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Author name and contact number: Dianne Bevan, ext 8991

Preparing for the Fourth Assembly

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1.0 Purpose and summary of issues

- 1.1 The purpose of the paper is to advise the Commission about the implications of dissolution of the Assembly at the next election and to promote discussion of the Commission's approach to preparations for the May 2011 election period and the Fourth Assembly.

2.0 Recommendations

- 2.1 That the Commission:-

- considers the impact of dissolution of the Assembly in the 2011 pre-election period and agrees the principles for planning services for Members set out in paragraph 3.11; and
- notes the background factors likely to influence the Fourth Assembly and the programme being established to recognise and take the opportunities offered.

3.0 Discussion

- 3.1 The Assembly general election in May 2011 and the Fourth Assembly present particular challenges and opportunities for the Commission and Assembly staff. The constitutional change introduced by the Government of Wales Act 2006 has a significant impact upon the practical arrangements leading up to the election. The Commission has an opportunity to consider how it can best demonstrate leadership which secures wider engagement in democracy, good governance and the most effective service, ensuring fairness to both existing and future Members.
- 3.2 Events between now and the elections will affect the planning for the Fourth Assembly. We are entering the budget round which will set the level of resources available for the pre-election year, and indicate our needs for the first year of the Fourth Assembly. The context of this

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budget will be tighter spending. The independent panel on financial support for Members will report shortly and implementation of longer-term decisions arising from this will need to be planned. The All Wales Convention's report may set the tone for more substantial change. Use of the Commission's powers to promote awareness of the electoral system will need to be considered and resourced during this period.

- 3.3 As we are now over halfway through the current Assembly, planning for the Fourth Assembly has started, and the Commission's agreed direction would inform this planning.

Dissolution of the Assembly

- 3.4 The Government of Wales Act 2006 provides that the Assembly will dissolve during the pre-election period (Section 1(2)). This is defined by order of the Secretary of State, but is normally about one month (Section 3(3)). The purpose of the long-standing concept of dissolution is to provide more of a level playing field for all candidates, reducing the advantage of sitting members of the body concerned.

- 3.5 In previous elections, the Assembly has remained in being throughout the election period, although the UK Parliament, the Scottish Parliament and the Northern Ireland Assembly have always dissolved. Dissolution will be a new experience for Members and the organisation, and has significant implications for the support and facilities provided by the Commission.

- 3.6 Dissolution of the Assembly has the following effects:-

- During the period of dissolution, there will be no Assembly Members (2006 Act Section 14 (b));
- All those Members who are nominated as candidates in the election will continue to receive salaries and allowances. Those Members who are not nominated will stop receiving their Member salaries and allowances with effect from the start of the dissolution period;
- The Llywydd and Commissioners at the time of the dissolution of the Assembly will continue to hold those offices until a new Commission is elected after the election. This remains the case if the Llywydd or Commissioners choose to step down as Members, or are not returned at the election (2006 Act Schedule 2 Paragraph1). They will continue to receive their office-holder salaries during dissolution and after the election on this basis until the election of the new Commission (which Standing Orders require to be done as soon as reasonably practicable after the election);
- The First Minister, Welsh Ministers, Deputy Welsh Ministers and the Counsel General remain in office during dissolution and until a new First Minister is elected (unless they have resigned in the meantime). The Llywydd has authority to designate a Member to exercise the functions of the First Minister if there is no-one in post,

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but must do so on the recommendation of the remaining Welsh Ministers;

- Other office holder salaries (committee chairs, leaders of opposition parties, Government and opposition chief whips) will cease at dissolution;
- As Members who are candidates at the election continue to receive allowances, their staff will be paid. Those Members who are not candidates will receive severance entitlement, which includes an element for staff compensation;
- Access to Assembly facilities for former Members will be limited during dissolution;
- The position of legislation in progress at dissolution will need to be considered.

Access to Facilities

- 3.7 The Commission's framework for decision-making is set by its functions and powers under the 2006 Act. The Commission has the duty to provide or ensure the provision to the Assembly of property, staff and services required for the Assembly's purposes (2006 Act, Section 27). This is the overall function of the Commission. It may "do anything which appears to it necessary or appropriate for the purpose of, or in connection with, the discharge of its functions" (2006 Act, Schedule 2, Paragraph 4(1)).
- 3.8 The Commission is not legally empowered under the 2006 Act to allow those who were Members before dissolution to have complete access to Assembly resources, because this would not serve the Assembly's functions. The Act allows for basic continuity so that Members who are candidates and their staff will have a seamless transition if re-elected or re-employed, but does not give any other areas of discretion. It will be necessary for the Electoral Commission to be consulted well before the election about the level of access to facilities and resources given to Members.
- 3.9 The Commission has limited discretion, but there is some room for consideration about the level of access to Assembly facilities for those who cease to be Members when the Assembly dissolves.
- 3.10 Other UK elected bodies take approaches which differ marginally, but have the same common principles, as follows:-
- Prohibition on use of the body's facilities for campaigning purposes (any campaigning use must be paid for personally);
 - Restricted access to premises - to varying degrees, Members and their staff are required to pack belongings in their parliamentary/

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assembly offices, to vacate them and not to use them during dissolution. Access to travel expenses and parking is limited;

- Use of constituency offices, Members' staff, central resources (like post, stationery and print) and advice services is allowed to facilitate continuity of constituency casework only;
- Restrictions on use of computers, networks and telephony;
- No access to the facilities for press, publicity, room bookings, tours, etc;
- Access to advice and information limited to constituency work.

The Commission's Approach

3.11 There is room to develop the Assembly's own approach to the arrangements around dissolution, but it would be helpful for the Commission to consider some principles. **Acceptance of the following principles is recommended:-**

- Wide engagement in democracy demands a level playing field for all candidates, and that this will involve restrictions upon existing Members' use of Assembly resources during the dissolution period;
- Members should be able to provide a good service for their constituents during dissolution;
- Members and their staff should have full and early information to enable them to plan for dissolution;
- Those Members who are stepping down should be given full support to enable them to wind-up their Assembly work;
- Time and resources are provided to ensure that new Members of the Fourth Assembly have the best support possible provided at the right time and in a way which is tailored to their needs.

Fourth Assembly Programme

3.12 The known factors likely to have an effect upon the nature and operation of the Fourth Assembly are outlined above (paragraph 3.2). These will form the background for the programme to plan the services we provide for the Assembly. The business change programme and the opportunities presented by better and more efficient working methods and new technology will provide the framework for planning.

3.13 The Programme will need to address some issues early. These will include financial implications (to allow budget planning), the impact on the legislative programme and setting up good communications so that all those affected know the implications well in advance. Contact will

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be made with the Electoral Commission to discuss the approach to the dissolution period in particular.

- 3.14 A focus for the early days of the Fourth Assembly should be helping Members to secure and enhance the skills and working practices they need to fulfil very demanding roles. The most effective use of the devolution settlement will continue to be challenging for a small democratic body like the Assembly, and all Members will need to feel able to operate at their highest potential. As part of the programme, Members will be engaged to find out how we can best support their development in their role.