



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

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

**Dydd Mawrth, 24 Ebrill 2012**  
**Tuesday, 24 April 2012**

### **Cynnwys** **Contents**

Cyflwyniad ac Ymddiheuriadau  
Introduction and Apologies

Adolygu'r Cod Ymddygiad a'r Weithdrefn Gwyno: Y Weithdrefn Gwyno Ddiwygiedig  
Ddrafft a'r Camau Nesaf  
Review of the Code of Conduct and Complaints Procedure: Draft Revised Complaints  
Procedure and Next Steps

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi 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 Antoniw	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Llyr Huws Gruffydd	Plaid Cymru The Party of Wales
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

**Eraill yn bresennol**  
**Others in attendance**

Gerard Elias QC	Comisiynydd Safonau Cynulliad Cenedlaethol Cymru National Assembly for Wales's 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	Cyfarwyddwr Gwasanaethau Cyfreithiol a Phrif Gynghorydd Cyfreithiol Director of Legal Services and Chief Legal Adviser
Lara Date	Clerc Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Alys Thomas	Y Gwasanaeth Ymchwil Research Service

*Dechreuodd y cyfarfod am 9.43 a.m.*  
*The meeting began at 9.43 a.m.*

**Cyflwyniad ac Ymddiheuriadau**  
**Introduction and Apologies**

**Mick Antoniw:** I welcome everyone to this meeting of the Standards of Conduct Committee. As a matter of policy, participants are welcome to speak in Welsh and English. Headsets are available to the public for translation and amplification—channel 0 is for amplification and channel 1 is for the verbatim translation. I ask everyone to check that their phones are switched off. If the fire alarms go off, the ushers will tell everyone what to do and, if necessary, direct us to the fire exits. As we are all here, there are no apologies, so we shall move straight on to the next item.

9.44 a.m.

**Adolygu'r Cod Ymddygiad a'r Weithdrefn Gwyno: Y Weithdrefn Gwyno  
Ddiwygiedig Ddrafft a'r Camau Nesaf  
Review of the Code of Conduct and Complaints Procedure: Draft Revised  
Complaints Procedure and Next Steps**

**Mick Antoniw:** We went through most of this item at the last meeting, and several items needed to be amended, particularly in paragraphs 6 and 8. The papers have been circulated. It is paragraphs 6.1, 8.2 and 8.3 that we are looking at. Our main purpose today is to confirm that we are happy with those and then perhaps we will ask the National Assembly for Wales Commissioner for Standards to comment on those and on the next stages.

9.45 a.m.

I will now ask the commissioner to introduce this, after which Members can make any comments that they may have.

**Mr Elias:** Thank you, Chair. As you say, on 21 February, the committee essentially was happy with the procedure as then drafted, subject to two or three areas, which we have looked at again. One is paragraph 6.1 on criminal offences, on page 12 of the draft before the committee, and particularly 6.1(ii), which gives to the commissioner some discretion on the handling of criminal offences other than those that involve a breach of section 36(7) of the Government of Wales Act 2006. Paragraph 6.1(ii) deals with ways in which the commissioner may use his or her discretion in referring what may appear to be some evidence of criminal offences other than that one to the police. I think that we discussed that on the last occasion. It was thought that that was the most appropriate way forward. We have drafted the procedure to deal with that. Under section 8, the other area where, as it were, live issues were raised as to the first draft, on page 19, the words in bold under paragraph 8.1, just to remind the committee, ensure that the 10-day appeal timescale arises when the committee's report has been provided and not when it was sent—that is, when it was received.

Under paragraphs 8.2 and 8.3, but the latter in particular on page 21, you will recall that, when a Presiding Officer is appointing on the nomination of the presiding judge of the Wales circuit, the issue was raised as to what happens if a Member has a specific ground for objection to that individual that may or may not be known to the Presiding Officer. As you see, paragraph 8.3 takes account of that and allows for any representation to be made as to any ground for non-appointment within five working days of being informed of the name of the nominee. The Presiding Officer must then consider the matter, accept or reject the ground and proceed accordingly. We hope that that overcomes that other issue. Essentially, therefore, unless any other matters are now raised on the proposal, it is my proposal that this is what should go forward to be approved by this committee.

**Mick Antoniw:** Are we all in agreement with that? I see that we are. Are there any other matters on the next steps in terms of the ongoing review?

**Mr Elias:** Would you like me to deal with how we see this moving forward over the next two weeks in relation to the procedure?

**Mick Antoniw:** Yes, certainly.

**Mr Elias:** We have had some discussions on this and the intention is that, after the procedure has been translated and we are satisfied with that, which will take some little time, a letter should go out to Members outlining the new procedure, which will highlight the essential

changes so that Members will be made aware of what has changed—not in huge detail, but in sufficient detail that they can pick it up. In due time, no doubt, Chair, you will lay the new procedure before the National Assembly for Wales and I suggest that, from the following day, that procedure is the one that should be adopted and which I will operate.

**Mick Antoniw:** We are talking about a six-week timespan and it will come forward to be formally noted by Plenary. Did you want to say anything about the next stages briefly?

**Mr Elias:** Only that we have begun consultation with Assembly officials on what I might call ownership of the various elements of guidance, Standing Orders and the code of conduct, inviting indications to be made of where there may have been difficulties in the past in terms of interpretation or where Members may have complained in the past that something is not clear enough, because we are proposing a review of the code of conduct and any Standing Orders that may impinge upon Members' conduct. That process has already begun; it is quite a detailed one, and there are quite a number of officials and others who may wish to have some input into it.

It is difficult at the moment for me to give the committee a timetable, but I hope to be able to do that, perhaps at the next meeting, when I have had my initial discussions with Assembly officials in particular to see what the volume of work may be. There are a number of areas where issues have been raised in the past about which Members have shown uncertainty and dissatisfaction. So, we want to eliminate as many of those as we can. However, I fear that I cannot give any sort of timetable at this stage. It will be a fairly long process as a whole, but I will endeavour to give a better timetable at the next meeting.

**Mick Antoniw:** Is everyone okay with that? I see that you are. That concludes the business; there is nothing else that we need to raise. Thank you very much.

*Daeth y cyfarfod i ben am 9.51 a.m.  
The meeting ended at 9.51 a.m.*