



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Safonau Ymddygiad **The Standards of Conduct Committee**

Dydd Mawrth, 18 Hydref 2011
Tuesday, 18 October 2011

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Antoni	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Llyr Huws Gruffydd	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Gerard Elias QC	Comisiynydd Safonau Commissioner for Standards
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Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Keith Bush	Cynghorydd Cyfreithiol Legal Adviser
Lara Date	Clerc Clerk
Gareth Rogers	Swyddfa'r Comisiynydd Safonau Office of the Commissioner for Standards

Dechreuodd y cyfarfod am 9.28 a.m.
The meeting began at 9.28 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Mick Antoni**: I welcome everyone. In terms of housekeeping, participants are welcome to speak in Welsh or English. Headsets are available for the public for translation and amplification—channel 0 is for amplification only, and channel 1 is for the translation. I ask everyone to switch off their mobile phones. If the fire alarms go off, ushers will tell everyone what to do and, if necessary, direct us to the fire exits. There are no apologies—we have a full house.

9.29 a.m.

Enwebu Aelod o'r Pwyllgor o dan Adran 10.2 o'r Weithdrefn Gwyno
Nomination of Committee Member under Section 10.2 of the Complaints Procedure

[2] **Mick Antoni**: This is the administrative procedure that would apply in the event that there is a complaint against me, in which case someone would need to stand in for me, so that the commissioner had someone to liaise with. I invite nominations.

[3] **Llyr Huws Gruffydd**: Yr wyf yn **Llyr Huws Gruffydd**: I am happy to hapus i gynnig Kirsty Williams. propose Kirsty Williams.

[4] **Mick Antoni**: I see that there are no other nominations, so we can agree that

appointment.

Adroddiad Blynyddol y Comisiynydd Safonau 2010-11 Commissioner for Standards Annual Report 2010-11

[5] **Mick Antoniw:** This is under section 19 of the National Assembly for Wales Commissioner for Standards Measure 2009. As it is a report that relates to the past, it has been laid but comes to us first. There is an introduction to it, and I welcome the comments from Mr Gerard Elias, the first independent commissioner for standards of the Assembly. I invite you to introduce your report and then we will take comments on it.

9.30 a.m.

[6] **Mr Elias:** This was laid before the Assembly, as I think that you will know, about two weeks ago. It is brief; I cannot guarantee that it will always be as brief as this, but it relates to only the first four months of my period of office, because the report goes through until the end of March this year. Apart from saying that in the introduction I briefly set out what I might broadly call my philosophy in dealing with the matters that I am called upon to deal with, there are two matters that it is pertinent to mention. The first is that, of the complaints received during the whole year, from March 2010 to March 2011, none were deemed admissible and, from that, we can properly take the message that conduct has been very good. My report for the current year will appear next year. As I say in this report, I hope that it will be available next July. The other matter is simply to point out that, in relation to the costs of the office, and I can say that this applies to date, they are at least no more than, and very likely less, those incurred by my predecessor in office on an annual basis.

[7] **Mick Antoniw:** That is always good news. I invite any comments and questions on the report.

[8] **Llyr Huws Gruffydd:** Mae gennyf un sylw bach ynglŷn â fersiwn Gymraeg yr adroddiad. Sylwais fod un neu ddau gamgymeriad, ac yr oeddwn eisiau nodi hynny. Mae ychydig o anghysondeb. Cyfeirir at y cod ymddygiad fel cod ymarfer weithiau. Chwiliais am god ymarfer cyn sylweddoli mai'r cod ymddygiad ydoedd. Hefyd, mae'r gair 'Member' yn cael ei gyfieithu fel 'Gweinidog' unwaith. Felly, mae un neu ddau amryfusedd cyfieithu yr hoffwn eu nodi.

Llyr Huws Gruffydd: I have one minor comment regarding the Welsh version of the report. I noticed that there were a couple of errors, which I wanted to note. There are a few inconsistencies. The code of conduct, y *cod ymddygiad*, is sometimes referred to as a code of practice, *cod ymarfer*. I went to look for a code of practice and then realised that it was the code of conduct. Also, the word 'Member' is translated as 'Minister', *Gweinidog*, once. So, there are a couple of translation errors that I wanted to note.

[9] **Mr Elias:** I shall endeavour to take those matters on board. I am not the man who translated this, but I shall take on board the comments that were made and endeavour to ensure that, in future, those errors do not creep in.

[10] **Mick Antoniw:** It is important that the two are compatible, is it not? Thank you for that.

[11] **Mark Isherwood:** You say that investigation continued on eight complaints into this year, 2011-12. What would be the position if an investigation was still alive at the time of an election and the Member that you were investigating did not return, either by choice or by choice of the electorate? Would the investigation cease or continue to fruition?

[12] **Mr Elias:** From my perspective, the investigation would not cease; it would continue

to fruition. I would report in the usual way and the matter could then be taken to the Assembly. Notwithstanding that the former Member was not present, the Assembly could determine to deal with the matter in a variety of ways that might, for example, have an effect on that Member in the future. Not being elected or even not standing does not necessarily bring an investigation to an end.

[13] **Mick Antoniw:** So, the intervention of an election has no impact on the investigation, but the capacity of the Assembly to deal with it depends on it being sitting at the time. Does anyone else have any other questions? I see that no-one does. Thank you for your report.

9.34 a.m.

Adolygiad o'r Weithdrefn Gwyno, y Cod Ymddygiad a'r Rheolau Sefydlog Review of the Complaints Procedure, Code of Conduct and Standing Orders

[14] **Mick Antoniw:** We have the background document from the last Assembly, from March 2011, which was supplemented by an updating document on the way ahead, which has gone to all Members. Perhaps the best way to deal with this is if I ask the commissioner to make any opening remarks about the paper, then we can go through it and consider the various recommendations that are made within it.

[15] **Mr Elias:** I want to say at the outset, because I do not want the wrong impression to be given to anyone—the public or those present at this meeting—that, as stated in paragraph 3 of my paper, it is important to underline that the reviews were not suggested due to any perceived major failings of the system. I underline that point. It is, rather, a streamlining review that I am suggesting, particularly in relation to the procedure, which, as you know, I am suggesting that we take first. There are certain glitches and procedures in the present procedure that are not as clear as they could be. I am anxious that the system should be transparent for the public, while also clear for Members, so that they understand exactly where they stand in relation to the codes, Standing Orders and so on.

[16] So, the streamlining of certain aspects of the complaints procedure to provide that certainty and greater clarity underlines everything that I seek to do. As you will have seen from the detail of the paper, I propose that there be wide consultation with Members, in particular, before we move to amend or change any of the current procedures.

[17] **Mick Antoniw:** My only comment is that our obligation in this committee is one of an ongoing overview of good governance. So, we are not looking to create work that is not necessarily there, but to fulfil our function as an overseeing body and in showing that we have the best standards system in place. I invite Members' questions on the paper.

[18] **Kirsty Williams:** I endorse the approach outlined in the paper before us today. You are right to say that we should not necessarily undertake work unless there is a good reason to do so. The examples laid out in paragraph 10 of the paper give practical illustrations and examples of where, perhaps, we could fruitfully look to improve the process for both the public and Members. On the basis of the evidence before us, it is correct that we proceed in this way to look at the review in the stages that are set out in the paper.

[19] **Mick Antoniw:** Does anyone else wish to add anything?

[20] **Mark Isherwood:** First, given the current discussion around matters in Westminster, what ramifications might there be here in the context of the code in relation to lobbying and relationships between Members and lobbyists? Secondly, there is reference not only to Members' partners but to dependent children. I have a number of children who are popping in and out of part-time jobs during their education; as I understand it, I have to register all of

those jobs for my children, whether they are washing up in a local pub or working part-time in a local shop. Is that factually correct, or does that only apply if the company that they are working for is bidding for an Assembly contract?

[21] **Mick Antoniw:** That is taking us on to item 5, Mark. Could we take that question at that point?

[22] **Mark Isherwood:** Yes, of course.

[23] **Llyr Huws Gruffydd:** Ym mharagraff 14, dywedwch fod gennych gyfrifoldeb i sicrhau bod y system yn parhau'n dryloyw ac yn hawdd i'r cyhoedd ei defnyddio. Dywedwch wedyn nad oes angen ymgynghoriad cyhoeddus. Yr wyf yn cytuno â hynny i raddau, ond teimlaf ei bod yn bwysig bod rhyw fath o gyfle i'r cyhoedd fynegi barn. Ar ddiwedd y dydd, y cyhoedd sy'n dod â chwynion gerbron, felly mae'n bwysig bod pobl yn teimlo rhyw fath o berchnogaeth o'r broses hon.

Llyr Huws Gruffydd: In paragraph 14, you state that you have a remit to ensure that the system remains transparent and user-friendly for the public. You then state that there is no need for a public consultation. I agree with that to an extent, but I feel that it is important that the public has some sort of opportunity to express views. At the end of the day, it is the public that bring complaints forward, so it is important that people feel some sort of ownership of this process.

[24] **Mr Elias:** I agree. My point in paragraph 14 is that now is perhaps not the time to involve the public, given that there may be no changes after consultation and discussion. If and when we decide to change the system markedly, in various ways, perhaps there would then be an opportunity given for public consultation.

[25] **Mick Antoniw:** Does anyone else wish to comment? It seems to me that this is the summary of the report, and what we are asked to do is decide whether a review is appropriate—that is at paragraph 8. Then there is the three-stage approach, which is dealt with in paragraphs 9 to 10. Then we are invited to agree the broad areas to cover, in paragraph 11. Then we need to agree the consultation process, which is dealt with in paragraphs 12 to 15, with the recommendation being at paragraph 15. Are you happy to take the paper as a whole and deal with those all together? I see that you are. Do Members approve the recommendations in the report? I see that we are agreed.

9.40 a.m.

**Adolygiad o'r Canllawiau ar Gofrestru Buddiannau Ariannol a Buddiannau
Erail yr Aelodau**
**Review of Guidance for the Registration of Members' Financial and Other
Interests**

[26] **Mick Antoniw:** This item flows from the previous item. As a new Member, I found the system equally complicated and difficult to understand. This is one of the most important public documents. I would like to invite Gareth Rogers from the Assembly Table Office to present a paper.

[27] **Mr Elias:** Chair, this has a bearing on certain matters relating to my position—

[28] **Mick Antoniw:** Would you like to comment first?

[29] **Mr Elias:** No, I would simply like to remain to hear what is being said.

[30] **Mick Antoniw:** Certainly.

[31] **Mr Elias:** Thank you.

[32] **Mr Rogers:** I welcome the opportunity to bring this paper before the committee. I think that you all agree that the registration and declaration of interests is a key area of standards. It also attracts particular interest from outside the Assembly, so it is very important that issues relating to the registration and declaration of interests are maintained and reviewed regularly. I have mentioned in my paper, and the commissioner has also highlighted, that the reason for this paper is not that there are any major failings or problems. On the contrary, I think that Members approach registration and declaration with the highest integrity and standards. There have been no breaches of the register. However, I think that it is important that the rules are reviewed and that, where there have been difficulties or where issues have arisen, we can work together with the committee to iron those out and to make the guidance and the rules more robust and clearer for Members and for the public.

[33] The committee has already considered the commissioner's paper, which put forward timings for the wider review of standards. This falls within that review. It forms part of the code of conduct and the rules relating to conduct. If I may, I would just like to raise again the importance of the registration and declaration of Members' interests and ask the committee to consider these issues in considering the timing of the review and how this fits with the rest of the work that will be flowing from that.

[34] I do not intend to discuss the issues that I have raised in my paper in any great detail. However, I am happy to answer any questions that the committee might have on particular issues in the paper. I think that there may be one coming from Mr Isherwood.

[35] **Mick Antoniw:** Okay. Are there any questions or comments?

[36] **Mark Isherwood:** May I revisit my earlier points? Do you wish me to restate them or can you recall them?

[37] **Mr Rogers:** No, it is fine. This is an issue that I raised in the paper and one on which we have received more than one query from Members. As you know, the rules on registration refer to Members, their partners and dependent children. Dependent children are defined as children under the age of 16 or children under the age of 19 but in full-time education. It means that for children of working age, which is 13 and above, their employment could, and should, be registered. It does not matter whether the company employing them is a lobby group. As you will see from some of the registrations already made, it could include working behind a bar or even doing a paper round. The question that I have raised, and I do not know the answer, is whether it is right that it is a requirement to register the employment of children of that age. It is a question for the committee. I am happy to bring forward options and different ways to approach this. I will work those options up as the committee sees fit.

[38] **Mick Antoniw:** Okay. Are there any other questions on this? Do you have any observations, Mr Elias?

9.45 a.m.

[39] **Mr Elias:** I just wish to note that, as Gareth says, this will form part of part 2 of the review, but if this is currently causing problems, it may need to be dealt with sooner than we get to part 2, as a separate item. However, I am unaware of the nature of the problems, if they exist.

[40] **Kirsty Williams:** My understanding from what Gareth said is that the current register

generally works well and that there are no major problems. There are some issues that need to be reconsidered that are highlighted, particularly with regard to pensions and blind trusts, which are probably more problematic than some of the other issues mentioned. However, given that we have just agreed a timetable for review and that these issues could be considered in part 2 of the review by the commissioner, unless we are advised otherwise that there are some pressing matters, I would be content for these issues to be looked at as part of that review, rather than in a separate piece of work, which could lead Members to take decisions out of the context of a wider review, only to need to revisit them at the conclusion of the review. So, unless there is evidence that we need to make a decision urgently on some or all of these issues, I am content to take them as part of the wider review that we have just agreed.

[41] **Mick Antoniw:** That is sensible. So, Gareth will bring forward recommendations in due course, in accordance with the overall strategy that has been set out.

[42] **Mr Rogers:** Yes. To reiterate, there are no major concerns with regard to any of the rules.

[43] **Mick Antoniw:** That is great. That was the last item. Thank you, everyone, for attending. The details of future meetings will be published on the committee's webpage.

Daeth y cyfarfod i ben am 9.47 a.m.
The meeting ended at 9.47 a.m.