

Committee on Standards of Conduct STD 04-00(min)

Date: 13th April 2000 at 2pm

Venue: Committee Room 1, National Assembly Building

Attendance:

Members

David Melding (Chair)

Brian Hancock Islwyn

Janice Gregory Ogmored

Janet Davies South Wales West

Officials

Barbara Wilson (Committee Clerk)

Julie Grant (Deputy Clerk)

Other

Richard Penn (Independent Adviser on Standards of Conduct)

Special Meeting with Newly-appointed Independent Adviser

Agenda Item 1: Chair's Introductory Remarks and Introductions to the Adviser

1. The Chair welcomed Janice Gregory and Gwenda Thomas (not present), as new members of the committee, and extended thanks to outgoing members John Griffiths and Karen Sinclair.
2. The prime purpose of the meeting was to meet Richard Penn, the newly appointed Independent Adviser on standards. The minutes of the last quarterly meeting would not therefore be taken.

3. Apologies were received from Gwenda Thomas, Richard Edwards, Christine Humphreys and Gareth Jones. The Committee also took the opportunity to extend its best wishes for a full and speedy recovery to Val Feld.

Introductions

4. The Committee Members introduced themselves to Richard Penn. The Chair explained that the committee also included Members representing North Wales, West Wales and Swansea.

5. The Chair briefly outlined Richard Penn's his personal and professional background, confirming that he was Chief Executive of Bradford City Council for 10 years and had recently been appointed to the Legal Services Commission. Also noting that he is an Equal Opportunities Commissioner.

6. In response, Richard Penn said that he was very pleased to take up his post and to be the first appointee to the Adviser position. He said that he is a strong supporter of constitutional change and devolution and was pleased to have this small but significant opportunity to assist the National Assembly for Wales. He was also glad to be back home in Wales, having moved to England in the mid 1970s.

7. Richard was brought up in Port Talbot and moved to Cardiff as a teenager before attending University in both Cardiff and Swansea. He was employed in Local Government for 22 years and took up his first post as a chief executive in 1980 in Knowsley. From 1989 to 1998 Richard was Chief Executive of Bradford City Council. During that time he was appointed as an Equal Opportunities Commissioner - he has recently been re-appointed - and sits on the Equal Opportunities Committee for Wales. In March this year he was appointed to the Legal Services Commission and as a new Commissioner has a statutory duty to develop the community legal service. Each Local Authority will have its own Legal Commission partnership and Richard will chair the Committee for Wales and the South West.

8. Richard also undertakes consultancy work for Local Government, in particular helping the process of devolution and aspects of the current Local Government Bill concerned with the "Ethical Standards Framework". He acknowledged the inevitable learning curve, finding out about the history of standards committee, the Assembly's processes, etc. and indicated that he hoped to be able to help the Committee finalise key issues in its procedures - in particular those for handling complaints.

9. Subject to the Committees' view he would like to believe that his role could be one of helping the Committee to establish a robust ethical framework for the National Assembly as

well as being an investigator of complaints. More generally he could see his responsibilities lying in the areas of risk identification and assessment and providing clear guidance on processes. In summing up, Richard stated that he looked forward to working with the Committee Members.

10. David Melding thanked the Adviser, welcomed the vision of the wider role and said that, having heard what Richard had to say, he could see why the recruitment panel was so impressed with his candidature.

Practicalities

11. It was confirmed that Richard will work on average 2-3 days a month (more if needed) and will shortly have an office in block 4A of the Assembly Building next to the Fees Office.

Questions

12. Janet Davies said that she was concerned about the balance between the need of Assembly Members to speak in Committee meetings and Freedom of Information. Would this be a matter for Richard Penn?

13. Richard Penn said that he would be pleased to offer advice but stated that others may be better placed to do so.

14. A question was raised on whether it was appropriate for the Adviser's office to be located next to the Fees Office. There were also concerns about the potential for a conflict of interest if he is expected to offer advice to individual members and is subsequently called upon to undertake an investigation. It was asked whether there should be a regular slot when the Independent Adviser is available to Members.

15. Richard Penn stated that he was keen to establish that his was an awareness raising role and that he was not to be the recipient of complaints. Brian Hancock said he believed that the position of the Adviser should be low key but contactable as there was a danger of the position developing into a complaints board.

16. David Melding confirmed that whilst the intention was that the Adviser should be accessible to Members, there would need to be clear ground rules on his role. There would be nothing wrong in him giving awareness raising advice to assist Members in knowing and understanding their obligations but this would stop short of discussing individual cases/circumstances. The Committee fully endorsed this line and asked that the Secretariat develop a protocol, which could be circulated to all Members as soon as possible.

17. It was agreed that the key role of the adviser should be to attend and contribute to the

Committee's meetings and to also assist the secretariat in preparing the annual report, as well as undertaking work as part of investigations.

18. Richard Penn indicated that he was happy to set aside a half day per week on set days. The Committee reiterated that the set up of the office was not vitally important but that the precise role of the adviser would need to be established quickly.

Action: Protocol for Members' contact with the Independent Adviser to be established along with the role in relation to the Committee.

Item two: Review of Members' Interests (paper STD04-14-00)

19. Barbara Wilson took the Committee quickly through the issues flagged in the paper. The aim of the discussion was to capture any points not highlighted by the Secretariat that the Committee should like to see included in the review.

Issue 1

Income to be declared. There is a need to look at arrangements for reviewing/revaluing the current amount of income that is declarable. Members also need more guidance regarding shares that need to be declared, i.e. is it actual value of shares or nominal price.

Issue 2

Publication of register. Brian Hancock stated that Members should be allowed to declare all interests even if they are not legally required to. Janice Gregory said that members need to make their own judgements and that they also need advice and understanding.

Issue 3

General declaration of financial interests. This was seen as a tricky issue; officials need to consider whether there are other financial interests that need to be declared and if so how this category should be defined.

Issue 4

Public Declaration in plenary and committee. Again this was seen as a tricky issue, and one which had arisen particularly in relation to farmers and councillors. Brian Hancock said that there was a need for consistency of approach and application.

Issue 5

Prohibition of voting. This was seen as a thorny issue and one which the Committee should revisit. Janet Davies asked why community councillors were asked to stand up before voting on a particular issue [in plenary] when they are not remunerated. This was seen as issue for the Presiding Officer.

Action: Secretariat to note and to take up with the Presiding Officer.

Issue 6

Private Members' Clubs. It was noted that this is not an issue anywhere else and that there could be problems in terms of the definition of such clubs and with Human Rights violations. It was decided to leave this item on the table for the next meeting.

Issue 7

Indirect issues and the Neill Report. The Secretariat was of the view that the Assembly's additional resolution on interests is unclear and that the guidance relating to indirect interests caused problems for Members.

Item 3: Complaints Procedure

20. Richard Penn was asked to examine the procedure and to develop the flow chart and to come back with thoughts for the Committee to consider at its next meeting. Richard Penn said it was important that any procedure is robust, fair, proper and efficient and that Members understand it. The basis of what is needed exists in the draft procedure but it needs more work.

21. Brian Hancock and spoke further about issue 7, above. He asked whether consideration could be given to the issue of Members who have partners in the Assembly in relation to interests. Would it for example be appropriate for the interests of Members who are partners to be included as a registerable/declarable interest?

22. Barbara Wilson confirmed that, further to previous updates, the protocol was about to be signed with the police and the crown prosecution service in respect of section 72 of the Government of Wales Act 1998. It was agreed that this would be circulated to Committee Members.

Action: Richard Penn to report back to May meeting; Julie Grant to circulate protocol.

Item 4: Any other business and date of next meeting

23. It was agreed that 2pm on 11th May should be retained as the date for the next meeting and that Members would be contacted in writing to confirm attendance.

Standards Committee Secretariat