

THE VALE OF GLAMORGAN COUNCIL

COUNCIL: 21<sup>ST</sup> SEPTEMBER, 2020

REFERENCE FROM CABINET: 27<sup>TH</sup> JULY, 2020

**“C312 REVIEW OF WELSH GOVERNMENT CONSULTATION PAPERS:  
DRAFT SENEDD CYMRU (REPRESENTATION OF THE PEOPLE)  
(AMENDMENT) ORDER 2020 AND DRAFT SENEDD CYMRU  
(DISQUALIFICATION) ORDER 2020 (LRPS) (SCRUTINY – CORPORATE  
PERFORMANCE AND RESOURCES) –**

The Leader noted that the Managing Director and Monitoring Officer / Head of Legal and Democratic Services would leave the meeting for this report as both had an interest in the report in terms of election responsibilities.

Councillor Williams presented the report, the purpose of which was to inform Cabinet that Welsh Government issued in June 2020, two consultation papers relating to the below draft Orders which related to the Senedd Cymru Elections to be held in May 2021:

- draft Senedd Cymru (Representation of the People) (Amendment) Order 2020 and
- draft Senedd Cymru (Disqualification) Order 2020.

The Consultation documents were attached at Appendices A and D to the report, with the draft Orders attached at Appendices B and E, and proposed responses at Appendices C and G respectively.

The report sought approval of the proposed responses and drew to the attention of all Members the ongoing consultations which close on 8<sup>th</sup> and 1<sup>st</sup> September, 2020 respectively.

The consultation documents related to the following draft Orders, and a summary of the key provisions are set out below:

**The Draft Senedd Cymru (Representation of the People) (Amendment) Order 2020:**

Appendix A to the report was a copy of the Welsh Government consultation document with a copy of the draft Senedd Cymru (Representation of the People) (Amendment) Order 2020 set out in Appendix B.

The draft Order proposed amendments to the National Assembly for Wales (Representation of the People) Order 2007 (as Amended) which primarily set out the rules for the conduct of Elections to the Senedd Cymru.

Some of the proposed amendments reflected Welsh Government policy decisions and legislative changes including those introduced by the Senedd and Elections (Wales) Act 2020 and in particular addressed:

- The Senedd Cymru change of name;
- Extension of Senedd Franchise to 16 and 17 year olds and associated provisions as enacted by the Senedd and Elections (Wales) Act 2020;
- Protection of information about persons aged under 16 years old;
- Extension of the Senedd franchise to qualifying foreign citizens;
- Disqualifications to align with the Senedd and Elections (Wales) Act 2020 and the Government of Wales Act 2006 as amended;
- The withholding of publication of candidates' addresses to align with other legislation permitting candidates to withhold their home addresses from publication including where a candidate acts as his / her own agent;
- Removing the payment of a fee to Returning Officers for administering Senedd Cymru Elections at a Constituency and Regional level;
- Proposal to make a payment to all Electoral Teams for running the Senedd Cymru Elections in 2021, with the possibility of an additional amount being paid to those Teams dealing with the regional administration aspects of the Election reflecting the remit of the Regional Returning Officer;
- Enabling Codes of Practice to be introduced by the Electoral Commission relating to election expenses for candidates at Senedd Cymru Elections.

Other matters not included in the draft Order which were intended to be included in the final Order included:

- Provision to ensure that the rules in the Order for absent voters' records and the rules for the protection of information about 14 and 15 year old attainers in the Senedd and Elections (Wales) Act 2020, operated effectively together;
- and
- Provision for political parties to use the term "Welsh" or "Cymru" on registration and ballot papers for the Senedd Elections.

The proposed draft response to the Consultation was attached at Appendix C to the report.

### **The Draft Senedd Cymru (Disqualification) Order 2020:**

Appendix D to the report was a copy of the Welsh Government consultation document with a copy of the draft Senedd Cymru (Disqualification) Order 2020 set out in Appendix E.

In line with the general principles as recommended by the Constitutional and Legislative Affairs Committee which were referred to in Appendix D, the Order set out a list of offices which disqualified the persons holding them from being a Member of the Senedd, and supplements the disqualifying offices as set out in the Government of Wales Act 2006. Attached at Appendix F to the report was the list of disqualifying offices as set out in the Government of Wales Act 2006.

The consultation sought views on which offices should be included in the Order.

For information, Schedule 1A, part 2 of the Government of Wales Act 2006 which lists the offices currently disqualified was attached Appendix F to the report.

The proposed response to the consultation was set out of Appendix G to the report.

As the Youth Champion, and having spoken to colleagues within Youth Services, Councillor McCaffer added that the Youth Cabinet had been very interested in this and were keen to be included in the process to be able to vote.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

(1) T H A T the proposed responses attached to the report at Appendices A and C in respect of the Welsh Government's consultation on the draft Senedd Cymru (Representation of the People) (Amendment) Order 2020 and the draft Senedd Cymru (Disqualification) Order 2020 be endorsed.

(2) T H A T the responses to the consultations be submitted to Welsh Government prior to 8<sup>th</sup> and 1<sup>st</sup> September, 2020 respectively.

(3) T H A T the report be shared with all Members of the Council to raise awareness of Welsh Government's ongoing consultations.

**(4) T H A T the urgent decision procedure set out at Section 14.14 of the Council's Constitution be used in respect of Resolutions (1)-(3) above.**

Reasons for decisions

(1) To agree a response to the Welsh Government consultations.

(2) To meet the Welsh Government deadlines.

(3) To raise awareness with all Members of the Welsh Government's ongoing consultations.

**(4) To meet the Welsh Government deadlines.”**