



Northern Ireland
Assembly

**ASSEMBLY AND EXECUTIVE
REVIEW COMMITTEE**

**OFFICIAL REPORT
(Hansard)**

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

2 March 2010

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Members present for all or part of the proceedings:

Mr Jimmy Spratt (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Alex Attwood
Mr Simon Hamilton
Mr Danny Kennedy
Mr Alex Maskey
Mr Alan McFarland
Mr John O'Dowd
Mr Declan O'Loan

The Chairperson (Mr Spratt):

We move to the Local Government (Disqualification) (Amendment) Bill. I remind members that this part of the meeting is being recorded by Hansard. I invite members to declare any interests. I am a member of Castlereagh Borough Council.

Mr A Maskey:

I am a member of Belfast City Council.

Mr O'Dowd:

I am a member of Craigavon Borough Council.

The Chairperson:

Are there any others?

Mr McCartney:

There are no other double-jobbers.

The Chairperson:

At the Committee meeting on 18 February, members agreed to consider the Local Government (Disqualification) (Amendment) Bill as a substantive item at today's meeting. Members need to discuss and agree whether and how the Committee should participate in the debate on the Second Stage of the Bill, which is scheduled to take place on Tuesday 9 March.

When a Bill passes its Second Stage, it is usually referred to the relevant Statutory Committee for its Committee Stage. In this case, that Committee will be the Committee for the Environment unless the Assembly decides otherwise. However, given that the issue of multiple mandates is on the forward work programme of this Committee, there may be a case for the Bill being referred to us. We need to establish how this Committee intends to participate in the Second Stage debate, and I am open to suggestions.

Mr McFarland:

The subject of multiple mandates is one for this Committee, and we have a fair body of potential subjects to consider. Given that the Bill is specifically about local government, the question is whether it falls more readily to the Environment Committee or to us.

Mr Hamilton:

The issue is included in the Committee's work plan.

The Chairperson:

As you came in after the declarations, Mr Hamilton, I ask you to declare an interest as a councillor.

Mr Hamilton:

Yes, I declare that I am a member of Ards Borough Council. I think that individual parties should take a view on this matter in the Chamber. However, I tend to agree with Alan: a piece of government legislation is being amended, and, therefore, it seems natural that that fits better with the relevant departmental Committee.

Mr McCartney:

We have all submitted our positions on this matter in the past, and we are sympathetic to the trajectory of the Bill. The party is considering it now. It is something to follow through.

The Chairperson:

One member has suggested that it is an issue for local government and, perhaps, for the Committee for the Environment. Do you have a suggestion?

Mr McCartney:

We are not opposed to the Committee for the Environment taking the issue. However, if there is a case for it to come to this Committee, we will listen to that.

Mr Attwood:

We support the principle of the Bill. I will check with one or two people in the party but, without prejudice at this stage, we support the time frame of the Bill also; that the Assembly will terminate dual mandates for councillors and MLAs from the time of the next council elections.

Mr McFarland:

I did not pick up on what Alex said.

Mr Attwood:

We support the principle of the Bill and, without prejudice, we support its time frame. I will check to ensure that I am being utterly faithful to the party position on the matter. It seems to me that, in the next few days, parties should consider whether we can push the issue over the line now as opposed to having a further filter or discussion.

The Chairperson:

From a majority point of view, there are no hard and fast rules on whether the Assembly decides that the issue should be dealt with by the Committee for the Environment or by this Committee. I suppose that that is where we need to park the issue for the moment.

Mr McFarland:

The difficulty is that the Bill is scheduled for a Second Stage, and I am unsure whether the

Minister will support it. He issued a statement to say that he is not minded to support the Bill, but that will not stop it going through its legislative stages. If the Bill is about local government, which, essentially, it is, it perhaps lies more readily with the Environment Committee as part of the other ongoing RPA issues. I presume that, at some stage, someone will have to take a view on the matter. Who will do that? I am not sure of the mechanism used to decide which Committee the Bill should go to. Who will make that decision and when are they likely to make it? The Second Stage is quite far along in the process to be deciding which Committee will handle a Bill.

The Committee Clerk:

The relevant Standing Order is 33(1). It reads:

“On the Second Stage of a Bill being agreed, the Bill shall stand referred to the appropriate statutory committee, unless the Assembly shall order otherwise.”

Mr McFarland:

What is the appropriate Statutory Committee in this case? Is it likely to be the Committee for the Environment?

The Committee Clerk:

Yes.

Mr McFarland:

Therefore, unless our Committee asks for responsibility for the issue, it will go to the Committee for the Environment.

Mr Attwood:

My understanding was that we were to discuss the politics of the proposals for multiple mandates, rather than the outworking of one particular matter.

The Chairperson:

That is right. Are members happy to leave the matter there?

Members indicated assent.