

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



William Powell AM
Chair, Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Your ref:
Our ref: PO412/RB/VH

26 February 2013

Dear William

Thank you for the letter from the Petitions Committee regarding the ability of Assembly Members to hold more than one elected office.

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.

This is not an issue that the Commission has discussed and therefore does not have a view on it.

Rosemary

Rosemary Butler AM, Presiding Officer

Bae Caerdydd
Caerdydd
CF99 1NA

Cardiff Bay
Cardiff
CF99 1NA

Lesley Griffiths AC / AM
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

William Powell AM
Chair Petitions Committee
National Assembly for Wales
Cardiff Bay

22 May 2013

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.

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.

Regards,



Lesley Griffiths AC / AM
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business

Bae Caerdydd • Cardiff Bay
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Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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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:

- (i) 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;
- (ii) report to the Assembly; or
- (iii) 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 its 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/

**P-04-454 Call to end Councillor and Assembly Member Dual Role
– Correspondence from the petitioner to the Committee,
21.06.2013**

Petitions Committee

You asked or the Committee asked for Clarification.

THe BAR would only apply to COUNCILLORS holding PAID elected positions with WALES ,ie receiving a TAXABLE ALLOWANCE/Liable for National Insurance for being a member of a Unitary Authority,whether taken or renounced.

TOWN and Community Councillors are NOT paid positions...

The Mischief to remedy is NOT to HOLD two elected PAID positions within Welsh Jurisdiction simultaneously and where ONE paid elected position is already occupied at the time of Nomination to contest an Assembly seat,then this fact BARS the person seeking Nomination and sitting as an Assembly member. The nomination for an Assembly election by a candidate would BAR a candidate from standing unless the other PAID elected position is first relinquished prior to acceptance of nomination..[akin to Hof Commons Disqualifn Act and Civil Servants-a parallel--all be it Civil servants are not paid elected positions.]

The territorial and electorate extent of a TOWN /Community Councillor does not overlap to the same degree as a Unitary Authority Councillor.

two by products are:

1 More will be encouraged to Stand and fewer will have "two " hats.

2 Legislative competence [Primary] in the Assembly is then not Conflated with local bye law legislative competence.

3 Resources available to a serving AM could not be used to bolster the other election campaign and vice versa.

Hope Clarifies.

Nortrdge Perrott
p454/lead petitioner/

The Electoral Commission

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William Powell AM - Chair
 Petitions Committee
 National Assembly for Wales
 Cardiff Bay
 Cardiff
 CF99 1NA

5 July 2013

Dear William,

Thank you for seeking the view of the Electoral Commission on the petition submitted by Nortridge Perrott on multiple mandates.

The Commission, in its response to the UK Government's Green Paper on future electoral arrangements for the National Assembly for Wales, commented on this issue (albeit at that time relating to the UK Parliament and the National Assembly for Wales):

Question 6: Multiple Mandates

1. *Whilst the Commission does not have a specific view on the question of multiple mandates, we would consider that any decision relating to this question should place the interest of the voter or voters first. For example, what would voters expect of their elected representatives and how can an elected representative ensure the best possible level of service for the electorate? Can this be achieved by representing voters at a variety of different levels (for example at the UK Parliament and the National Assembly for Wales) and the experience which this brings about or should the focus be entirely on one legislature?*
2. *The Green Paper does refer to the European Parliament and the restrictions in place in order to qualify for election to this legislature. In order to achieve a consistent approach to this issue it may also be appropriate to look at those members who are both elected councillors (at local authority level) and AMs as this is another clear example of a multiple mandate.**

The Electoral Commission
 Companies House
 Crown Way
 Cardiff CF14 3UZ

Y Comisiwn Etholiadol
 Tŷ'r Cwmnïau
 Ffordd y Goron
 Caerdydd CF14 3UZ

Putting voters first Rhoi pleidleiswyr yn gyntaf

An independent body established by Act of the UK Parliament
 Corff annibynnol a sefydlwyd gan Ddeddf Seneddol y DU



We welcome correspondence in Welsh and English
 Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg

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The Electoral Commission

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As you may already be aware, the Northern Ireland Executive's Minister for the Environment, Alex Attwood MLA, has also announced his intention to ban "double jobbing" (being a local councillor and an MLA) in Northern Ireland from April 2014.

The Commission would be happy to consider providing a more detailed response to this specific question at a later point dependent on any decision taken by the Petitions Committee and / or by the Minister for Local Government and Government Business.

Yours sincerely,



Rhydian Thomas
Deputy Head – Electoral Commission Wales

02920 346804
rthomas@electoralcommission.org

* The Electoral Commission's response to the UK Government's Green Paper on future electoral arrangements for the National Assembly for Wales (August 2012)

**P-04-454 Call to end Councillor and Assembly Member Dual Role
– Correspondence from the Welsh Local Government Association
to the Clerking team, 26.09.13**

Kayleigh thanks for this. It is not so much that we missed it as frankly its not in our purview. This fundamentally is a matter for political parties to sort out and I would not wish to see any state interference in this. There are currently councillors who are AMs and if parties are content with that then so be it. Hope this helps

Cheers Steve

P-04-454 Call to end Councillor and Assembly Member Dual Role – Correspondence from Electoral Reform Society Wales to the Clerking team, 27.09.2013

Dear Kayleigh,

Many thanks for your email regarding the issue under consideration by the Petitions Committee. To confirm for your records, I'm the director of ERS Cymru and the contact for future request for information.

The Electoral Reform Society Cymru does not support the proposal that the Welsh Government should bring forward legislation to bar Assembly members from holding office as a councillor in Wales (so called 'double jobbing').

The Society would expect that any conflict of interest, perceived or otherwise, that may arise from an individual holding office in both a local authority and the National Assembly, should be dealt with under exist arrangements. Ultimately it should be for the voters to decide whether or not they are content for an individual to hold both local and national office. The Society does however support further consideration of the implications of 'double jobbing' for AMs who are also MPs, which we expect to be part of the UK Government's forthcoming Draft Wales Bill.

Best wishes

Stephen Brooks

**P-04-454 Call to end Councillor and Assembly Member Dual Role -
Correspondence from the Petitioner to the Committee, 06.02.14**

MY RESPONSE:

To Chair..

Please maintain an active interest on behalf of the Petitions Committe to ensure the practice of DOUBLE JOBBING does not become a possibility at the NEXT Assembly elections:

1 BY Drafting a possible amendment to the relevant legislation to achieve this end.

2 By considering across the piece ALL possible difficulties in DUAL serving on BOARDS,NDPB's and other ASPB ;so that the difficulties encountered by CANDIDATES at the last Assembly election who had to stand down because of the vagaries and ambiguities of the current ELIGIBILITY criteria to stand as an Assembly candidate are without ambiguity.

3 USE the Electoral Commission and the NI Executive to formulate a clearer ,cleaner and mor acccessible CANDIDATE base for the Assembly..

Consider also the increase to 80 members and HOW the principles of CANDIDATURE eligibility should be translated to an enlarged Assembly.

your sincerely#

N Perrott/
Swansea /Petitioner/