing to do now with regard to giving people opportunities.

Ms Purvis:

May I clarify something? I received an e-mail from the Bill Office. It is saying that there may be technical matters to consider in relation to the commencement provisions, and it is seeking legal advice. I will table amendments if there are technical matters. I am seeking clarification on that.

The Chairperson:

Thank you.

Mr Weir:

Thank you for your presentation. First, I want to pick up on the Chairperson's point. You mentioned the idea of having a short waiting period, which might be one or two months. I think that it will occur only when both elections occur at the same time. It looks as though that may happen in 2011, and that might not be a unique situation. The councils and the Assembly are in

sync, as the lifespan for both is four years. There is a possibility that that could be repeated. From a practical point of view, if council and Assembly elections are due to be held at more or less the same time, there will almost certainly be pressure to hold them on the same day because of cost. There could be an argument for having a waiting period, particularly as some discussions have been held on councils looking at models using d'Hondt or proportionality for sharing out positions across the board, but that would depend on party strengths and on the number of councillors.

One concern, which a short period of waiting could at least cover, would be if Joe Bloggs were to be elected to the Assembly and to the council, he would be automatically disqualified from the council, and there would be a vacancy, albeit that it would be filled in a matter of weeks. However, the council would look at its allocation of positions at its annual general meeting immediately after the election. It could run into difficulty, which would mean that some of the figures could be skewed for that short period of time. Therefore, there is a technical issue there. You said that you could look at an amendment in relation to that. Do you want to comment on that specific issue?

Ms Purvis:

To be fair, some political parties run their own internal selection processes for candidates when vacancies occur. Some parties have put the argument that, if somebody is elevated from council to the Assembly, that leaves a vacancy and they have to run an internal selection process.

Mr Weir:

To be fair, the internal selection process does not really concern me, it is more the fact that someone would then be formally co-opted on to a council, even with the automatic bit, and that would then have to be brought up at a subsequent council meeting. Therefore, there may be a gap. For instance, in the past few weeks, a number of councillors have stepped down, including some from my own party. However, their places can only be filled at a subsequent council meeting, so there is a gap for a short period.

Ms Purvis:

If somebody is disqualified for any reason, the chief executive of the council has seven days in which to notify the Chief Electoral Officer. The Chief Electoral Officer then notifies the party, and it has 28 days in which to co-opt somebody onto that seat. I am concerned that a waiting

period would effect exactly what you are talking about, which is the way that any new council would meet to dole out its committee places and chairpersonships through the d'Hondt system, for example. However, I think that parties and candidates have a responsibility to have systems in place for that prior to any election.

Mr Weir:

Legally, would that person's seat take effect in terms of filling that vacancy until it is notified to the council?

Ms Purvis:

Sorry, what do you mean?

Mr Weir:

If Joe Bloggs is elected to the council and to the Assembly, he resigns on that day, and the process is then started.

Ms Purvis:

They do not resign, they are automatically disqualified.

Mr Weir:

OK. He is disqualified automatically that day. I presume that that position would remain vacant until it is filled. If, for the sake of argument, Mr Ross were to be elected as a councillor — I can see him going pale at the prospect — presumably he would not become a councillor until it formally goes through the next council meeting, in which case there would be a short period during which that seat would not be filled. It is a short-term issue for such things as the calculation of d'Hondt and the number of seats that parties hold.

Ms Purvis:

The seat would still belong to the party, even though that person would be disqualified. Therefore, it would be up to the party to fill it. Therefore, for the purposes of d'Hondt, a vacancy would not affect party strength on the council.

Mr Weir:

I will move on. You mentioned conflicts of interest. Do you agree that Assembly Members who

hold Executive posts — for example, the Finance Minister, who might take decisions about local government finance while still being a local councillor, although that is no longer the case — have a greater degree of conflict of interest than a Back-Bench MLA who is also a local councillor?

Ms Purvis:

I agree to some extent. Conflicts of interest are key in this whole debate. You highlighted Executive members who are also local councillors and who are making decisions about local government legislation and policy. If we look at the Assembly in particular, if RPA were introduced and extra responsibilities were placed on local government, there would be a clear conflict of interest for MLAs who were also local councillors.

If the standards for conflict of interest were to be implemented in the Assembly in their most strident form, as opposed to what is set currently, which is a declaration of interest, that would mean recusal. The Assembly would grind to a halt. In fact, neither this Committee nor the Assembly and Executive Review Committee could function. The whole legislative process would grind to a halt. Although people say that there is more of a conflict of interest for Ministers who are also local councillors, we have to remember that there is a perception of a conflict of interest. It is not just the fact that there may be an actual conflict of interest; there is also the suggestion or perception of a conflict of interest. The fact is that the electorate and the public see a conflict of interest.

Mr Weir:

If the case is made that voters perceive a conflict of interest, what is wrong with simply letting democracy take its course and the voters deciding who gets elected and who does not? Is that not the more democratic position?

Ms Purvis:

The voters do.

Mr Weir:

What is wrong with leaving it to voters' choice? In the last election, a range of people ran and, even in parties, there were different views on the issue of mandates. Some people had none, some defended all their mandates, others withdrew from councils, and some candidates who were

elected gave indications that they intended to remain as councillors but step down as MLAs. People took a range of different views. What is wrong with simply letting the public decide?

Ms Purvis:

The public do not decide on who becomes a candidate. It is inaccurate and disingenuous to say that we should let the public decide; political parties select candidates for election, not the voters. If we want to change to an American-style system of primaries in which the public have a say in selecting candidates, I am happy to look at that.

Mr Weir:

Surely, if there is enough public annoyance on the subject, people will vote with their feet and choose parties and candidates who do not have dual mandates. It does not appear to —

Ms Purvis:

That is inaccurate. Your party stood for Westminster election. The party manifesto stated that its MPs, if elected, would give up their MLA seats.

Mr Weir:

And they will.

Ms Purvis:

The public and I do not see any evidence of that. One of your MPs has said quite clearly that he will not give up his seat; he will give it up when he feels like it.

Mr I McCrea:

One MP said that he will.

Mr Weir:

Yes, and another declared a date for leaving the Assembly.

Ms Purvis:

The voters do not select candidates. The parties select the candidates and encourage their voters to vote for that candidate out of party loyalty. If we want to look at a system in which voters can select candidates, which is more open democracy, I am happy to discuss that.

Mr Weir:

For a number of years, I served purely as an MLA. For the past five years, I have served as an MLA and a councillor. I know that you have not served as a councillor. Many of us say that, rather than creating conflicts of interests, our roles as councillors and as MLAs are complementary. One role benefits the other in that, when we attend the council, we bring a perspective on what is happening at the Assembly. When we attend the Assembly, being a councillor helps with our knowledge of what is happening on the ground. How do you answer that point?

Ms Purvis:

The flow of information and communication between two levels of government should depend on systems, rather than on the goodwill of individuals who are represented at both levels. No one responded to the consultation to say that they viewed the roles as complementary. The respondents saw the roles as separate, and they took the view that when one person held two elected positions, they were gaining from the public purse. In fact, a councillor responded to say that they wished to see an end to dual mandates because, when that councillor and other councillors had been working on an issue of local benefit, MLAs who were working to a different agenda had scuppered that work.

Although you can argue that the roles can be seen as complementary, the consultation responses do not suggest that the roles are seen in that way. In the early stages of drafting the Bill, we looked at structures and systems around the information and communication between different levels of government and proposed a co-ordination forum. That was removed from the draft Bill when Minister Poots said that he would introduce something to deal with that. The Minister has identified the need for that.

Mr Weir:

By the same token, Dawn, one can have all the communications forums in the world, but when a MLA stands up in the Assembly or a councillor stands up in the council, the information is not fed to them by a committee but they draw on their experience and the knowledge in their heads. It is their practical experience that is relevant. I will leave it at that, because I know that other members wish to speak.

Mr Bell:

Thank you, Dawn, for your presentation. Under the current system, being a councillor is, effectively, a part-time job, and all councillors, apart from a few who are retired, take on the job as part of their normal day-to-day work. If the reorganisation of councils under RPA were not to go ahead and that situation were to remain, would you change your position?

Ms Purvis:

Sorry, I do not understand the question.

Mr Bell:

If a system of having full councils with increased responsibilities, salaries and range of duties for councillors is not adopted, will that change your mind?

Ms Purvis:

No, not at all. I said in my introduction that part of the rationale behind the Bill is public perception on the issue. Voters see a real difficulty with elected representatives holding more than one elected position. The arguments that councillors work part time, that the current system saves money and that they will abate their salary miss the point. The issue is not about whether one person can hold two elected positions but whether one person should hold two elected positions.

Mr Bell:

Therefore, you are saying that it is more an issue of perception. Without being party political, I will pick up on your point about voters. Recently, the voters in East Belfast had the choice and they chose as their Member of Parliament a person who was a councillor, an MLA and the Lord Mayor. She went into the election carrying three jobs, and she was elected. What does that say about the voters?

Ms Purvis:

Peter Weir made the same point. Voters do not select the candidates; the parties do that. If parties are going to be more open in allowing the public a say in who they select, that would be fine.

Mr Bell:

To follow the logic of your point that voters are rejecting people with multiple mandates —

Ms Purvis:

I did not say that.

Mr Bell:

So, the voters are not rejecting the people with multiple mandates?

Ms Purvis:

I did not say that.

Mr Bell:

Sorry, I have picked that up wrongly then. Some people say that being Lord Mayor is a full-time position. Arguably, being a councillor can be a full-time position, and being an MLA is definitely a full-time position. A candidate who holds all three positions was endorsed by the public to be a Member of Parliament.

Sometimes the elections give us the real picture, as opposed to what has gone on before.

I agree with you. I am 100% behind the contention that an MP, an MLA or an MEP cannot do all those jobs full time. However, what would happen if research were to show that — as is the case for a number of parties; not just mine — MLAs who are also councillors have a better attendance and voting record than other councillors? What do you say to that?

Ms Purvis:

Again, you are talking about an individual's capacity. If a person has the capacity to do those jobs, that is fine, but you are getting away from the issue. It is not about an individual's capacity to hold two elected positions — the point is whether they should. The public make no distinction between what you call a part-time council post and a full-time MLA, MP or MEP post. The concentration of power in the hands of a few individuals is not the type of democracy that we want to establish here. In the midst of the recent recession, research has been published that suggests that decision-making boards that are diverse and are more representative of society make better decisions and better policy. The proposed legislation and opening up of our elected representation to a more diverse group of people will only help to establish the principles that we

are trying to build.

Mr Bell:

There is an argument for bringing in fresh blood and new ideas, and I support that. I do not want to make the discussion a party political one, but Jim Shannon is standing down as a councillor and as an MLA. He is a man of his word, and will do that quickly. Kieran McCarthy and Jim Shannon have the best attendance and voting records on Ards Borough Council. Those two men make the most contributions to council life and both have an outstanding record of constituency work. When they stood for election as councillors and as MLAs they were overwhelmingly endorsed by the electorate across the political and sectarian divide.

The job of a nurse, a doctor or a teacher is a full-time position. Are we saying that one can be a public servant in all those capacities and be a councillor at night, but an MLA cannot?

Ms Purvis:

There are a number of different arguments there. Once again, voters do not select candidates; I cannot emphasise that enough. I have no doubt that Jim Shannon and Kieran McCarthy work very hard. I know about Jim's reputation in his constituency. Again, it is not about whether one person is capable of doing both jobs; it is about whether they should. The issue of fairness cannot be overlooked. The public do not separate what you described as a part-time role from the full-time role. The public sees one person taking two elected positions; that is what they see as inherently unfair.

There is a difference between that example and that of a doctor or a teacher who is also an elected councillor. The difference is that the public know what a doctor or a teacher does in his or her daytime job. They know the role that public servants fulfil. They know that there are fewer opportunities for personal gain for such people.

Mr Bell:

May I stop you on that point? I am one of those people who took a pay cut to be co-opted to the Assembly. Doctors earn twice what an MLA is paid.

Ms Purvis:

I am not talking about salaries.

Mr Bell:

I am not personalising the discussion. A GP, a teacher, or a headmaster on £55,000 a year who earns £10,000 to £12,000 more than an Assembly Member can be a councillor, but an MLA cannot. We have got to the kernel of it. It is a question of capacity: whether a person has the capacity and can do the job.

Ms Purvis:

It is not a question of capacity.

Mr Bell:

That is what I am saying: that is the kernel of this. MLAs can do it, but, allegedly, the public do not want them to. Therefore, they will be prevented from doing it. Every other public servant can do it. There could be a human rights argument.

Ms Purvis:

The consultation responses that came back to me did not demonstrate a distinction or a complementarity between councillor and MLA. People can also see clearly the job of a doctor or a teacher, but they do not always see what the job of a MLA or councillor entails. They think that it is unfair that somebody should hold two elected positions, particularly during a recession.

Mr Bell:

Most of the doctors whom I know are taking private patients, and many of the teachers whom I know are giving private tuition.

Ms Purvis:

That is a different issue.

The Chairperson:

In my experience, people see the two as one; in most areas, they do not separate the roles of councillor and MLA.

Mr Beggs:

Thank you for your presentation. I like the brevity of the Bill. I want to pursue the precise

mechanism for commencement. You say that, at present, an individual will be excluded on the day on which the first district council election takes place, after Royal Assent has been granted. My understanding of that is that an individual could not become a councillor if they are an MLA. They will have gone through an electoral process, but they cannot take up that appointment. They may be declared elected, but they cannot take up the post. If the individual cannot take it up, how can nominations occur for someone else? Will we be into the realms of a by-election and its associated costs? Will you clarify how you have chosen that mechanism?

Ms Purvis:

If an elected Assembly Member ran for a council seat and got elected to that council, he or she, if they were pursuing the council seat, would have to resign immediately from the Assembly to allow him or her to hold that council seat. Co-option legislation is in place for parties to co-opt someone into that Assembly seat. It would need to be an immediate decision. If they did not make an immediate decision, the council seat would be declared null and void.

The Chairperson:

Further to what Mr Weir asked, council AGMs are usually held about one month after the elections. You said co-options would be party related. How does that work for an independent?

Ms Purvis:

I do not know the detail of how the mechanism would work for independents.

The Chairperson:

I only ask, but I know that we are awaiting —

Ms Purvis:

I have not looked particularly closely at the co-option legislation.

Mr Beggs:

If the legislation disqualifies an individual from being a councillor, how can he or she be elected in order to pass the seat on to someone else? Should the commencement occur before the election?

Ms Purvis:

If the commencement occurs before the election, individuals would be prohibited from standing. That is restricting choice. A number of respondents to the consultation did not want to see any restriction in candidacy. They wanted to see people being allowed to stand for whatever level of government they wanted to be in, with no restriction on candidacy. If the commencement occurs before nominations, a restriction is being placed on people who want to move between different levels of government. The argument has been made that local government is used as a training ground for people to gain expertise in the political arena. If commencement were to happen before nomination, people's ability to move from one level of government to another would be restricted.

Mr Beggs:

My reading of it is that it would stop someone standing for council while he or she was an Assembly Member.

Ms Purvis:

No; it would not place any restrictions on that.

Mr Beggs:

Someone could not hold both jobs. A councillor could stand in an Assembly election, and, if they were elected, they would stand down as a councillor. That is straightforward and entirely appropriate. I am confused about whether that would still allow "loss leaders" to run for council to gather up support on the basis of being Ministers in the Assembly and well known personalities. Those busy Ministers and well-known people might stand for election to council with three or four running mates, and, having brought their running mates in, they might stand down immediately. That would be a bit of an abuse of democracy.

Ms Purvis:

I said that any system that is approached with cynicism is open to abuse, but the argument for restricting candidacy outweighs that in respect of a high-profile person standing for a seat and stepping down immediately so that someone can be co-opted. I imagine that that would create some difficulty, particularly if local council and Assembly elections were held on the same day, which we can assume will happen next time. Holding local and Assembly elections on the same day is not ideal, and, hopefully, if RPA is implemented in the next couple of years with new

elections held for reduced local councils, there will be a two-year gap between local government elections and Assembly elections. That is the ideal situation.

Mr Beggs:

If an Assembly Member were to stand for local government and were to gain the necessary quota at the count, would the returning officer be able to declare that candidate elected? Under your proposals, an Assembly Member would not qualify to be a councillor, so they could not be declared as elected. I am examining the mechanisms, which are fine, if they work. If the candidate could not be elected as a councillor, the co-option mechanism would not work and the PR system would have to continue to determine who would fill the void. Is that what would happen?

Ms Purvis:

I received an e-mail from the Bill Office today to say that it is looking at the commencement provision in the Bill. The issue is whether a councillor needs to be elected before they are disqualified from holding a seat. The Bill Office is seeking legal opinion on that.

Mr Beggs:

My concern is that we should not to hold a by-election to fill a post because of a technical issue. It is important to have clarity on that. The other issue is that a very particular situation will arise at the next Assembly election in that the Assembly and local government elections will take place on the same day. At that point, the candidates will be neither councillors nor Assembly Members. Is it correct, therefore, that candidates could stand in both elections? Is clarification needed on that? It would be only at the point of the declaration that the proposed legislation would have an effect. Is that your intention?

Ms Purvis:

That is my understanding, and it is my intention not to restrict candidacy in any way. That will allow people the choice of moving between different levels of government. I do not wish the restrictions to commence prior to nominations, because that would restrict the ability of people to stand at whatever level they choose.

Mr Dallat:

I congratulate Dawn on putting so much time and effort into the Bill. In principle, I agree with it,

and I encourage her to work with the Bill Office to address whatever technicalities there are. Three weeks ago, I resigned my council seat, which I had held for 33 years, so I feel that I can speak with some authority on the issue.

I believe firmly that the democracy that we now have is critically important. Without wishing to go into the history of Northern Ireland, there was a time when people could have argued that democracy was extremely weak, if it existed at all. The Assembly has 108 Members because, at the time when that was agreed, the parties recognised that it was critical that as many people as possible should be involved in the democratic system.

Up until the time of my resignation from my council, four MLAs sat on the council. That is wrong. It may be a reason why 50% — in some cases, 70% or 80% — of people do not even bother to vote. That is being ignored. My membership of the council was not absolutely critical. I have no doubt that my successor, who is a woman and is much younger, has refreshing ideas and will generate oxygen into the council. I have no doubt that the same will happen in other places.

The Bill is absolutely solid. It is only when one drills down into the matter that one discovers that it is not just about dual mandates. I have looked at some of the councillors in the Assembly, and I am shocked at how many other organisations they are members of as a result of being a councillor: district policing partnerships, transition committees, members of boards, a whole plethora of things. No one is of such genius that there is nobody else who could do that work. The Bill has my support in principle and that of my party. I look forward to it becoming law because it is absolutely critical for the future of the North.

We can argue day and daily that we have democracy, but does anybody ever bother to look at the percentage of the population who are members of political parties? I do not know whether Dawn knows. It is probably 2% or 3%, so the point that Dawn Purvis made about the public not having choice is absolutely valid. It is a democracy of sorts, but let us face it: the candidates are chosen behind closed doors, away from the public. The public do not have choice.

Let us cling on to the relative political stability that we have currently, build on that and improve it. I have no questions, Dawn; I encourage you to keep at it. It must be a bit embarrassing for those members who made such strong cases for their dual mandates this

morning. Quite frankly, that is a bit disappointing.

Mr Ross:

In one sense, I can speak about the matter because I am not a councillor, but, in another sense, I cannot because I have never been elected to anything: I am one of the co-opted Members. That somewhat takes away my moral high ground.

Many Members of the Assembly who have shouted loudest about dual mandates are also councillors. There is nothing to stop those MLAs who have been councillors for so many years at the same time from standing down. It strikes me that those who shout loudest are often unwilling to stand down immediately.

I have three points, and Roy largely covered my first. If an Assembly election and a local council election were held on the same day, which seems very likely, and given that it is likely that the Assembly count will take place before the council count, this legislation will prohibit automatically a returned MLA from holding local government office. Therefore, they could not be returned, so the party would not hold the seat on the council and could not allocate positions. How would people be co-opted in those circumstances? I know that you are seeking clarification about that. That could be quite difficult.

I have two other issues. Will you give us a bit more information about the responses that you received from the public to your consultation? How many people responded, and what general views were expressed? As others have said, if Members of the Assembly put themselves forward for election to Westminster, they are not making any secret of the fact that they are MLAs. I take your point that the public, in many cases, do not choose the candidates. However, they vote for the candidates. If there was as much outrage as you suggest, the public would not vote for a candidate who holds another office; they would vote for a different candidate. We have seen no evidence of that happening. Likewise, if there were such public disgust, there is nothing to prohibit members of the public from putting themselves up for election. We have not seen evidence of members of the public being so outraged as to put themselves up for candidacy, and we have not seen anyone stand as an anti-dual-mandate independent candidate. I would like some comment on that.

You made a play of the fact that the public do not choose candidates and that, therefore, it is

not democratic in that sense. However, is it not even weaker democracy if, as happened in my situation, the public vote for one person, that person no longer holds the seat, and the party can choose his or her replacement? If the public vote for someone who is holding a dual mandate, they, at least, have chosen that person to represent them. If, however, they vote for a person who, they know, will be automatically disqualified, they have no say in who is chosen as a replacement. That is fine if there is a party list system, but we do not have that. Therefore, the public do not know who the replacement will be. Is that not weaker than the argument that you made about the public not choosing the candidates?

Ms Purvis:

There is a lot to address there. I agree that it should be done voluntarily by the parties. However, they have not done it, they have failed to do it, or they have done so slowly. In 2007, some parties promised an end to dual mandates. Now, three years later, they are still holding two and three mandates. The time has come for action and decisiveness. That is what the public want to see.

I think that we solicited responses from over 140 individuals and organisations on the consultation that went out last summer, but I do not have the exact figures to hand. We got around 20 responses from different individuals and organisations.

Mr Ross:

Organisations tend to respond, so that is OK. You say that members of the public do not want this, but how many members of the public who are not part of organisations responded to the consultation?

Ms Purvis:

There were eight responses through the website and —

Mr Ross:

You say that there is disgust among the public, but only eight members of the public in the entire country of Northern Ireland responded to the consultation.

Ms Purvis:

There were 16 responses — eight through our website, and eight written responses.

Mr Ross:

There were 16, but I do not think that the point has been diluted. That is 16 from everyone in the country.

Ms Purvis:

That is a bit disingenuous. We know that our public consultations are not well responded to.

Mr Ross:

There is public disgust on some issues, and the expenses scandal is one example. It came up on the doorsteps, and the European election showed that the public were disgusted about it, and they were not shy about letting us know. If that level of disgust and anger about dual mandates exists among the public, I would have expected more than 16 responses.

Ms Purvis:

The issue was mentioned on the doorsteps. I was out —

Mr Ross:

I was out, and people raised concerns about expenses, but dual mandates did not come up as an issue.

Ms Purvis:

I still hear about dual mandates and about people holding more than two elected offices. Perhaps you do not, but I do.

Mr Ross:

Who were you canvassing for?

Ms Purvis:

The PUP.

Mr Ross:

Were you canvassing for the PUP in the general election?

Ms Purvis:

I was not canvassing for the election. We canvass on Saturday mornings and evenings to get the views of people in our constituency. One can canvass for reasons other than for election candidates.

Mr Ross:

I accept that. You made the point about the undemocratic nature of how the public do not pick their candidates. Is it not a weaker form of democracy if they select a candidate who will not be returned?

Ms Purvis:

I think that all parties, including your own, lobbied for co-option legislation to go through. The Minister at the time, Paul Goggins, argued that co-option legislation is undemocratic. In a PR system, voters make their choice according to political party as well as candidates. Even with regard to the co-option legislation for the Assembly, it is a political party that holds the seat.

Mr Ross:

The point of co-option legislation in that instance is to allow people to step down from local government. In that sense, it is a good thing for those individuals who may be concerned about other parties forcing a by-election, for instance. It allows the party to keep the seat, and it saves the taxpayer the cost of a by-election. Therefore, the co-option legislation is a good thing.

Ms Purvis:

Sorry, it is not about letting people step down —

Mr Ross:

Is it not different having had that from the start? People will vote for someone who they might not get. The co-option legislation that is being argued for allows individuals to step down from council maybe a year before the end of the mandate to allow others to come on and build a profile. If that were done from the beginning of a mandate, the public would have had no say. They vote for one person, but, immediately, they get someone else.

Ms Purvis:

Co-option legislation was not introduced just to allow people to step down. It is there to prevent

by-elections due to someone's death in office, retirement or resignation. It covers a number of situations, not just allowing people to step down.

I argued with Minister Paul Goggins for the co-option legislation, because it complements this private Member's Bill and the implementation of the review of public administration. One could, and Minister Goggins did, argue that it is undemocratic. I do not agree because, in a PR system, people vote for political parties as well as for individual candidates. Again, it comes back to voters' choice. Voters do not choose candidates; political parties choose them and then canvass the public to vote for them out of party loyalty, not individual or personal loyalty. Under a PR electoral system, if a seat is vacated, it belongs to the party of the person who vacated it. I take the point that the seat may have been held by an independent. I have not looked closely enough at the co-option legislation to see what happens in such a case. Is the count re-run to see who would be next in line, or does it go to a by-election? I do not know.

The Chairperson:

I remind members that we are not on the Floor of the House, so we do not want speeches. Can we have questions please? Mr Wilson, I will allow you some latitude.

Mr B Wilson:

Thank you, Dawn, for your presentation. A number of the points that I wanted to make have been covered. I recognise the public's concern about double-jobbing, which seems to relate largely to MPs and MLAs, both of which are full-time jobs. I do not see a significant problem with, for example, someone working for 20 years as a full-time lecturer and, at the same time, serving as a councillor. Do you accept that the job of councillor is part time?

Ms Purvis:

I have never been a councillor, so I do not know.

Mr B Wilson:

You must have some idea whether it is a full-time job. What is a councillor's workload? Is it a full-or part-time job?

Ms Purvis:

You are a councillor, so maybe you could assess that for me. I cannot assess that because I have

never been a councillor. One's commitment to one's job is entirely up to oneself.

According to the Register of Members' Interests, some MLAs who are also councillors work 40 hours a week as a councillor. How they do that while working as an MLA, I do not know. I work about 60 hours a week as an MLA. I could not fit any more time in as a councillor. As I said, the public see a difference between a university lecturer or a doctor being a councillor and an MLA being a councillor, because they recognise those as two elected positions. People see power being concentrated among a few individuals. We should be looking to diversify power and ensure that our democracy is as open, transparent and inclusive as possible. Given that we are trying to increase public confidence, voter turnout and people's participation in politics, making sure that any one person can hold only one mandate would help to achieve that.

Mr B Wilson:

I accept what you said, and I am opposed to dual mandates. When I was elected, I seriously considered giving up my council seat. However, at that time, there was no co-option, so my seat would not have been retained by the Green Party. Therefore, I did not give it up. Nevertheless, I assure people that I will not stand for two elected positions again.

I am not convinced about the level of public concern. The vast majority of MLAs were councillors at the time of their election to the Assembly. On that basis, if people were concerned, they had other options; they could have voted for people who were not councillors. They did not take that option, so they must have been satisfied that a councillor could carry out that role at the same time as carrying out the role of an MLA.

Ms Purvis:

I do not accept that at all. I have laboured the point that voters do not choose candidates. Political parties choose candidates. If, for example, the Green Party candidate on the ballot paper was a triple- or quadruple-jobber, but there was no other Green Party candidate on that paper, the Green Party would be lobbying its supporters to vote for that candidate. I do not accept that it is a matter of voter choice, because voters do not choose which candidates are included on the ballot paper.

Chairperson, I have just had clarification that independent candidates have to submit a list of substitutes to the Chief Electoral Officer before the election. That means that there would be a

substitute and there would be no by-election.

Mr Weir:

I know that this is new legislation, but are those names ever made public or is that information held by the Chief Electoral Officer? There may be an issue if a person votes for one candidate only to see an unknown individual coming in. I appreciate that it means that there would not be a by-election.

Ms Purvis:

It mirrors the legislation for co-option to the Assembly.

Mr Weir:

No, it cannot. A list used to be submitted; now the nominating officer of the party nominates the candidate. It is not a list system anymore.

Ms Purvis:

I do not know whether the list is published, but, if the candidate belonged to a party, the information would be held by the nominating officer of the party. If an independent candidate stands for the Assembly election, they have to submit a list of substitutes, which is not published, to the Chief Electoral Officer. It is possibly the same for the council.

The Chairperson:

Thank you, Dawn. We will seek clarification on some issues, and we will come back to you. It has been a very lively debate. Thank you for your presentation.

Mr Kinahan:

Sorry, I will try to be as quick as I can. Dawn, I congratulate you; I fully agree with you, but I want to clarify one or two points. I do not think that the debate about the choice of candidates, and the electorate having their chance to decide whether someone should be double-jobbing, is fair. There are many other factors that affect the choice of candidate. My concern is that in many cases a dual mandate allows the bigger parties to control things. Will you elaborate on whether you feel that the dual mandate system tends to benefit the bigger parties rather than the smaller parties?

There are 500,000 people here who do not vote. When I am knocking on doors, one thing I learn from the few people who engage is that that is because the public has lost confidence in the politicians. I see what you are doing here as a way to regain that confidence. Points have also been made about attendance records. Our system of measuring attendance, even though I am a part-timer, having only been here for half of the meeting or —

Mr Beggs:

Five minutes.

Mr Kinahan:

That still allows my attendance to have been recorded. I congratulate the Jim Shannons of the world who seem to cover everything everywhere.

Mr Beggs:

Partially cover.

Mr Kinahan:

I wonder how we do anything —

Mr Weir:

People can do that in all walks of life. I do not wish there to be any misinterpretation. To be fair to Mr Shannon, he is present as often as possible. I am sure that Mr Kinahan did not mean any slight. I say that in case his comments are misconstrued.

The Chairperson:

Hold on, Gentlemen, it is down to each individual. I will let the member respond at the end.

Mr Kinahan:

I have just stood down from Antrim Borough Council, which held meetings during the day. I could not attend half of the meetings because of that. Having said that, I find that we have meetings every other second of the day and in the evenings. I do not see how people, if they are attending meetings and attending them properly, and by that I mean being there all the time, could do both jobs. I congratulate Ms Purvis on raising that issue.

We have to bring more people into politics and get more women involved. The proposed legislation is only one of many mechanisms for involving the public and increasing their faith in us. Outside experience is an area on which we are judged by the electorate. It is good that many MLAs have outside interests, and the only way to deal with that issue is for the electorate to judge us.

The Ulster Unionist Party supported the Bill at First Stage, and it will do so again at the next stage. I congratulate you, and I urge you to keep going.

Ms Purvis:

Public disgust always manifests itself through decreasing levels of voter turnout, rather than by protests on the street, at your door or at the Assembly. The ending of dual mandates would open up our political system, lead to increased participation, share out the power that is concentrated in a few hands, and lead to better policymaking, decision-making and legislation. The issue of capability comes down to the argument not of whether people can hold two elected positions but of whether they should. It is clear that, under the principles of inclusiveness and participation that we want in our democracy, they should not.

The Chairperson:

Once again, thank you very much.