

NATIONAL ASSEMBLY FOR WALES
STANDARDS COMMITTEE THIRD REPORT 2000 - C004-00

Complaint against a Member

Standards Committee Terms of Reference & Membership

1. 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.

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

David Melding (Chair)	South Wales Central	Conservative
Cynog Dafis	Mid & West Wales	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	Julie Grant	
Deputy Clerk	Jill Thomas	

Purpose and Scope of Report

3. 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.

4. The complaint was dealt with in accordance with the complaint procedure approved by the Standards Committee on 6th July 2000 and published to the Intranet/Internet shortly thereafter.

5. Following the preliminary investigation by the Independent Adviser, the Presiding Officer referred the complaint under standing order 16.1 to the Standards Committee Secretariat. Under

the terms of the procedure the complaint was then referred on to the Independent Adviser for him to undertake the factual investigation on behalf of the Committee. The Member concerned was informed and provided with a copy of the complaint procedure.

6. The Adviser's report was received by the Secretariat and circulated to the Committee on 20th October 2000. The Committee met on 26th October 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 Committee's conclusion was that the case should be dismissed, for the reasons summarised below, but that the House Committee should be asked to consider clarifying its guidance. Their considerations should include providing examples and/or definitions of "personal" "party political" etc and the resource implications of Members using Assembly stationery for unsolicited greetings.

Summary of the Committee's consideration

7. The complaint against the Member was made by another Member on behalf of a constituent and her daughter. The background to the case was that an Assembly Member had used Assembly stationery to write to the daughter congratulating her on reaching her 18th birthday. The complainant asserted that the letter was an improper use of the free stationery provided for Members' use.

8. The Code of Conduct for Assembly Members adopted by the Assembly on 18th 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."

9. 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 that the letter was written and sent. The guidance was issued on 13th September 2000. It states that Assembly stationery should not be used for personal correspondence, for party political or campaigning purposes.

10. The Committee was very concerned about the resource implications of the case before them, were the practice to be adopted by all Members. Whilst the case was not a breach of the current guidelines as such, it was clear that the use of Assembly resources on matters such as this was an extremely grey area. Practice and views varied between and within party groups. The Committee felt strongly that there was a need for more explicit guidance and perhaps some templates. These would not dictate to Members the form of letters but would serve as a guide to what was and wasn't acceptable. It resolved that the House Committee should be asked to provide further consider with a view to providing clarification for Members and their staff.

Summary

11. This is the third report by the Standards Committee and the first on a complaint it has considered using the new procedure. The recommendation of the Independent Adviser on Standards was to dismiss the complaint on the basis that the letter from the Member to his constituent did not constitute an inappropriate use of Assembly resources. The Committee noted this and that the guidance had not been formally issued at the time that the letter was sent. The Committee therefore decided to dismiss the case.

D MELDING

Chair of Standards of Conduct Committee

November 2000