



**Cynulliad Cenedlaethol Cymru  
Y Pwyllgor Safonau Ymddygiad**

**The National Assembly for Wales  
The Committee on Standards of Conduct**

**Dydd Iau, 29 Mehefin 2006  
Thursday, 29 June 2006**

**Cynnwys**  
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

*Aelodau'r Cynulliad yn bresennol: Kirsty Williams (Cadeirydd), Tamsin Dunwoody, Val Lloyd, Gwenda Thomas, Owen John Thomas.*

*Swyddogion yn bresennol: Peter Jones, Ymgynghorydd Cyfreithiol i Swyddfa'r Llywydd; Richard Penn, y Comisiynydd Safonau.*

*Gwasanaeth y Pwyllgor: Andrew George, Clerc; Gareth Rogers, Dirprwy Glerc; Kathryn Thomas, Ysgrifenyddiaeth.*

*Assembly Members in attendance: Kirsty Williams (Chair), Tamsin Dunwoody, Val Lloyd, Gwenda Thomas, Owen John Thomas.*

*Officials in attendance: Peter Jones, Legal Adviser to the Presiding Office; Richard Penn, the Commissioner for Standards.*

*Committee Service: Andrew George, Clerk; Gareth Rogers, Deputy Clerk; Kathryn Thomas, Secretariat.*

*Dechreuodd y cyfarfod am 2.01 p.m.  
The meeting began at 2.01 p.m.*

### **Cofnodion y Cyfarfod Diwethaf a Sylwadau Agoriadol y Cadeirydd The Minutes of the Last Meeting and the Chair's Introductory Remarks**

[1] **Kirsty Williams:** Good afternoon, everyone. Welcome to this afternoon's meeting of the Committee on Standards of Conduct. I remind everyone of the availability of simultaneous translation equipment in this committee room. Could everyone ensure that their mobile phones and pagers are switched off? For those who are watching our proceedings in the public gallery, I also welcome you, and remind you too of the availability of simultaneous translation facilities in the public gallery. Should you require any assistance in using the equipment, there will be help from the ushers, who are sitting with you.

[2] We are slightly down on membership this afternoon. We have received apologies from Jocelyn Davies, Lynne Neagle, Karen Sinclair, and Glyn Davies. Could I ask committee members to consider the minutes of the meeting held on 9 March 2006? Are Members content that they are an accurate reflection of what happened at that meeting? I see that you are.

*Cadarnhawyd cofnodion y cyfarfod blaenorol.  
The minutes of the previous meeting were ratified.*

2.02 p.m.

### **Diweddaru ac Adolygu'r Camau a oedd yn Deillio o STD(2) 01-06 Update and Review of Action Arising from STD(2) 01-06**

[3] **Kirsty Williams:** Several action points were agreed at the last meeting, mainly relating to the review of the complaints procedure appeals panel and the committee's annual report. Gareth will give us an update on that.

[4] **Mr Rogers:** At the last meeting, the committee raised two issues in relation to the establishment of appeals panels. The first was that the Presiding Officer and the presiding judge should be made aware of the committee's view of gender balance for any panel. Secondly, the committee sought clarification as to the exact role of the independent, legally

qualified person on that panel.

[5] On the second point, to clarify, the complaints procedure includes the independent person as a full member of the appeals panel. It is our intention that the arrangements that the Presiding Officer puts in place will ensure that that person chairs the panel. If Members are content with that approach, the arrangements and the protocol will be formally signed, and, at that stage, we will raise with all parties the committee's view on gender balance. So, if Members are content, that is how we will proceed.

[6] **Kirsty Williams:** Thank you, Gareth. Do Members have any questions on that point? I think that it clarifies the questions that were raised at the last meeting. If Members are content, we will proceed as Gareth has outlined, informing the political parties of this committee's desire to see a gender balance when establishing members to these panels. Are there any other points arising from the minutes or the update of action? I see that there are none.

[7] If Members will bear with me, the Commissioner for Standards is on his way. He is travelling from London on the M4, and he has indicated that he might be slightly late. Therefore, if Members are happy, we will jump over item 3 for the time being, to allow time for the commissioner to arrive and to take his paper, and we will move on to item 4. Is that okay with everyone? I see that it is.

2.05 p.m.

### **Y Pwyllgor Rheolau Sefydlog The Committee on Standing Orders**

[8] **Kirsty Williams:** Members will be aware that the Committee on Standing Orders is currently considering the new Standing Orders that will govern the Assembly from May 2007. Val, Jocelyn and Gwenda will be particularly aware of that as they find themselves members of that committee. The Chair of the committee wrote to me on 27 May seeking the committee's view. Given the way in which meetings were scheduled and their timings, the committee required an answer from me before this committee could meet. Therefore, in your papers, you will find that there is a copy of Jenny Randerson's letter, the Chair, and a copy of my subsequent response. It says that, in overall terms, we were content that the Standing Orders that relate to the Assembly's standards regime were robust. The only thing outside of that is that we seek clarity regarding the ministerial code. Members will have copies of the correspondence there, but do you have anything that you wish to add at this stage?

[9] **Tamsin Dunwoody:** Under Standing Order No. 4 in your response, it says that the committee 'recently agreed'. Could the wording be amended to reflect that it was not unanimous?

[10] **Val Lloyd:** I had assumed that, because otherwise it would have said 'the committee unanimously agreed'. It is usual to put 'unanimous' in if it is, and to leave it out if it is not. However, if Tamsin wants to do that, I am happy with it.

[11] **Tamsin Dunwoody:** I would like it clarified, please.

[12] **Kirsty Williams:** I am happy to clarify it if Members would feel slightly more comfortable with that. I take Val's point that if something is unanimously agreed, it is usually stated as such. I would use that term, but if Members would like further clarification by putting that in, I am happy to provide it. Are Members content to accommodate Tamsin's request? I see that you are.

[13] Are there further comments relating to matters of Standing Order that you would like to relay to the Committee on Standing Orders? My understanding is that that committee is content not to rehash all Standing Orders relating to the standards regime, and there seems to be little point in reinventing the wheel when the committee will have many other matters to attend to.

[14] **Val Lloyd:** I thought that your letter was perfect, Chair.

[15] **Kirsty Williams:** Well, thank you to the secretariat. I see that everyone is content, so we will move on to item 5.

2.08 p.m.

### **Mesur Buddiannau Aelodau Senedd yr Alban The Interests of Members of the Scottish Parliament Bill**

[16] **Kirsty Williams:** On 8 June 2006, the Scottish Parliament adopted the Interests of Members of the Scottish Parliament Bill, replacing its earlier provisions. The secretariat has provided a link to the Bill and a Members' brief from the Scottish Parliament. In doing so, we are mindful of the fact that the committee very much likes to keep abreast of standards regimes in other institutions, to ensure that we are benchmarking ours against that of other institutions so that it is as robust as it can be, and so that we can see whether there is anything that we can learn. Andrew has been looking at the legislation for us.

[17] **Mr George:** I can provide a little bit of background if that would be helpful to the committee. The Interests of Members of the Scottish Parliament Bill replaces the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999. That was a transitional Order made in Westminster under the Scotland Act 1998. The Standards and Public Appointments Committee in Scotland, which is our equivalent, conducted a long review, which led to the committee introducing this Bill in the Scottish Parliament last September. It is expected to receive Royal Assent next month.

2.10 p.m.

[18] The standards regimes in Scotland and Wales are broadly similar. Section 39 of the Scotland Act 1998 and section 72 of the Government of Wales Act 1998 provide for the basic architecture of the system, including a register, declarations, proceedings and penalties for non-compliance. The main difference is that, in Wales, we have the details set out in our Standing Orders whereas, in Scotland, it was in the transitional Order and is now in the Bill. I will be honest with you and say that we did look at the Scottish Bill afresh as a source of good ideas to borrow, but Diana Woodhouse looked at it in great detail when she conducted her review, and she stole all the ideas before we did. So, for the purposes of improving our existing procedures for the next 11 months, and in terms of recommending improvements to the Committee on Standing Orders for the third Assembly, the procedures in Wales and Scotland are so similar that nothing sprang out of the Bill that this committee had not already considered.

[19] **Kirsty Williams:** Thank you, Andrew. I do not know whether Members have any other views, or whether, having looked at the new Scottish legislation, they feel as though anything identified in that legislation is missing in our own. As Andrew says, we have been careful since the beginning of the Assembly to benchmark our standards regime, and I think that we are on a par with all other institutions. So, this is just to ensure that Members are aware of these changes and that we are all kept abreast of standards regimes in other places. I see that there are no other comments, so we will move on.

2.11 p.m.

**Adroddiad y Comisiynydd Safonau**  
**The Report of the Commissioner for Standards**

[20] **Kirsty Williams:** We go back to item 3 now, and I welcome Richard.

[21] **Mr Penn:** I am sorry that I am a bit late.

[22] **Kirsty Williams:** That is no problem at all. Item 3 is the report of the Commissioner for Standards. This is Richard's fourth report to the committee as commissioner, in which he outlines his work, but I will let Richard make any points that he wishes to make.

[23] **Mr Penn:** I tend not to dwell on the points too much, because they are there in writing. However, it has been a somewhat busy period, with six complaints since I last reported in March this year—although there have been a number of potential complaints that have been dealt with and have not resulted in formal complaints. I thank the secretariat for dealing with those. The secretariat takes the brunt of this rather than me, and it deals with complaints before they reach me.

[24] There were different sorts of complaints, and one point that is made in the report is that the website is now up and running, which probably gives the public and potential complainants more access. It is good that they now feel that they have access to me and to the complaints system. There is other stuff that I get, which does not properly come to me, but, again, I thank the secretariat for the work that it does on that.

[25] Some quite trivial matters have been dealt with, and I have dealt with a couple of these breaches in line with section 10 of the complaints procedure. I know that you will have a debate about it later, but the ability to deal with complaints where there are minor breaches but where Members have acknowledged and recognised them and put matters straight has proved to be a useful part of the complaints procedure. That has helped a lot, and I hope that it will continue. There is a paper, as I said, about the procedure and I know that you are going into closed session on that later. I have seen the paper in draft, and made some comments of my own.

[26] The only point that is made at the end of the report is about the period coming up to the forthcoming Assembly elections. Supplementary guidance was issued to Members on the use and misuse of Assembly resources, which has always been a source of complaint. It is wise to put some guidance in place now to ensure that Members and potential Members understand concerns about this aspect. Guidance should be issued in readiness for next year's Assembly elections. So, that is my report. The final point is that a by-election is being held today, and I hope to meet the successful candidate to ensure that he or she is inducted into the ways of the Assembly in relation to standards.

[27] **Kirsty Williams:** Thank you for that, Richard. Perhaps we can pick up first on Richard's point about his intention to write to the House Committee regarding supplementary guidance in the run-up to the election. That would be a welcome thing for Richard to do. Perhaps we could write as a committee as well, endorsing Richard's request for supplementary guidance. It is a potentially contentious time, with people looking for breaches perhaps for political reasons, and Members could be in a vulnerable position as they approach the election. So, additional guidance would be welcome to make clear what the rules are. So, do you agree that I should write in conjunction with Richard? They will put it on file. Val?

[28] **Tamsin Dunwoody:** Do not touch your microphone, Val.

[29] **Val Lloyd:** Sorry, I am still used to the informal meetings of the Committee on Standing Orders, I am sorry. I think that clarity would be welcomed by everyone. As you say, it is a very clutchy time and we would all seek clarity.

[30] **Tamsin Dunwoody:** I think that the clarity is not just for us, though it is hugely beneficial to us, as Members; it is also to protect our staff. One concern that I have is that if that clear delineation is not seen, and publicly seen, there is a danger that malicious accusations against my staff could ensue. So, to protect our staff, I think that we should also have that. Could I comment further?

[31] **Kirsty Williams:** Certainly. Could the secretariat please record that we too will write to the House Committee, endorsing Richard's view that supplementary guidance be issued?

[32] **Mr Penn:** That particular point is absolutely right; it is not just Assembly Members who need to understand the rules. It is not just about Assembly resources. Members' staff need to understand as well, because they act on your behalf and they can cause problems if they do not understand the rules and abide by them. That is very important.

[33] **Gwenda Thomas:** I wonder whether it is worth linking your advice, Richard, with that of the Electoral Commission. It issues advice with regard to the use of office space and we would, ultimately, be answerable to that commission.

[34] **Kirsty Williams:** I certainly think that we could mention to the House Committee that, in publishing supplementary guidance, Members' attention could also be drawn to advice from the Electoral Commission, which would be a further source of advice. We can make sure that that is included, Gwenda. Thank you for that; that was very helpful. Tamsin, you wanted to raise other issues that were in the report.

[35] **Tamsin Dunwoody:** I was pleased to read this report, and particularly pleased to read the section in paragraph 4 where it becomes clear that the process is working, in that trivial complaints are not being brought forward in the way that they could have been. The clear ability to perceive what is genuine and what is not appropriate to be brought before this committee in such a formal way is clearly working. That is very good news indeed, and it is to be commended.

[36] **Kirsty Williams:** Yes, indeed. Members will be aware that, in the annual debate on the Standing Orders report, Members asked whether trivial complaints were coming forward. I think that the experience to date, since we changed the complaints procedure, is that it is working in the way that we intended it to work, so that is welcome.

[37] **Mr Penn:** Chair, could I just make a distinction between trivial complaints and complaints about trivial matters that are, in effect, breaches of the code? There is a difference. We have always had trivial complaints, and we have always been able to deal with them, because there is no substance to them. Now, if trivial complaints where there has been technically a breach are recognised and accepted by the Member, they can be dealt with administratively, and that is far better than bringing it to the committee and having the full panoply of this committee dealing with it.

[38] **Kirsty Williams:** Would anyone else like to raise any points on Richard's report? I see that you would not. Thank you, Richard, for that. We will move to item 6.

2.18 p.m.

**Unrhyw Fater Arall a Dyddiad y Cyfarfod Nesaf  
Any Other Business and the Date of the Next Meeting**

[39] **Kirsty Williams:** Members have not informed the secretariat of any other matters that they would like to raise, but if there is anything, they could mention it now. I see that there is not.

[40] The draft timetable for meetings during the autumn term of 2006 has been circulated, and the committee is asked to note that the date of the next meeting is Thursday, 19 October.

[41] **Tamsin Dunwoody:** What time will the meeting be held?

[42] **Kirsty Williams:** I am not sure. I shall look to Gareth or Andrew to see. Is it a morning or an afternoon slot?

[43] **Mr Penn:** It is the morning slot.

[44] **Kirsty Williams:** There we are; the commissioner says that it is to be held in the morning.

[45] **Mr Penn:** I am not pronouncing; I am just advising.

[46] **Kirsty Williams:** The commissioner is advising us that it could be in the morning of Thursday, 19 October.

[47] **Mr Penn:** No, I think that it says 'p.m.' actually. [*Laughter.*]

[48] **Kirsty Williams:** I will ask Kath to send an e-mail around later today or tomorrow morning to clarify which slot we have on that day. As always, I will call a meeting only if I feel that there is a need to do so. However, given that quite a substantial period of time will elapse between now and October, I envisage that we will use the October slot.

2.20 p.m.

**Cynnig Trefniadol  
Procedural Motion**

[49] **Kirsty Williams:** If there are no other matters that Members would like to raise, I would like to close this part of the meeting formally. I propose that

*the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 8.24(vi).*

[50] I see that the committee is in agreement. I advise Members that there will be a five-minute break in proceedings to prepare for the closed session that will take place next. Thank you very much. I ask all staff who do not need to be here to leave.

*Derbyniwyd y cynnig.  
Motion carried.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 2.20 p.m.  
The public part of the meeting ended at 2.20 p.m.*