

P-04-454 Call to end Councillor and Assembly Member Dual Role –
Correspondence from the Petitioner to the Chair, 02.06.2013

WRITTEN SUBMISSION: Petitions Committee --- 18/6/2013.—OPEN DOCUMENT

Deadline 7/6/2013-Local Government and Government Business

7.12

P-04-454 Call to end Councillor
and Assembly Member Dual Role

For Inclusion -----Committee Deliberations.-18-06-2013.-----

- ACTION request lead Petitioner;-N PERROTT
- ARGUMENT provision lead petitioner:
- PROCEDURAL request lead petitioner.

ACTION :

The Petition Committee has the following options:

Action on a Petition

23.8 If a petition is admissible, the Presiding Officer must refer that petition to a responsible committee.

23.9 The responsible committee must:

- refer the petition to the government, any other committee of the Assembly or any other person or body for them to take such action as they consider appropriate;
- report to the Assembly; or
- take any other action which the committee considers appropriate.

23.10 The responsible committee must notify the petitioner of any action taken under Standing Order 23.9.

ACTION POINTS**

Petition Committee refer to a RESPONSIBLE committee---it is suggested CLACttee with a view to drafting amending legislation.*to bar the possibility of AM's holding simultaneously membership of a Principal Unitary Authority concurrently with Membership of the National Assembly of Wales.**

Petition Committee report to Assembly that a reference is to be made to the Electoral Commission to seek it's view on the "ending of the dual role" and seeking from the Electoral Commission case examples from other Jurisdictions.[USA,EU jurisdictions].

Op cit-Electoral Commission

Prioritising our regulatory activity

Audit, advice and campaign monitoring

December 2010

(Updated May 2012)

2.27 By definition we will not hold information of this kind about every registered party, and so it cannot be used to create formal profiles. We will log and collate relevant information as we receive it, but will not publish it. **Our Advice and Guidance Team will refer to the information we hold when considering whether it is appropriate to offer advice on our own initiative. This process is underpinned by our horizon scanning activity which gathers media reports about emerging trends and likely areas on which we may need to target in future.** The types of information we will log are set out in Appendix C and can be grouped under three headings:

- public profile
- governance and capacity
- external factors

Petition Committee in response to Ministerial correspondence from WG to ask for resource to be deployed to assist the drafting of an amending measure to give effect to the proposed change to legislation required in amending the National Assembly Order.

Under Nat Assembly -STANDING ORDER

24.14 Legislation, which is neither government legislation, committee legislation nor Commission legislation, is referred to as "Member legislation".

Where none of the THREE possible routes to legislative change are forthcoming

The Petition Committee via the Assembly report to Members who would be invited to

-Canvas any **views and interest from AM's who would be interested to** -Bring forward draft legislation in a Private Assembly Members capacity as Assembly

Member legislation to allow the Drafting, Consultation and Tabling of the proposed legislative change - if any of the available THREE avenues prove not to come to fruition.

PROCEDURAL:

General Principles

11. The law requires that the interests of parties who are affected by a proposed Order are dealt with fairly, justly and openly; that all the evidence is fully considered and that decisions are based only on material considerations to which all the parties have had access. The Assembly's decisions, and hence any Order which is authorised by the Assembly, can be challenged in the courts if these principles are not followed.

The 29-1-13 Petition Committee meeting did 5 things:

1. Contacted the Minister

I am responding on behalf of the Welsh Government. I understand the reasoning behind the petition. I will consider the matter carefully ahead of the next elections to the National Assembly for Wales. Any proposal to amend the legislation will be subject to full consultation.

2. Wrote to CLAC committee[see e mail -18/2/13-asking for FULL transparency]
3. Wrote to Assembly Commission .

Section 16 of The Government of Wales Act 2006 sets out the terms under which someone may not stand as a candidate to the Assembly and a Statutory Instrument (The National Assembly for Wales Disqualification Order) outlining which specific offices preclude candidacy is passed before each Assembly election.

4. Wrote to Counsel General---indicating whether there are any legal impediment to change .—no advice or view has been adduced in correspondence.—save for-reference in Minister's letter.-COUNSEL[typo]

Dear Bill,

You wrote to my predecessor and the Council General seeking views on amending legislation to prevent Assembly Members standing for election to a principal council in Wales or for serving councillors to stand for election to the National Assembly for Wales.

5. Requested a legal briefing- no advice or briefing available.

-**REQUEST**Legal advice is required to be disclosed.to petitioner.**

The CLAC deliberations were held in CAMERA [18-2-13] and details of correspondence from PETITIONS COMMITTEE to CLAC have been redacted.

ACTION POINT-**

The LEAD petitioner requests that all e mail traffic, letters, correspondence and memoranda ,notes of meetings be made available in a BUNDLE to the lead Petitioner in the interests of transparency and due process and General Principles of Law @11 above.

Summary-

- It is a straightforward task to amend the Order.
- It is straightforward requirement to determine the efficacy of the change both in principle and policy terms.
- It is straightforward to open the proposed change to wider debate and consideration.

NORTRIDGE PERROTT

P454-Lead Petitioner/