



Northern Ireland  
Assembly

# Research and Library Service Briefing Note

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## Multiple mandates

### 1 Background

The issue of elected representatives holding dual or triple mandates has been a controversial issue for the last number of years, especially in Northern Ireland, whose MPs account for the vast majority of MPs holding dual mandates. In 2005, the Review of Public Administration (RPA) addressed the issue at local government level and cited that the large number of dual mandate MLAs/Councillors (69 following the 2003 Northern Ireland Assembly election) could potentially create a conflict of interest in decision making at Assembly and council level. In responding to the Review, the Government of the day stated its belief that the practice of dual mandates should end:

In the future, the Assembly will have a role in overseeing the performance and financing of local government. I believe, in these circumstances, there is an unacceptable conflict of interest if the same people are sitting in both the Assembly and Councils<sup>1</sup>.

Dual mandates formed part of the discussions prior to the establishment of the Transitional Assembly. The Committee on the Preparation for Government, formed prior to the talks at St. Andrews, debated the issue of dual mandates and agreed that the practice should be phased out<sup>2</sup>. The Committee's report anticipated that implementation of the RPA would address issues relating to local government, which in the event did not happen.

<sup>1</sup> Speech by the Secretary of State on outcome of Review of Public Administration, Hilton Hotel Belfast, 22 November 2005

<sup>2</sup> The Committee on the Preparation for Government, 'Report on Institutional Issues', September 2006

The issue gained further momentum during the Westminster expenses scandal in 2009 which was reflected in extensive and largely negative coverage in the local press with editorials in the *Irish News* and the *Belfast Telegraph* calling for an end to the practice. In November 2009 a poll in the *Belfast Telegraph* showed that 73% of Protestants and 68% of Catholics were not content for MLAs to also sit as MPs at Westminster<sup>3</sup>.

In its 2009 report on MPs expenses the Committee on Standards in Public Life (CSPL) examined the issue of dual mandates in Northern Ireland. It stated that:

The holding of multiple mandates...appears to be unusually ingrained in the political culture (in Northern Ireland) because of:

- The legacy of 'the Troubles', which discouraged many individuals from getting involved in politics, leaving it to a small minority to participate
- The recent history of political instability, which led the political parties to be fearful of giving up seats in Westminster in case the local devolution settlement collapsed, as it has more than once already<sup>4</sup>.

The report went on to recommend that "the practice of holding dual mandates in both the House of Commons and the devolved legislatures should be brought to an end as soon as possible"<sup>5</sup>. The CSPL's preferred option was for this to end by the elections to the devolved legislatures in 2011, or failing that by 2015.

## 2 Recent developments

The issue of dual mandates was debated by the Assembly on two occasions in 2009. Following the first debate in March 2009 the Assembly resolved that the issue of multiple mandates should be further considered by the Assembly and Executive Review Committee and that a phased approach to the issue represented the best way forward.

A Private Members' Motion was then brought forward and debated in November 2009. It noted the recommendations made on dual mandates contained in the CSPL report and called on all parties in the Assembly to commit to an end to the practice by 2011. A DUP amendment to the motion, which inserted that dual mandates should end by 2015 at the latest, was agreed to by 34 votes to 23. The Assembly resolved:

That this Assembly notes the recommendations of the Committee on Standards in Public Life, 'Supporting Parliament, Safeguarding the Taxpayer'; calls on all political parties within the Assembly and Parliament to commit to an end to 'double-jobbing', including private sector employment, ideally by the time of the scheduled election in 2011 or, failing that, by 2015 at the latest;

<sup>3</sup> *Belfast Telegraph*, 'McGuinness: First among Stormont's 14 Ministers', 30 November 2009

<sup>4</sup> Committee on Standards in Public Life, *MPs expenses and allowances – supporting Parliament, safeguarding the taxpayer*, November 2009

<sup>5</sup> As above

and further calls on the First and deputy First Minister to convey the opinion of the Assembly on this matter to the Prime Minister and the Leader of the Opposition.

The issue of 'double-jobbing' is used to describe dual mandates in Northern Ireland but can also be taken to mean paid employment outside elected office. In 2009 the Westminster Parliament introduced new rules requiring MPs to declare income from second jobs and the amount of time they devote to them. There was criticism of the new rules, with some MPs claiming that it would force them to toe the party line if they became wholly financially dependent on the party<sup>6</sup>.

Following the UK Parliamentary election in May 2010 a number of resignations have occurred at both Assembly and council level as parties seek to reduce the number of elected representatives with dual mandates. At the election, 16 of the 18 Northern Ireland MPs returned also sat in the Northern Ireland Assembly. This number has since reduced to 10 MPs following the resignations of five DUP MPs and the Alliance MP from their Assembly seats. Five Ministers in the Northern Ireland Executive are also MPs (four Sinn Féin and one DUP). There are currently 59 MLAs also serving as Councillors, compared to five MSPs in Scotland and four AMs in Wales.

### **The Government's position**

The Conservative Party is committed to ending the practice of elected representatives sitting in two legislatures at the same time. Its position on dual mandates in Northern Ireland was made clear before David Cameron became Prime Minister. In May 2009, while leader of the Opposition, Mr. Cameron said in an interview with the Belfast Telegraph that:

no party can justify double-jobbing on the grounds that they don't have enough 'big hitters' to go round...if we cannot persuade other parties to work with us and bring double-jobbing to an end by mutual agreement, a future Conservative Government would consider introducing legislation to prohibit dual mandates<sup>7</sup>.

Shortly after the election in May, the new Secretary of State for Northern Ireland Owen Patterson told the House of Commons that:

The time to end double-jobbing is upon us: quite simply, a Member cannot sit in two legislatures at once...we would like to negotiate with local parties and, if absolutely necessary, we would legislate<sup>8</sup>.

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<sup>6</sup>BBC News Online [http://news.bbc.co.uk/1/hi/uk\\_politics/8127757.stm](http://news.bbc.co.uk/1/hi/uk_politics/8127757.stm) retrieved 24 August 2010

<sup>7</sup>Belfast Telegraph, *David Cameron: Double-jobbing MPs won't get a look in when I'm in charge*, 21 May 2009

<sup>8</sup>HC Deb 30 June 2010 vol.512 c850

### **An alternative view**

It is not easy to find dissenting voices in the debate on dual mandates, given the momentum in favour of their abolition. However, one MLA, commenting on Dawn Purvis' Private Member's Bill, said that:

This is reaching the level where some MLAs are now stepping down from their council role and the expectation that most others will address the issue at the next local government election. I think that there is a loss of perspective on this. The post of councillor is not a full-time job. The role of councillor has been designed to function alongside office holders having full-time jobs whether in the professions, business, the farm or factory. Therefore, there should be no reason why someone could not be both an MLA and also a councillor. Indeed, an argument can be made that the posts can be mutually reinforcing. The only real problem arises where there is a conflict of interest<sup>9</sup>.

An opinion piece in the News Letter also cautioned against a rush to end the practice:

the argument against dual membership of both Stormont and a council is dubious at best, and yet it is gaining traction as Dawn Purvis's bill progresses through the assembly. (The) proposed ban would mean that councillors were able to hold any other full-time job that you can imagine except the directly relevant job of full-time politician. Our councils are part-time, so precisely why is it acceptable (indeed necessary) to have a daytime job, as a doctor or bricklayer, but not a daytime job as assembly member? We are often told that dual mandates are preventing new talent from emerging, but is it really true that there is a huge well of repressed talent? Or is it the truth that a public that is quick to criticise politicians is not so quick to put itself on the line? And yet there is no concrete proof that the public is remotely worried about dual mandates. Indeed, there is plenty of the evidence to the contrary – that they value politicians who have experience. All of the 17 MPs who were elected while also an MLA won their (often large) Westminster majorities despite being MLAs. In not a single case that I can think of was an MP's vote affected by double jobbing<sup>10</sup>.

## **3 Legislation**

The issue of MLAs serving as MPs and MLAs serving as Councillors are two separate legislative issues. The Assembly can legislate at the level of government and in February 2010 a Private Members Bill – the Local Government (Disqualification (Amendment) Bill 2010 - was introduced by the then leader of the Progressive Unionist Party. The Bill, if passed, would disqualify a Member of the Assembly from being elected as a councillor, or from being a councillor.

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<sup>9</sup> News Letter <http://www.newsletter.co.uk/politics/Divided-opinions-on-councillor-ban.6309731.jp> retrieved 24 August 2010

<sup>10</sup> News Letter <http://www.newsletter.co.uk/politics/Dual-mandate-purge-risks-talent.6396470.jp?articlepage=2> 2 July 2010

In response to a Assembly question asked in January 2008 about a timescale for ending the practice of dual mandates, the office of First and deputy First Minister stated that “Disqualification for membership of the Assembly is a reserved matter under the Northern Ireland Act 1998 and therefore not one for which the Office of the First Minister and deputy First Minister has any direct responsibility”<sup>11</sup>.

The Northern Ireland Assembly Members Act 2010 removed an MLA’s Assembly salary in circumstances where he or she sits as a member of the House of Commons or European Parliament, although they would still be entitled to take a Ministerial salary. Previously, MPs who were also MLAs could draw one-third of a MLA’s salary. During the passage of the Bill, then Minister of State for Northern Ireland said that:

“The Government’s view-I think that this was also the consensus view in the House of Lords-is that they should not receive the salary for the second job, but should continue to receive the allowances for both functions, because their constituents should not suffer from any loss of service. The consensus view in the other place-and I hope and expect in this place, too-is that when someone claims a salary as a Member of Parliament, they should receive no salary for being a Member of the Legislative Assembly”<sup>12</sup>.

After a period of consultation new procedures to fill Assembly<sup>13</sup> and council<sup>14</sup> vacancies were introduced in Northern Ireland which mean that outgoing MLAs and Councillors can be replaced by party nomination, thus eliminating the need to reach consensus on co-option or recourse to a by-election. The decision to replace MLAs and Councillors by way of party nomination rather than the uncertainty of an election was supported by the Electoral Commission in its response to the consultation: “This approach would help address the issue of dual mandates in Northern Ireland whereby almost three quarters of MLAs sit as local Councillors.”<sup>15</sup>

In 2002 the European Parliament legislated so that members of national parliaments (but not devolved) could no longer sit as MEPs<sup>16</sup>. The legislation took effect following the 2004 European Parliamentary election, although UK MPs were allowed to retain their dual mandate until 2009. In reality, however, no dual mandate MPs/MEPs existed after the 2004 election.

In 2003 the Republic of Ireland abolished the practice of TDs and Senators from simultaneously serving as Councillors<sup>17</sup>. The move was part of ongoing attempts to reform local government in the Republic. The abolition of the dual mandate was met with some resistance from those who claimed that it was up to voters to decide who

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<sup>11</sup> AQO 1682/08

<sup>12</sup> HC Deb 11 March 2010 vol.507 c4

<sup>13</sup> The Northern Ireland Assembly (Elections) (Amendment) Order 2009

<sup>14</sup> The Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010

<sup>15</sup> Electoral Commission response to NIO consultation *Filling casual vacancies on District Councils*, December 2009

<sup>16</sup> 2002/772/EC Council Decision of 25 June 2002 and 23 September 2002

<sup>17</sup> The Local Government Act 2003, Republic of Ireland

should represent them at the local level. Some TDs at the time argued that the dual role was an effective merging of local and national representation.

#### 4 Scotland and Wales

Although there was a 'private agreement' between the main parties in the Scottish Parliament to abolish dual mandates after the 2001 UK Parliamentary election, this was never formally documented and was not adhered to. Recently, the Scottish National Party criticised the decision of Labour and Conservative MSPs to contest the UK Parliamentary election in May 2010. In the event, two Labour MSPs were subsequently returned as MPs.

In Wales, Conservative Alun Cairns was the only AM returned to Westminster following the 2010 election. He had intended to resign his Assembly seat if elected to Westminster but was persuaded by his party to remain until the Assembly elections in 2011. Following his election, Mr Cairns declared he would no longer draw his AM's salary.

Neither Members of the Scottish Parliament nor Members of the National Assembly for Wales are prohibited from holding dual mandates. However, section 21 of the Government of Wales Act 2006 reduces an Assembly Member's salary if they are also an MP or MEP. Section 82 of the Scotland Act 1998 applies similar provisions to MSPs.