

MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT BY REASON OF THE NEED FOR CABINET TO CONSIDER THE SCRUTINY COMMITTEE'S COMMENTS PRIOR TO SUBMISSION OF THE RESPONSE TO WELSH GOVERNMENT BY 28TH SEPTEMBER, 2021.

Agenda Item No. 4

THE VALE OF GLAMORGAN COUNCIL

CABINET: 27TH SEPTEMBER, 2021

REFERENCE FROM CORPORATE PERFORMANCE AND RESOURCES
SCRUTINY COMMITTEE: 22ND SEPTEMBER 2021

“WELSH GOVERNMENT CONSULTATION ON THE DRAFT LOCAL ELECTIONS (PRINCIPAL AREAS) (WALES) RULES 2021 AND DRAFT LOCAL ELECTIONS (COMMUNITIES) (WALES) RULES 2021 (MD) –

The Returning Officer (RO) and Electoral Registration Officer in presenting the report as pre Cabinet Scrutiny referred to the ongoing consultation by Welsh Government regarding the draft Local Elections (Principal Areas) (Wales) Rules 2021 and the draft Local Elections (Communities) (Wales) Rules 2021 and set out at Appendix A, a draft response to the consultation.

The RO drew attention to the Executive Summary and the key proposed changes to the Rules governing Principal Council and Town / Community Council (T/CC) Elections which in particular related to:

- enabling powers for the RO to offer online provisions for obtaining and submission of nomination papers;
- requiring self-nomination by Candidates for Principal Council and T/CC elections;
- broadening the provisions relating to descriptions a Candidate may use on the nomination paper;
- allowing “Wales”, “Welsh”, “Cymru” or “Cymreig” to be prefixed or suffixed to a political party name or descriptor;
- introducing a requirement for the completion of a home address form with the option of the home address not to be made public or published on the ballot papers;
- the requirement for the Candidate to declare on the nomination papers if they are/or have been members of a registered political party in the last 12 months (other than the party for which they were seeking to stand in the Election in question);
- broadening the options relating to commonly used names;
- permitting for Principal Council Elections only, the option for Candidates to provide a personal statement, and arrangements for publication of the same by the Returning Officer.

The RO also drew attention to two specific issues, firstly at Question 2 and the need for robust processes and procedures coupled with a stable ICT platform and preferably a centrally provided portal, given the potential risks to systems failure in the context of the strict statutory cut-off for the receipt of nominations; and Question 9 regarding personal statements, advising Members of the suggested need for additional measures akin to those in the Police and Crime Commissioner Elections Order 2012 and the potential conflict of the use of the Council's website for the publication of personal statements during the pre-election period and the associated statutory provision also highlighted. The Leader had also shared an additional point with the RO in respect of Question 11 being that the Rules should require individuals standing for election to be on the Register of Electors where they lived, this would assist with confirming identity.

During the discussion Councillor Thomas queried if the new provisions would now not require the ten signatures on a nomination paper, as previously required, which was confirmed to be the case by the RO. Following a query from the Chair regarding the 3 mile rule, the RO advised that the existing qualifying criteria would continue to apply, it being noted that the 3 mile rule related to nomination to T/CCs Councillor Carroll expressed concern regarding the provision of statements for party membership as it was his personal view this was politicising T/CCs which he considered was not appropriate. Councillor Sivagnanam however, disagreed with this view advising that she considered it was important members of the public had an idea of a person's political background. Councillor John echoed Councillor Sivagnanam's comments.

Councillor King, with permission to speak, stated he endorsed Councillor Carroll's view for independence as a TCC rep but understood why the provision had been made.

The RO advised that a candidate would continue to be able to stand as an independent Member but that there would be requirement to declare affiliation to a party.

With regard to the provision for personal statements, the Chair sought the Committee's views on this. The RO advised that she considered that further guidance and rigour needed to be provided and that learning from the Police and Crime Commissioner's Elections Order 2012 would assist here. The Chair wondered from an equalities perspective if support could be provided to Candidates in writing / typing personal statements with the RO advising that enquiries would be made to ascertain organisations that candidates could be signposted to.

Following a vote as to whether Members agreed with the option of a personal statement to be provided by candidates for Principal Council elections it was

RECOMMENDED – T H A T Cabinet be informed of the Committee's agreement to the option of a personal statement to be provided by candidates for Principal Council elections and of the Committee's discussions at the meeting.

Reason for recommendation

Having regard to the contents of the report and discussions at the meeting.”

Attached as Appendix: Report to Committee: DATE