

Committee on Standards of Conduct STD 01-01 (draft min)

Date: 31th January 2001, at 9.30am

Venue: Committee Room 1, Cardiff Bay

Attendance:

Members

David Melding, South Wales Central (Chair)

Cynog Dafis, Mid and West Wales

Janice Gregory, Ogmore

Brian Hancock, Islwyn

Karen Sinclair, Clwyd South

Officials

Andrew George, Committee Clerk

Jill Thomas, Deputy Clerk

David Lambert, Legal Adviser

Other

Richard Penn, the Assembly's Independent Adviser on Standards

Item 1: Minutes of the last meeting and Chair's introductory remarks

1. The Chair welcomed everyone to the meeting. Apologies had been received from Gwenda Thomas, Christine Humphreys and Gareth Jones.
2. The Committee confirmed that the minutes of the last meeting (STD 09-00 min) were an accurate record.

Item 2: Quarterly update and review of action arising from STD-08-00
Paper STD-01-01(1)

3. The Committee noted the Secretariat's paper.

Item 3: The Committee's Forward Work Programme
Paper STD-01-01(2)

4. The Committee noted and agreed the programme and associated timetable.

Matters Arising

5. Committee Members were concerned about an increasing number of instances where other Assembly Members were approaching them for advice on the use of Assembly resources, and that this trend might increase once campaigning began for a General Election. Guidance on such issues is a matter for the House Committee.

Action: Secretariat to liaise with the House Committee Secretariat to clarify matters.

Item 4: Update on the Register of Members interests

Paper STD 01-01(3)

6. The Committee noted the Secretariat's paper.

Item 5: Members' Interests revised Guidance

Paper STD 01-01(4)

7. The Committee approved the draft motion to bring the revised guidance before the Assembly. It was acknowledged that as the revised guidance has been put to Members for consultation, the debate should be short, and agreed that the Chair would open and close.

Action :- Secretariat to liaise with Cabinet Secretariat to bring forward the motion on 13 February.

The Committee adjourned at 10 o'clock for 10 minutes. At this point Richard Penn and Karen Sinclair gave their apologies and left; and David Lambert joined the meeting.

Item 6: Indirect Interests

Papers STD-01-01(5,6,&7)

8. The Chair introduced this item by reminding members that the Committee's recent review of the *Guidance on the Registration and Declaration of Members Interests* had identified inconsistencies in the requirements for Members to declare and register "indirect interests". The Committee had commissioned the Secretariat, together with its legal adviser, David Lambert, to consider the issue and report back to the Committee. Paper STD 01-01 (5) produced by the Secretariat provided an overview of the issue. He invited David Lambert to introduce Papers STD-01-01 (6) & (7) which summarised the legal position and identified the problems which the Committee would need to consider.

Matters Arising

Overlap between indirect interests and Standing Order 4 interests

9. The Committee acknowledged that there was an overlap between the interests set out in the Annex to Standing Order 4 (to which the criminal and civil sanctions of Section 72 of the Government of Wales Act 1998 would apply) and the interests set out in paragraph 2 of the Assembly's Resolution of 19 May 1999 which had no sanctions to back them up. It was agreed that the Resolution should be amended to exclude those interests which are required to be registered under Standing Order 4.

Action: David Lambert to prepare draft amendment to the Assembly's Resolution of 19 May 1999.

Registration and Declaration of Indirect Interests

10. The Committee agreed that Members should continue to be required to register and declare indirect interests and that these should be included in all of the relevant categories listed in the Annex to Standing Order 4. Because of the criminal sanctions that would arise from non-registration and non-declaration, the definitions of Indirect Interests would need to be tightened. There was considerable discussion about how to define which relationships to a Member should require the registration of their interests. It was agreed that partners

and children would be most appropriate although a robust definition of "partner" would be necessary. The interests of other relationships could be declared on a voluntary basis. The Committee also agreed not to require Members to register their non-pecuniary interests.

Action - David Lambert to consider an appropriate definition of "partner". Secretariat to draft revised guidance

Item 7: Any Other Business and date of next meeting

Handling of upheld complaint

11. The Chair invited views on the recent publication of its report on a complaint against Alun Cairns AM. Although one article had queried the use of the full complaints procedure in this instance, media coverage generally had recognised the importance of the principle involved. The Committee emphasised the importance of exploring other ways of dealing with "de minimus" cases as part of its forward work programme.

Date of Next Meeting

12. The Committee will next meet on 7 March 2001.

Standards Committee Secretariat