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**Welsh Liberal Democrats**  
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Ms Sarah Sargent  
Deputy Committee Clerk  
Legislation Office  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

14<sup>th</sup> September 2009

Dear Ms Sargent,

**Local Government Legislative Competence Order**

I am responding on behalf of the Welsh Liberal Democrats to the call for evidence issued by Legislation Committee No.2 on the Proposed Local Government Legislative Competence Order.

As a party, we welcome any move to confer further powers upon the National Assembly and this instance is no exception. We offer our full support to the proposal to devolve those powers included within the LCO.

Our only concern is not based upon what is within the LCO, but instead on what is specifically excluded. To this extent we believe that the proposed LCO is drawn too narrowly.

The biggest disappointment is to see “the voting system for the return of members in an election” excluded from Matter 12.9. The current electoral system for local government leads to distorted results, which, until recently, often returned significant majorities for parties that only won a minority of the vote. The First Past the Post system currently in use discriminates against smaller parties and makes it more difficult for candidates from less traditional political backgrounds, such as women, younger candidates and ethnic minorities, to get elected. This has led to the situation where, prior to the 2008 local government elections, only 4.3% of Councillors were aged 35 or under, less than 22% were women and only 0.8% were from a minority background.

The current electoral system also leads to anomalies which can see significant distortions between the number of votes cast for each party and the end result within a specific council area. The most obvious example of this within Wales is Cardiff, where our party was the beneficiary. Despite only coming third in the popular vote, we were the largest party in terms of the number of Councillors returned and able to form an administration with Plaid Cymru.

In many multi-member wards, four or even five Councillors from one party may be returned, despite that party failing to secure a majority of the votes within that ward. A party that takes only 26% of the vote may be able to secure 100% of the representation.

First Past the Post means elections are decided by a handful of swing voters within target wards, rather than each elector within an area having an equal say over their governance.

The Welsh Liberal Democrats believe that the Single Transferable Vote system of elections would be a fairer electoral system for local government in Wales. We appreciate this is not the view of everyone, but what should be beyond argument is that it should be Wales that decides which is the most appropriate system for Wales, even if that decision ends with no change being made.

Failing to devolve this power at this opportunity effectively ties local government elections in Wales to First Past the Post until 2016, even if a future government decides to abandon it.

We appreciate that the two other exclusions from this matter are due to the fact that they are specifically excluded from Schedule 7 of the Government of Wales Act (Namely (a) the local government franchise and (b) electoral registration and administration). While we accept that Schedule 7 is not in force yet, these limitations are still in place.

However, we believe that there is scope for the Minister to push the Secretary of State to alter this. Lowering the voting age to 16 will do much to encourage younger people to become involved in politics, whereas electoral registration and administration should be devolved to allow Wales to look into alternative ways of increasing turnout at election. While these exclusions are in place, Wales lacks significant tools in improving democratic engagement. We urge the Minister to speak to the Secretary of State about removing these obstacles that prevent this LCO from achieving so much more.

This Legislative Competence Order is welcome, along with what it seeks to achieve. However, the specific exclusions included within Matter 12.9 weaken it and as such it will become a missed opportunity to tackle many of the problems inherent within local government elections in Wales.

Thank you.

Yours sincerely,



Joanne Foster  
Chief Executive of the Welsh Liberal Democrats