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Consultation response

Inquiry into the Registration and Declaration of Interests **Senedd Cymru - The Standards of Conduct Committee**

Submitted: 24 April 2023

As Public Services Ombudsman for Wales (PSOW), we have three main roles:

- We investigate complaints about public services.
- We consider complaints about councillors breaching the Code of Conduct.
- We drive systemic improvement of public services and standards of conduct in local government in Wales.

We are independent, impartial, fair and open to all who need us. Our service is free of charge.

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Mae'r ddogfen hon hefyd ar gael yn y Gymraeg.
This document is also available in Welsh.

General comments

Thank you for the opportunity to respond to this consultation.

In our response, we draw on our role in handling complaints about breaches of the Code of Conduct. In 2021/22, about 1 in 10 our complaints about the Code related to disclosure and registration of interests by councillors. We deal with this subject in detail in the guidance that we issue to councillors in Wales (available [here](#)).

We welcome the Committee's inquiry. In our experience, it is beneficial to keep our guidance on the requirements of the Code of Conduct under regular review. Given that the last substantial review of the Senedd's procedure for registration and declaration of interests took place in 2014 it is both timely and pressing that this inquiry is undertaken.

The Senedd requirements and our guidance

We compared the current Senedd requirements in relation to registration and declaration of interests with the guidance that we issue to the councillors in Wales. Although we understand that the scope of duties of the Members is different to that of local councillors, we believe that it could be beneficial to draw attention to some differences between the two sets of requirements, in case there was a scope to introduce more consistency between them. We note some examples below.

Declaration of Registrable Interests before Taking Part in Any Senedd Proceedings

We noted that the Senedd framework currently includes a requirement to make the declaration before taking part in any Senedd proceedings. In

contrast, the Code of Conduct for local authority members¹ and our statutory guidance² states that a declaration should also be made when making any written or oral representations regarding any matter in which the member has personal interest. In our experience, that requirement (in addition to the requirement to declare interests at meetings themselves) is important to maintain transparency and public confidence in elected members.

The Registrable Interests

One of the key differences that we noted between the current Senedd requirements and our own guidance for local councillors related to sensitive information. Our guidance explains that some information that is deemed to be sensitive may be exempt from disclosure and registration. The Senedd guidance does not appear to provide for that.

We noted also some differences in the wording related to areas such as

- election expenses or expenses when carrying out duties
- companies or other bodies in which the Member has beneficial interest
- memberships

We would be happy to discuss these differences with the Committee in more detail.

Timeframes

The Senedd guidance states that Members must complete, sign and submit a Registration and Recording Form within eight weeks of taking the oath or the making of the affirmation. The Code of Conduct and our guidance states that members must tell their Monitoring Officer in writing within 28 days of taking office, or within 28 days of any new interest or change to their previously registered interests.

¹ The Local Authorities (Model Code of Conduct) (Wales) Order 2008 No. 788

² Issued under section 68 of the Local Government Act 2000

The presentation

On a general note, we suggest that as part of the review the Committee considers the potential to simplify the language used to explain the expectations and requirements on the Members in relation to registration and declaration of interests. This is something that we are also looking at in relation to our own guidance, as in our view it could make the guidance more accessible and ultimately easier to comply with. Our guidance also includes a flowchart to help the councillors understand the process involved in identifying and declaring registrable interests. Again, the Committee may want to consider introducing some similar visual resources for the Members.

Closing remarks

We trust that you will find these comments useful. Should you wish to discuss any of our points further, please do not hesitate to contact Ania Rolewska, our Head of Policy (ania.rolewska@ombudsman.wales).

A handwritten signature in black ink that reads "M.M. Morris". The signature is written in a cursive, slightly slanted style.

Michelle Morris

Public Services Ombudsman for Wales

April 2023