

Y PWYLLGOR SAFONAU YMDDYGIAD

Dyddiad: Dydd Iau 9 Mawrth 2006

Amser: 2:00pm

Lleoliad: Ystafell Bwyllgora 1

Teitl: Adroddiad Blynyddol y Pwyllgor Safonau

Gwahoddir y Pwyllgor i drafod Adroddiad Blynyddol drafft Y Pwyllgor ar gyfer y flwyddyn galendr 2005 fel y'i gosodir allan yn Atodiad 1, ac i gytuno ar fersiwn terfynol.

Gareth Rogers

Ysgrifenyddiaeth y Pwyllgor Safonau

ANNUAL REPORT OF THE
NATIONAL ASSEMBLY FOR WALES'
COMMITTEE ON
STANDARDS OF CONDUCT

2005

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1999-2005

COMMITTEE ON STANDARDS OF CONDUCT

REPORT TO THE ASSEMBLY

1. Introduction

- 1.1 This is the sixth annual report to the National Assembly for Wales by its Committee on Standards of Conduct, as required by Standing Order 16. It covers the period from 1 January 2005 to 31 December 2005.
- 1.2 The Committee on Standards of Conduct is one of the Assembly's six Standing Committees. Membership of the Committee during the period of the report was:

Chair

Kirsty Williams, Liberal Democrat, Brecon and Radnorshire

Membership

David Davies, Conservative, Monmouth

Jocelyn Davies, Plaid Cymru, South Wales East

Tamsin Dunwoody, Labour, Preseli Pembrokeshire

Val Lloyd, Labour, Swansea East

Lynne Neagle, Labour, Torfaen

Karen Sinclair, Labour, Clwyd South

Gwenda Thomas, Labour, Neath

Owen John Thomas, Plaid Cymru, South Wales Central

Brynle Williams, Conservative, North Wales

- 1.3 During the reporting period, the Committee met on 4 occasions. Three of its meetings were held in public however the Committee met privately on one occasion in accordance with Standing Order 16.5. [\[top\]](#)

2. The Committee's Remit

- 2.1 Standing Order 16 sets out the remit of the Standards Committee, and the requirements as to its membership, the role of the Commissioner for Standards, meetings and reports. A copy of Standing Order 16 is at [Annex A](#).
- 2.2 The key function of the Committee is to consider complaints referred to it by the Commissioner for Standards and any matters of principle relating to the conduct of Assembly Members generally. The Committee also oversees the Register of Members' Interests. [\[top\]](#)

3. Complaints

- 3.1 A summary of all complaints against Assembly Members since the inception of the National Assembly can be seen at [Annex B](#).
- 3.2 During the period of the Report only one complaint was referred to the Committee for consideration. This was the first complaint to be considered under the new Procedure for Dealing with Complaints against Assembly Members, which was approved by the Standards Committee on 18 November 2004. A [Committee Report](#) in relation to this complaint was laid before the Assembly on 7 December 2005 - the complaint was dismissed unanimously. [\[top\]](#)

4. Work Programme and Activities

- 4.1 In July 2003, the Committee agreed a forward work programme, which outlined the areas that would be the main focus of its work for the coming 2-3 years.
- 4.2 At that time, three significant areas of work were prioritised:
 - i) The Review of Standards Procedures in the Assembly by Professor Woodhouse on the Assembly's Standards of Conduct arrangements;
 - ii) Freemasonry; and
 - iii) The Future Role of the Independent Adviser (Commissioner for Standards).
- 4.3 As this report will highlight in more detail, much of the work undertaken by the Committee since 2003 reached its conclusion and received the approval of the Assembly during 2005.

Review of Standards Procedures

- 4.4 The Committee continued to consider and implement the recommendations contained in the [report by Professor Diana Woodhouse](#) of her review of Standards Procedures in the Assembly, considering and agreeing a number of issues during the year, including that:
 - the current dual threshold for registering tangible and intangible gifts and hospitality should be replaced with a single threshold set at 0.5% of the basic gross annual salary for an Assembly Member;
 - the threshold for registering shareholdings should be set at 1% of issued share capital or a value equivalent to 50% of the basic gross annual

salary for an Assembly Member, based on the market value of shares updated annually on 5 April;

- the term “Lobbying for Reward or Consideration” should replace “paid advocacy” and the term “Agreements for the Provision of Services” should replace “Employment Agreements” in Standing Order 4 and elsewhere in guidance.

4.5 The 31 recommendations made in the Woodhouse Report have been fully considered by the Committee, with 25 of those recommendations being implemented. [\[top\]](#)

Freemasonry

4.6 Following the Assembly elections in May 2003, the newly elected Standards Committee returned to the matter of whether or not Members should be required to register their membership of the Freemasons. They came to the conclusion that all the options had been thoroughly considered by the previous Committee and that the proposals, which the Assembly had narrowly rejected in November 2002, still offered the most effective way of addressing public concerns about freemasonry and other organisations that had a closed membership.

4.7 As a result, the Committee decided to resubmit the proposal to remove this requirement back for Plenary approval. The Committee recommended replacing the requirement for Members to register membership of the Freemasons with a requirement for them to record membership of any private club or society where membership is by invitation or selection. This recommendation was approved by the necessary two-thirds majority and a new Standing Order 38 was adopted by the Assembly on 20 April 2005. [\[top\]](#)

The Commissioner for Standards

4.8 On the 2nd of March, the National Assembly approved changes to Standing Orders creating the post of National Assembly Commissioner for Standards, bringing the Assembly more into line with arrangements in other legislatures and demonstrating that Assembly Members are serious in their intent to abide by the highest ethical standards of conduct.

4.9 The appointments process was conducted by a panel chaired by the Presiding Officer. The Committee was delighted, following the recommendation of the appointments panel, to propose the nomination of Richard Penn as the Assembly’s first Commissioner for Standards and his appointment was unanimously approved by the Assembly on the 15th March

2005. Mr Penn brings to the post a wealth of experience and the Committee looks forward to working with him during his 4-year tenure.

The Role of the Commissioner

4.10 The Commissioner's role builds on the work of the previously appointed Independent Advisor, but goes further to provide greater autonomy. The Commissioner's duties include:

- investigating factual matters arising from complaints against Members;
- advising the Committee on matters of general principle relating to the standards of conduct of Members; and
- advising on matters of general principle relating to the registration of Members' interests and the recording of membership of societies.

4.11 In relation to his duties arising from complaints against Members, the Commissioner has sole responsibility for the preliminary investigation of complaints, concluding whether they are 'admissible'. He also has the ability to refer complaints directly to the Committee on Standards of Conduct for consideration, a role that had been previously undertaken by the Presiding Officer.

4.12 Stemming from the Woodhouse review, the Committee agreed to seek the co-operation of Party leaders (and others) in building the Standards Culture in the Assembly. This is a task that the Commissioner is taking forward and the Committee is grateful for the efforts made.

4.13 The development of a website for the Commissioner has been an important step in making his office as open and transparent as possible. The website provides direct access to the Commissioner through a dedicated e-mail address, and is also used to publish key information. The Committee acknowledges this as a positive step in building standards of conduct. [\[top\]](#)

Complaints Procedure

4.14 The effectiveness of the Complaints Procedure was one of the main themes of the Report produced by Professor Diana Woodhouse, and formed a high percentage of her recommendations. During 2004, the Committee worked to produce a new procedure which took account of the recommendations made in Professor Woodhouse's report. A new Complaints Procedure was approved by the Committee in November 2004, and the necessary Standing Order changes were endorsed by Plenary on 2nd March 2005.

- 4.15 The new procedure provides some key developments in the way in which complaints are processed. This includes:
- greater autonomy for the Commissioner for Standards in sifting and managing complaints;
 - provision for the Standards Commissioner to report direct to the Committee;
 - clear recommendations on the sanctions that can be used; and
 - provision of an appeals procedure.
- 4.16 The improvements to the Procedure, together with the appointment of a Standards Commissioner with enhanced responsibilities, will strengthen the system for maintaining high standards of conduct by Assembly Members and contribute towards the development of a robust standards culture within the Assembly.
- 4.17 The inclusion of an appeal procedure is a valuable addition, bringing the Procedure more in line with other legislatures - this was a direct recommendation made by Professor Woodhouse. The Presiding Officer is developing the arrangements for establishing appeals panels, which should be fully established in early 2006.
- 4.18 The Committee believes that the new Complaints Procedure is fairer, more open and transparent, and offers greater clarity for those involved in all aspects of the complaints process. Experience has shown that some adjustments may be necessary to streamline and further improve the process. In seeking to adopt the best practice wherever possible, the Committee is keen to continually develop the procedure in light of lessons learnt not only through our own processes, but through those in similar organisations. [\[top\]](#)

The Register of Members' Interests

- 4.19 The [Register of Members' Interests](#) is maintained and published by the Table Office in accordance with the published guidance and Standing Orders. A 'live' report on the Register is available on-line and is updated as entries are received.
- 4.20 The Clerk to the Committee is also the Registrar of Members' Interests, and reports on developments with the Register at Committee meetings. The Table Office continues to receive queries in relation to the interests of individual Members and Assembly Members as a whole. Most queries are

from members of the public or the press. Interest in the Register during the period of this Report has been lower than in previous years.

- 4.21 During the period of this report, the Committee agreed a number of changes to the Register, based on recommendations from the Woodhouse Review. These have been highlighted earlier in this report. In November 2005, again following on from Woodhouse, the Committee agreed that gifts and hospitality received by Members should be registered on a cumulative basis over the period of a 4-year Assembly. Approval for the necessary changes to Standing Orders and guidance in this respect will be sought from the Assembly in due course.

5. The Committee's Conclusions in respect of Ethical Standards (SO 16.1(v))

- 5.1 In presenting this annual report, the Committee is required to bring forward its conclusions in respect of ethical standards in the conduct of Assembly Business.
- 5.2 The Committee has asked the Commissioner for Standards, as part of its on-going review of Standards procedures, to build upon current ethical standards, working with Members and other stakeholders towards creating a robust Standards Culture in the Assembly. Significant steps have already been taken with the appointment of the Commissioner, and approval of the improved procedure for dealing with complaints.
- 5.3 From the evidence presented to the Committee and to the Commissioner during the period of this Report, there seem to be few grounds for concern about the ethical standards of Members. Progress has continued to be made in strengthening the system for monitoring and maintaining high standards of conduct by Assembly Members, and in trying to prevent breaches of those standards through improved guidance and help to Members. The Committee would like to take this opportunity to emphasise once again in this year's report however, that there can be no grounds for complacency if the highest levels of ethical standards are to be maintained.
- 5.4 The enactment of the Government of Wales Bill could also provide the mechanism by which the post of the Commissioner might be made a statutory one, and that will be one of the key considerations for the Committee during 2006/07. [\[top\]](#)

COMMITTEE ON STANDARDS OF CONDUCT, March 2005

STANDING ORDER 16 - Committee on Standards of Conduct

Title and Terms of Reference

16.1 There shall be a Committee on Standards of Conduct, which shall:

(i) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a Member has not complied with Standing Order 4 or any Assembly resolution relating to the financial or other interests of Members, or that a Minister has not complied with the requirements of Standing Order 2.8;

(i) (a) investigate, report on and if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a member has not complied with any requirement to record matters specified under Standing Order 38.

(ii) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a Member has not complied with any Assembly resolution relating to Members' standards of conduct or with the guidance for Ministers which the Assembly has approved in accordance with Standing Order 2.7 or the Code of Conduct under Standing Order 18.14;

(iii) consider any matters of principle relating to the conduct of Members generally;

(iv) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and the Record of Membership of Societies, and the form and content of the Register and the Record;

(v) present an annual report to the Assembly on the complaints made under (i), (i)(a) and (ii) and the action taken, and on its conclusions in respect of ethical standards in the conduct of the Assembly's business; and .

(vi) establish and lay before the Assembly procedures for the investigation of complaints under Standing Orders 16.1 (i), (i)(a) and (ii).

Membership

16.2 The Assembly shall elect a Member to chair the Committee, together with other Members elected so far as practicable to reflect the balance of political groups in the Assembly. The Presiding Officer shall not be a member of the Committee, but shall be entitled to attend any meeting of the Committee, or submit papers to it, for the purpose of drawing to its attention such considerations as he or she considers appropriate.

16.2 A Where a Committee Member is subject to a complaint under this Standing Order he or she shall take no part in any consideration of the complaint by the Committee. In such circumstances, and in relation solely to the consideration of the complaint concerned, another Member from the same political group, who has been nominated in advance by the Leader of that group, may replace that member. The nominated Member may participate in the meetings of the Committee to consider the complaint as if he or she were a member of it. No Member may replace more than one Committee member at a meeting.

Commissioner for Standards

16.3 The Assembly shall appoint a person who is not an Assembly Member or a member of its staff to act as the Commissioner for Standards. The duties of the Commissioner shall be:

- i. to investigate factual matters arising out of any complaint against a Member;
- ii. to advise the Committee on any matters of general principle relating to the standards of conduct of Members;
- iii. to advise the Committee on any matters of general principle relating to the Registration of Members' Interests and the Recording of Membership of Societies; and
- iv. otherwise render such assistance on matters relating to the standards of conduct of Members as the Assembly may from time to time decide.

16.3A Where the Commissioner for Standards is unable, for whatever reason, to investigate a complaint, the chair of the Committee (or if he or she is unable to act another member of the Committee acting on his or her behalf) shall propose to the Assembly the temporary appointment of a person, who is not an Assembly Member or a member of its staff, to investigate the complaint. Time shall be made available as soon as possible for such a motion to be debated;

and in any event such a debate shall take place within five working days of the motion having been tabled. Such motions shall not be subject to amendment.

Meetings

The Committee shall meet as soon as may be after a complaint has been referred to it by the Commissioner for Standards; and at other times as convened by the chair.

16.5 The Committee may meet in public or in private, but when deliberating upon a complaint, the Committee shall meet in private unless it resolves otherwise. Any Member who is the subject of an investigation by the Committee shall be permitted to make oral or written representations to it and may be accompanied at oral hearings by another person (who may participate in the proceedings with the permission of the chair).

16.6 The chair may, after consulting the Presiding Officer, call a meeting of the committee in a week in which the Assembly is not holding a Plenary meeting in order to consider an urgent matter.

Reports

16.7 If the Committee has investigated a complaint referred to it by the Commissioner for Standards, it shall report to the Assembly as soon as may be after completion of the investigation. Such a report may include a recommendation to censure a Member for failing to comply with any of the matters encompassed within Standing Order 16.1 (i), 16.1(i)(a) or 16.1 (ii).

16.8 If a motion to consider a report under Standing Order 16.7 is tabled by a member of the Committee, time shall be made available as soon as possible for the motion to be debated. Such motions shall not be subject to amendment.

16.9 The Committee may report to the Assembly on other matters within its remit from time to time.

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Standards of Conduct: Summary of Complaints against Assembly Members: 1999 to December 2005

	Complaints referred to Independent Adviser ¹	Complaint Dismissed by Presiding Officer	Complaint Withdrawn by Complainant	Referred to Standards Committee	Dismissed by Committee	Upheld by Committee	Not yet Resolved
1999	0	0	0	0	0	0	0
2000 ²	13	8	0	5	4	1	0
2001	6	4	0	2	1	1	0
2002	9	8	1	0	0	0	0
2003	8	7	0	1	1	0	0
2004	9	7	1	1	1	0	0
Jan - Mar 2005	2	2	0	0	0	0	0
Total	47	36	2	9	7	2	0
March 2005 - New Procedure for Dealing with Complaints Against Assembly Members Adopted							
	Complaints referred to Standards Commissioner	Complaints Dismissed by Standards Commissioner	Complaint Withdrawn by Complainant	Referred to Standards Committee	Dismissed by Committee	Upheld by Committee	Not yet Resolved ³
Mar - Dec 2005	7	5	0	1	1	0	1
Overall	54	41	2	10	8	2	1

¹ Includes only complaints which satisfied the criteria in Stage 4 of the Preliminary Phase of the Assembly's Complaints Procedure

² The National Assembly for Wales Procedure for Dealing with Complaints against Assembly Members was approved by the Standards of Conduct Committee on 6 July 2000. [\[top\]](#)

³ 1 complaint under investigation by The Commissioner for Standards as at 31/12/05.

Total							
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Notes