

# NATIONAL ASSEMBLY FOR WALES

## STANDARDS COMMITTEE SECOND REPORT 2000

### Complaint against a Member

### Standards Committee Terms of Reference & Membership

The Standards Committee has been elected under Standing Order 16 to consider complaints referred to it by the Presiding officer about breaches or possible breaches of the requirements of Standing Order 4 or any Assembly resolution relating to the financial or other interests of members or paragraph 2.8 of Standing Order 2; or of any of the approved protocols or guidance relating to Members' standards of conduct approved by Assembly resolution; or of the guidance for Assembly Secretaries approved by the Assembly under paragraph 2.7 of Standing Order 2.

The Committee is chaired by David Melding. Its members are:

|                       |                       |                   |
|-----------------------|-----------------------|-------------------|
| David Melding (Chair) | South Wales Central   | Conservative      |
| Janet Davies          | South Wales West      | Plaid Cymru       |
| Richard Edwards       | Preseli Pembrokeshire | Labour            |
| Val Feld              | Swansea East          | Labour            |
| Janice Gregory        | Ogmore                | Labour            |
| Brian Hancock         | Islwyn                | Plaid Cymru       |
| Christine Humphreys   | North Wales           | Liberal Democrats |
| Gareth Jones          | Conwy                 | Plaid Cymru       |
| Gwenda Thomas         | Neath                 | Labour            |
| Clerk                 | Barbara Wilson        |                   |
| Deputy Clerk          | Julie Grant           |                   |

### Purpose and Scope of Report

This report is laid before the Assembly in accordance with Standing Order 16.6. It relates to a complaint about an alleged breach of the Code of Conduct for Assembly Members resolved to be adopted by the Assembly on 18 May 1999, by alleged misuse of Assembly Stationery.

The complaint was dealt with in accordance with a draft procedure considered by the Standards Committee at its meeting on 11 November 1999 and circulated to all Assembly Members for comment in December 1999. The Committee is currently considering the comments received and has asked the recently appointed Independent Adviser on Standards for advice on the draft and the

comments before finalising the procedure. It has, nonetheless, used the draft procedure in dealing with this complaint.

The first main stage of the draft procedure, following the initial reference of a complaint, is a preliminary investigation to establish whether this is a case to be considered fully. This stage is intended to preserve as much anonymity as possible to protect all concerned, not least the Member being complained about.

This preliminary investigation is carried out by the Independent Adviser. It is intended to establish whether there is a possible breach of the relevant Standing Orders, Assembly resolutions or the approved protocols or guidance (or a possible offence under Section 72 of the Government of Wales Act 1998 which requires reporting to the police) and if so whether a further full investigation would be justified. The Independent Adviser's report makes a recommendation on these matters to the Committee for it to decide what to do next.

In the case under consideration the Committee has decided that the case should be dismissed, for the reasons summarised.

### Summary of the Committee's consideration

The complaint against the Member was made by the recipient of a letter on Assembly stationery from the Member. The letter was an invitation to an event to be held in the National Assembly building and appeared to the complainant to have been circulated widely. The person making the complaint asserted that the letter was an improper use of the free stationery provided for Members' use.

On receipt of the letter the Independent Adviser was asked to carry out a preliminary investigation and prepare a report for the Standards Committee. The Member concerned was informed and was subsequently provided with a copy of the Adviser's report at the same time that it was despatched to the Committee.

The Committee met on 6<sup>th</sup> June in private (under Standing Order 16.5) to consider the complaint. The Member concerned had been informed that he could make representations to the Committee if he wished to but did not choose to do so. The complainant was invited to allow their name to be released to the Member complained of and the Committee. No response was received to this letter sent by the Secretariat on behalf of the Committee; the Committee regrets this. The allegation centres on the appropriate use of assembly headed stationery. The Code of Conduct for Assembly Members adopted by the Assembly on 18<sup>th</sup> May 1999 is the main relevant code. Paragraph 5 of the "Principles in practice" of the Code states that:

*"No improper use shall be made of any payment or allowance made to Members for public purposes and the administrative rules which apply to such payment and allowances must be strictly observed."*

Guidance relating to the use of National Assembly stationery and other resources has been considered by the House Committee and approved by the Presiding Officer but had not yet been issued at the time of the Standards Committee meeting. The draft guidance states that Assembly stationery should not be used for personal correspondence, for party political or campaigning purposes. Circulars should not be sent on original headed stationery unless sent in direct connection with a Member's duties, or as provided in the Guidance.

The initial recommendation of the Independent Adviser on Standards was to dismiss the complaint since the guidance has not been formally issued and the draft guidance does not contain any explicit link between it and the Code of Conduct for Assembly Members. The Committee accepted the report and recommendation to dismiss the case.

### Summary

This is the second report by the Standards Committee on a complaint it has considered using the draft procedure. Following a preliminary investigation by the Independent Adviser on Standards, the Committee has decided to dismiss the case.

D MELDING

Chair of Standards Committee.

June 2000