

Date: Thursday 11th May

Time: 2pm - 4pm

Venue: Committee Room 2, National Assembly Building

Title: SIXTH REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE: REINFORCING STANDARDS

Purpose

1. To consider the Report and its implications for the National Assembly for Wales.

Action

2. To agree the Committee's response to the recommendations which fall within the scope of its remit. Annex 2 refers.

Background

3. The Committee on Standards in Public Life was set up in October 1994 against a background of public disquiet about standards in public life. The Committee was, of course, established before devolution, however it is generally considered that its terms of reference (see below) are wide enough to include the National Assembly for Wales (see the underlined sections). The terms of reference are :
4. "To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life. For these purposes, public office should include: Ministers, civil servants and advisers; Members of Parliament and UK Members of the European Parliament; Members and senior officers of all non-departmental public bodies and of NHS bodies; non-Ministerial office holders; members and other senior officers of other bodies discharging publicly-funded functions; and elected members and senior officers of local authorities."
5. On 12 November 1997 the terms of reference were extended by the present Prime Minister: "To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements"
6. The Committee, which, was originally chaired by the Rt. Hon the Lord Nolan, looked at 3 areas in its first enquiry – cash for questions; allegations that former Ministers were obtaining employment with firms with which they had had connections whilst in office; and a perception that public appointments were being unduly influenced by party political considerations. The Committee published its first report "Committee on Standards in Public Life, First Report" in May 1995.
7. The Committee's most recent enquiry, conducted under the chairmanship of Lord Neill of Bladen, has reviewed the implementation of the First Report's recommendations and, under the Committee's broad terms of reference, other related matters (in summary, the status and regulation of special advisers; the sponsorship of government activities; and the lobbying of Ministers and civil servants). The review has resulted in the "Sixth Report" which was published in January.
8. The Report covers issues relating to Members of Parliament, Ministers, Civil Servants, Special Advisers, Lobbying and All-Party Groups, Sponsorship of Government Activities, Public Appointments and Proportionality and Task Forces; the full text of the Report, and more information about the Committee, can be viewed by clicking on <http://www.public-standards.gov.uk/>.

Implications for the Assembly

9. At Annex 1 is a summary list of the Report's recommendations and observations that may have relevance for the National Assembly for Wales. Many of these are outside the scope of the Committee's remit. This report therefore focuses on those areas of direct interest.
10. While the report makes no explicit reference to the devolved bodies it has a mixture of implications for the devolved bodies, in particular:

- o the recommendations of direct relevance to MPs do not apply automatically to Assembly Members; and
- o the report contains recommendations on the Ministerial Code (which was the starting point for the Code of Conduct for Assembly Secretaries).

1. Recommendations which have particular relevance for the Standards Committee are broadly a more independent investigation of misconduct by individual Members; bribery; advocacy and a register of all party groups, these are detailed in Annex 2 together with the Secretariat's comments.
2. In addition, the Committee will wish to note the recommendations arising from chapter 4 of the report that may have implications for the Code of Conduct for Assembly Secretaries. The Executive will consider these in the first instance.
3. The timing of the Whitehall Government's response to the Sixth Report is not yet known (though colleagues have indicated that it is expected to be published late spring/early summer). Clearly, the Government in Wales, and the Assembly's Standards Committee, will want to give careful consideration to any measures that raise or reinforce the standards of public office and public service.

Conclusions

4. The Executive will consider Civil Service and Cabinet aspects, whilst the Office of the Presiding Officer on behalf of the Standards Committee, will consider issues relating to the conduct of Assembly Members.
5. This approach properly reflects the role of the Office of the Presiding Officer (and the Standards Committee). It will enable the Executive to comment on issues for which it has primary responsibility (i.e. the conduct of Assembly Secretaries and civil servants) and the Office of the Presiding Officer to comment on issues for which it has primary responsibility (i.e the conduct of Assembly Members).
6. Subject to the Committee's views, it is proposed that the Secretariat will prepare a full draft response in consultation with the Executive for the next meeting in July.

Table Office

May 2000

Annex 1

SIXTH REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE: REINFORCING STANDARDS - LIST OF RECOMMENDATIONS AND OBSERVATIONS

(Recommendations are identified by the prefix "R" and Observations by the prefix "O")

Chapter 3 : Members of Parliament

Number	Item

R1	<p>The Government should introduce its proposed legislation on the criminal law of bribery as soon as possible in order to remove any uncertainty regarding the scope of the statutory offence of bribery and to make clear that members of both Houses of Parliament, acting in their capacity as members, and those who bribe a member of either House of Parliament fall within its scope.</p>
R2	<p>Where a complaint is made to the Parliamentary Commissioner for Standards alleging criminal conduct by an MP and the complaint is neither malicious nor frivolous, then the Parliamentary Commissioner should report to the Committee on Standards and Privileges with a recommendation that the matter be referred to the police for further investigation.</p>
R3	<p>‘Trial’ procedure in serious, contested cases</p> <p>1. Where</p> <p>a. the Parliamentary Commissioner finds a <i>prima facie</i> case against an accused MP, the alleged facts of which, if true, would amount to serious misconduct, but</p> <p>b. the alleged facts are disputed by the accused MP,</p> <p>the Parliamentary Commissioner should report to the Committee on Standards and Privileges with a recommendation that the case be referred to a disciplinary tribunal consisting of a legal chairman sitting with either two or four MPs who should be of substantial seniority.</p> <p>2. Before making a decision about whether to accept the Parliamentary Commissioner’s recommendation, the Committee on Standards and Privileges should allow the accused MP an opportunity to make representations in respect of that decision.</p> <p>3. If the Parliamentary Commissioner’s recommendation is accepted, the accused MP should be provided with financial assistance to enable him or her to fund legal representation at the hearings of the tribunal.</p> <p>4. The tribunal should be governed by procedures which satisfy the <i>“minimum standards of fairness”</i>, as defined by the Nicholls Committee</p> <p>5. The tribunal should both act as fact-finder and decide whether, on the basis of the facts found, the charges against the accused MP are proved.</p> <p>6. The tribunal should report its conclusions to the Committee on Standards and Privileges and, assuming no appeal is being lodged, the Committee should consider what penalty (if any) should be recommended to the House of Commons.</p>
R4.	<p>Appeal procedure in serious, contested cases</p> <p>1. An accused MP who receives an adverse ruling from the first instance tribunal should have a right of appeal and should be entitled to financial assistance to pursue that appeal.</p> <p>2. The appeal should be heard by an <i>ad hoc</i> appellate tribunal, possibly a retired senior appellate judge sitting alone.</p> <p>3. If the appeal is dismissed, the Committee should report the result of the appeal to the House of Commons along with any recommendation as to penalty.</p>

R5	<p>Trial' and appeal procedure in other contested cases</p> <p>In cases which, in the opinion of the Parliamentary Commissioner, do not warrant a referral to the full tribunal, the Parliamentary Commissioner should make a recommendation to the Committee on Standards and Privileges accordingly. The Committee should decide whether to uphold the recommendation of the Commissioner on the basis of the Commissioner's report and of the representations (if any) by the accused MP.</p> <p>In those cases that remain with the Parliamentary Commissioner, the Commissioner should investigate the complaint and, on the basis of the facts found, decide whether the complaint should be upheld or dismissed. The Commissioner's decision should be reported to the Standards and Privileges Committee which should, in turn, decide whether or not to adopt the Commissioner's report and what penalty (if any) should be recommended to the House.</p> <p>In cases where an accused MP disputes the Commissioner's findings or conclusions, that MP should be able to appeal against the Commissioner's decision, such an appeal to be heard either by the Committee itself or by such ad hoc appellate body as it decides to appoint.</p>
R6	<p>Disciplinary procedure in non-contested cases</p> <p>In non-contested cases, whether serious or minor, the Parliamentary Commissioner should, in accordance with present practice, report the (undisputed) facts and conclusions based on those facts to the Committee on Standards and Privileges which, if it endorses the report, should recommend to the House of Commons what penalty (if any) should be imposed.</p>
R7	<p>The disciplinary proceedings of the House of Commons should be held in public but should not be broadcast. This recommendation as to hearings in public does not extend to the private deliberations of the Standards and Privileges Committee or of any disciplinary or appellate tribunal (which should remain private).</p>
R8	<p>The House of Commons should take measures in relation to the Committee on Standards and Privileges, with a view:</p> <ol style="list-style-type: none"> a. to ensuring that a substantial proportion of its members are senior MPs, and b. to exempting the Committee from the convention that its chairman should be drawn from the Government benches.
R9	<p>The ban on paid advocacy should be retained.</p>
R10	<p>The guidelines relating to the ban on paid advocacy, set out in the <i>Guide to the Rules relating to Conduct of Members</i>, should be amended so as to make it possible for an MP who has a personal interest to initiate proceedings which relate in a general way (and not exclusively) to that interest, subject to the following safeguards:</p> <ul style="list-style-type: none"> ● the MP is prohibited from engaging in 'paid advocacy' on behalf of that interest; ● he or she is required to register and declare the interest in accordance with the guidelines; ● he or she must identify his or her interest on the Order Paper (or Notice Paper) by way of an agreed symbol when initiating a debate.

<u>Number</u>	<u>Item</u>
R11	Paragraph 123 of the Ministerial Code should be amended to make it clear that a Minister, having had the advice of his or her Permanent Secretary on potential conflicts of interests, must take full responsibility for any subsequent decision.
R12	No new office for the investigation of allegations of ministerial misconduct should be established.
R13	<p>The final three sentences in section 1 of the Ministerial Code should be redrafted to clarify the role of the Prime Minister. It will be for the Prime Minister to determine the precise wording but we suggest the following text:</p> <p style="padding-left: 40px;">It will be for individual Ministers to judge how best to act in order to uphold the highest standards. They are responsible for justifying their conduct to Parliament and retaining its confidence. The Prime Minister remains the ultimate judge of the requirements of the Code and the appropriate consequences of breaches of it.</p>
R14	The presentation of section 1 of the Ministerial Code should be improved to reflect its importance as a statement of the ethical principles governing ministerial conduct. In particular the final 3 sentences, redrafted as suggested above, should be clearly distinguished from the preceding text.

Chapter 5 :Civil Servants

<u>Number</u>	<u>Item</u>
R15	Permanent heads of department and heads of profession, in conjunction with the Centre for Management and Policy Studies, should ensure that there are training and induction opportunities for those appointed on secondments or on short-term contracts to middle management or senior civil service levels at which ethical issues within the public sector are examined.
R16	The arrangements for validating the performance of permanent heads of department and agencies against their personal objectives need to be subject to further scrutiny but should be structured to allow for some element of independent validation so as not to undermine political impartiality.
R17	A timetable for the implementation of the Government's commitment to a Civil Service Act should be produced as soon as possible. In particular a target date should be set for the process of consultation on the scope of such an Act.

Chapter 6 : Special Advisers

<u>Number</u>	<u>Item</u>
R18	The Ministerial Code should be amended to reflect the fact that in certain circumstances more than 2 special advisers per Cabinet Minister may be appointed. The Prime Minister may wish to set out in Code the criteria which should be applied if the limit is to be exceeded.
R19	The proposed Civil Service Act should contain a provision limiting the total number of special advisers that can be appointed within Government. Any increase beyond that figure should be made subject to affirmative resolution of both Houses of Parliament.
R20	Pending the enactment of the Civil Service Act, the Government should put before both Houses of Parliament for debate a limit on the total number of special advisers that can be appointed within Government.

R21	Any increase in the number of special advisers with executive powers should be subject to the same process of Parliamentary scrutiny as set out in recommendations R19 and R20 above for the overall number of special advisers.
R22	There should be a separate code of conduct for special advisers. The special advisers' code should: <ul style="list-style-type: none"> a. consolidate appropriate elements of the Civil Service Code, the Model Contract and paragraph 56 of the Ministerial Code, which sets out the duty to uphold the political impartiality of the Civil Service and other obligations; b. include a section on the direct media contacts of special advisers, making clear the nature of the role that they play in relation to the work of Civil Service information staff and in particular the role of the departmental head of information, as set out in the Guidance on the Work of the Government Information Service published in July 1997; c. be enforced by permanent heads of department.
R23	The Government should include in the contracts of employment of all future special advisers a clause requiring the special adviser to abide by the terms of the special advisers' code, and the Model Contract and the Civil Service Code should not apply to them. The Government should also ensure that existing special advisers abide by the terms of the special advisers' code.
R24	The special advisers' code should be included in the proposed Civil Service Act.
R25	Pending the enactment of the Civil Service Act, a draft of the proposed code should be tabled in both Houses of Parliament for debate.

Chapter 7 : Lobbying and All-Party Groups

<u>Number</u>	<u>Item</u>
R26	There should be no statutory or compulsory system for the regulation of lobbyists. The current strengthening of self-regulation by lobbyists is to be welcomed.
R27	For Ministers , the basic facts about official meetings with external interests (which should include the date and time, the people involved and the general subject under discussion) should be recorded in their office diaries, which should be retained. The Ministerial Code should be supplemented accordingly.
R28	For civil servants including special advisers , the current guidance on lobbying should be strengthened, to ensure that a record is kept of the basic facts (which should include the date and time, the people involved and the general subject under discussion) of any contact with external interests in which those interests attempt to influence policy and decisions.
R29	The Cabinet Office should issue guidance on consultation, which would have as its objective a uniformly high and transparent standard of consultation on policy issues and decisions. This might be in the form of a Consultation Code, which would seek to ensure that departments meet the principles set out in the current Cabinet Office document on Best Practice in Written Consultation.
R30	The Register of All-Party Parliamentary and Association Parliamentary Groups should be placed on the Internet. The question of ease of public access to information about All-Party Groups should be kept under review by both Houses.

Chapter 8 : Sponsorship of Government Activities

<u>Number</u>	<u>Item</u>
R31	There should be on ban on sponsorship of government activities, subject to the implementation of recommendations R32, R33, R34, R35 and R36.
R32	The Cabinet Office should produce a set of principles (based on the current Cabinet Office guidelines but reflecting recommendations R33, R34, R35 and R36) to be followed by all departments that wish to attract private or voluntary sector sponsorship. Each of these departments should incorporate these principles in a more detailed practical document, appropriate to its own requirements.
R33	<p>The Cabinet Office sponsorship principles should include a requirement that departments must satisfy themselves, before they begin to seek sponsorship, that any sponsorship is likely to produce significant net benefit for the department, at no detriment to the public interest. Departments should in particular examine rigorously whether:</p> <ul style="list-style-type: none">a. particular activities should be excluded from sponsorship, andb. particular types of company could be held to be unsuitable for consideration as sponsors on the grounds of potential conflicts of interest or inappropriate association.
R34	Each department which seeks sponsorship should identify an official, who would be responsible for ensuring that the relevant guidance on sponsorship is known and observed throughout that department. The official should liaise with other such officials across government departments to ensure high standards of propriety in relations with sponsors.
R35	There should be disclosure in departmental annual reports, and to the public on request, of the details, including the value received of sponsorship of government activities by the private and voluntary sectors. For sponsorship valued at less than £5,000, the individual amounts need not be disclosed.
R36	In recording the value of sponsorship, the figure to be recorded should be the value of the sponsorship to the government department. Guidance on the correct way to record 'in-kind' sponsorship in such disclosures should be appended to the principles set out by the Cabinet Office.

Chapter 9 : Public Appointments and Proportionality

<u>Number</u>	<u>Item</u>
O1	We welcome the announcement of the Commissioner for Public Appointments, Dame Rennie Fritchie, that she intends undertaking a review of the operation of the tier system and look forward to the report of her findings and conclusions.
O2	We also welcome the Commissioner's indication that she is to consider whether it would be appropriate to introduce a special category of appointments, designated 'expert' posts, to which different appointment rules should apply.

R37	<p>The Secretary of State for Health should review the procedure governing reappointments to NHS bodies with a view:</p> <p>a. to re-introducing a system under which those seeking reappointment for the first time, who have been assessed as performing satisfactorily in their posts, can be reappointed without being compared to an external candidate;</p> <p>b. to ensuring that those seeking reappointment are kept fully informed about the progress of the reappointment process at all stages; and</p> <p>c. to ensuring that the reappointment process is undertaken at the appropriate stage and a decision on reappointment is made reasonably in advance (say, 2 months) of the end of the postholder's term of office.</p>
R38	<p>The Secretary of State for Health should reconsider, with the advice of the Public Appointments Commissioner and following the Commissioner's scrutiny of the NHS appointments system (see 03 below), the appointments procedure in relation to NHS trusts and authorities with a view to setting up, if practicable, a less centralised appointments system than the present register system, subject to the need to maintain standards of performance and delivery across the NHS system.</p>
03	<p>We support the announcement of the Commissioner for Public Appointments that she intends undertaking a scrutiny of the appointment procedure used for NHS appointments and look forward to the report of her findings.</p>
04	<p>We welcome the work of the Commissioner for Public Appointments on developing measures to improve the balance of representation on the boards of public bodies and look forward to the report of her conclusions. As part of the objectives of her work, we invite her to consider:</p> <ul style="list-style-type: none"> ● how to improve the range of candidates from which public appointees are drawn, and ● how the concept of 'merit' can be reconciled with the need for a balanced and appropriately qualified representation.

Chapter 10 : Task Forces

<u>Number</u>	<u>Item</u>
R39	<p>An agreed definition of a task force should be established by the Cabinet Office, key elements of which should be that such a body has significant and plural outside membership and operates within a time frame of not more than 2 years.</p>
R40	<p>Using the agreed definition, a review should be conducted by the Cabinet Office to establish the number of task forces in existence and their current status and longevity.</p>
R41	<p>If it emerges that some task forces have been in existence for longer than 2 years, a decision should be made by the Cabinet Office, in conjunction with the commissioning department, as to whether the task force should be disbanded or reclassified as an advisory NDPB.</p>

SIXTH REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE: REINFORCING STANDARDS -

RECOMMENDATIONS FOR CONSIDERATION BY THE STANDARDS COMMITTEE

Chapter 3 : Members of Parliament

Recommendation		Secretariat Comments	Proposed OPO Response
R1	The Government should introduce its proposed legislation on the criminal law of bribery as soon as possible in order to remove any uncertainty regarding the scope of the statutory offence of bribery and to make clear that members of both Houses of Parliament, acting in their capacity as members, and those who bribe a member of either House of Parliament fall within its scope.	Paragraphs 3.8 – 3.11 of Report The proposed legislation should include National Assembly for Wales Members and those who attempt to bribe National Assembly for Wales Members	The National Assembly for Wales welcomes the introduction of legislation that will clarify the application of the statutory offence of bribery, and requests that its scope will include Assembly Members.
R2	Where a complaint is made to the Parliamentary Commissioner for Standards alleging criminal conduct by an MP and the complaint is neither malicious nor frivolous, then the Parliamentary Commissioner should report to the Committee on Standards and Privileges with a recommendation that the matter be referred to the police for further investigation.	Paragraphs 3.23 – 3.26 of Report Assembly has provision under SO16.1 (i) and the Code of Standards for Members	We are pleased that the Assembly already has in place similar provisions
R3	<p>‘Trial’ procedure in serious, contested cases</p> <p>1. Where</p> <p style="padding-left: 40px;">a. the Parliamentary Commissioner finds a <i>prima facie</i> case against an accused MP, the alleged facts of which, if true, would amount to serious misconduct, but</p> <p style="padding-left: 40px;">b. the alleged facts are disputed by the accused MP,</p> <p>the Parliamentary Commissioner should report to the Committee on Standards and Privileges with a recommendation that the case be referred to a disciplinary tribunal consisting of a legal chairman sitting with either two or four MPs who should be of substantial seniority.</p> <p>2. Before making a decision about whether to accept the Parliamentary Commissioner’s recommendation, the Committee on Standards and Privileges should allow the accused MP an opportunity to make representations in respect of that decision.</p>	<p>Paragraphs 3.29 – 3.45 of Report</p> <p>Current arrangements do not provide for such varying degrees of complaint or for an elaborate hearing. This recommendation is a new concept for the Assembly and will require:-</p> <p style="padding-left: 20px;">a. Electing a "Standards Tribunal" to conduct a hearing</p> <p style="padding-left: 20px;">b. Primary legislation to give the committee wider enforcement powers than those presently provided in Section 72 of GoW Act (Members Interests)</p> <p style="padding-left: 20px;">c. A budget to provide the financial assistance</p> <p>One other point, this recommendation does not consider differences of opinion between the Advisor and the Committee, i.e what if the Committee</p>	The National Assembly for Wales understands the need for procedure’s which ensure Members receive fair and open hearing and have established arrangements that meet that need. The Committee on Standards is currently reviewing its own procedures for handling complaints (which recognises that there some differences in statutory and practical framework exists in Wales).

	<p>3. If the Parliamentary Commissioner's recommendation is accepted, the accused MP should be provided with financial assistance to enable him or her to fund legal representation at the hearings of the tribunal.</p> <p>4. The tribunal should be governed by procedures which satisfy the "<i>minimum standards of fairness</i>", as defined by the Nicholls Committee</p> <p>5. The tribunal should both act as fact-finder and decide whether, on the basis of the facts found, the changes against the accused MP are proved.</p> <p>6. The tribunal should report its conclusions to the Committee on Standards and Privileges and, assuming no appeal is being lodged, the Committee should consider what penalty (if any) should be recommended to the House of Commons.</p>	<p>want a tribunal and the Advisor does not.</p> <p>The Secretariat considers that present arrangements are suitable and the detaild procedures outlined in the report are not necessary. However, the Secretariat suggests that the Advisor takes this recommendation into account when refining the draft procedure and reports back in due course.</p>	
<p>R4.</p>	<p>Appeal procedure in serious, contested cases</p> <p>1. An accused MP who receives an adverse ruling from the first instance tribunal should have a right of appeal and should be entitled to financial assistance to pursue that appeal.</p> <p>2. The appeal should be heard by an <i>ad hoc</i> appellate tribunal, possibly a retired senior appellate judge sitting alone.</p> <p>3. If the appeal is dismissed, the Committee should report the result of the appeal to the House of Commons along with any recommendation as to penalty.</p>	<p>Paragraphs 3.46 – 3.50 of Report</p> <p>Comments as above, and would have extra implications re the provision of a budget</p>	<p>As above</p>
<p>R5</p>	<p>Trial' and appeal procedure in other contested cases</p> <p>1. In cases which, in the opinion of the Parliamentary Commissioner, do not warrant a referral to the full tribunal, the Parliamentary Commissioner should make a recommendation to the Committee on Standards and Privileges accordingly. The Committee should decide whether to uphold the recommendation of the Commissioner on the basis of the Commissioner's report and of the representations (if any) by the accused MP.</p> <p>2. In those cases that remain with the Parliamentary Commissioner, the Commissioner should</p>	<p>Paragraphs 3.51 – 3.54 of Report</p> <p>See comments at R3.</p>	<p>As above</p>

	<p>investigate the complaint and, on the basis of the facts found, decide whether the complaint should be upheld or dismissed. The Commissioner's decision should be reported to the Standards and Privileges Committee which should, in turn, decide whether or not to adopt the Commissioner's report and what penalty (if any) should be recommended to the House.</p> <p>In cases where an accused MP disputes the Commissioner's findings or conclusions, that MP should be able to appeal against the Commissioner's decision, such an appeal to be heard either by the Committee itself or by such ad hoc appellate body as it decides to appoint.</p>	<p>The Committee's decision would be made after the first report by the Advisor</p> <p>We do not have an appeal stage defined as yet although the advisor will be considering this as part of his review and will report back.</p>	
<p>R6</p>	<p>Disciplinary procedure in non-contested cases</p> <p>In non-contested cases, whether serious or minor, the Parliamentary Commissioner should, in accordance with present practice, report the (undisputed) facts and conclusions based on those facts to the Committee on Standards and Privileges which, if it endorses the report, should recommend to the House of Commons what penalty (if any) should be imposed.</p>	<p>Paragraph 3.55</p> <p>See comments at R3 re categorising complaints and enforcement powers. Also those at R5 re SO16</p>	<p>As above</p>
<p>R7</p>	<p>The disciplinary proceedings of the House of Commons should be held in public but should not be broadcast. This recommendation as to hearings in public does not extend to the private deliberations of the Standards and Privileges Committee or of any disciplinary or appellate tribunal (which should remain private).</p>	<p>Paragraphs 3.58 – 3.60</p> <p>Assembly Standards Committee is usually held in public and broadcast. However, the Standing Orders provide for private consideration of complaints unless the Assembly resolves otherwise. The Secretariat recommends that this issue is considered as part of the Advisor's review.</p>	<p>The National Assembly for Wales recognises the public need for openness and accessibility. Meetings of its Standards Committee, except for those which consider complaints are held in public and are broadcast. The Committee on Standards is currently reviewing its procedures for handling complaints; this recommendation will be considered as part of that review.</p>
<p>R8</p>	<p>The House of Commons should take measures in relation to the Committee on Standards and Privileges, with a view:</p> <ol style="list-style-type: none"> a. to ensuring that a substantial proportion of its members are senior MPs, and b. to exempting the Committee from the convention that its chairman should be drawn from the Government benches. 	<p>Paragraphs 3.73 – 3.76</p> <p>It is not clear what is meant by a "senior" Member. Assembly does not have such a large pool of Members to draw on and may there not be able to fulfil these criteria. The Committee is party-balanced and the Assembly elects the Chair who is not from the largest party.</p>	<p>The National Assembly for Wales notes the intention of the recommendation. However, as a new institution it's application here would be neither appropriate nor achievable.</p>

R9	The ban on paid advocacy should be retained.	<p>Paragraphs 3.77 – 3.96</p> <p>Section 72(4) of the Government of Wales Act require the Standing Orders (SO 4.6) to include provision prohibiting paid advocacy.</p>	The National Assembly for Wales welcomes this recommendation.
R10	<p>The guidelines relating to the ban on paid advocacy, set out in the <i>Guide to the Rules relating to Conduct of Members</i>, should be amended so as to make it possible for an MP who has a personal interest to initiate proceedings which relate in a general way (and not exclusively) to that interest, subject to the following safeguards:</p> <ul style="list-style-type: none"> ● the MP is prohibited from engaging in 'paid advocacy' on behalf of that interest; ● he or she is required to register and declare the interest in accordance with the guidelines; ● he or she must identify his or her interest on the Order Paper (or Notice Paper) by way of an agreed symbol when initiating a debate. 	<p>Paragraphs 3.77 – 3.96</p> <p>The Secretariat has sought legal advice on this issue. The current legislative parameters (see above) prevent the Assembly from adopting this recommendation.</p>	The National Assembly for Wales notes this recommendation. However, the Assembly's legislative parameters preclude adoption of this recommendation.

Chapter 7 : Lobbying and All-Party Groups

<u>Number</u>	<u>Item</u>	Secretariat Comments	Proposed OPO Response
R30	The Register of All-Party Parliamentary and Association Parliamentary Groups should be placed on the Internet. The question of ease of public access to information about All-Party Groups should be kept under review by both Houses.	<p>Paragraphs 7.57 – 7.70</p> <p>There is guidance but no such list/register at present. Consideration should be given as to whether one should be established.</p>	The National Assembly for Wales has issued guidance on all-party groups and is considering whether to establish a register in the light of the recommendations