

ANNUAL REPORT OF THE

NATIONAL ASSEMBLY FOR WALES'

COMMITTEE ON

STANDARDS OF CONDUCT

2000 - 2001

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COMMITTEE ON STANDARDS OF CONDUCT

REPORT TO THE ASSEMBLY

1. Introduction

1.1 This is the second annual report to the National Assembly for Wales by its Committee on Standards of Conduct, as required by Standing Order 16. It covers the 12-month period from 1 August 2000 to 31 July 2001.

1.2 The Committee on Standards of Conduct is one of the Assembly's six Standing Committees. The Committee is chaired by David Melding AM, and its membership during the period of this report was Eleanor Burnham AM (from 3 April 2001), Cynog Dafis AM, Richard Edwards AM (until 9 November 2000), Val Feld AM (until 9 November 2000), Janice Gregory AM, Christine Gwyther AM (from 9 November 2000), Brian Hancock AM, Christine Humphreys AM (until 3 April 2001), Gareth Jones AM, Karen Sinclair AM (from 9 November 2000) and Gwenda Thomas AM.

1.3 The Committee would like to thank Christine Humphreys AM and Richard Edwards AM for their contribution to its work during their period of membership. The Committee also pays tribute to Val Feld for her valued contribution to its work.

1.4 During its second year, the Committee met on five occasions and considered four complaints. In accordance with standing orders, its meetings were held in public and available for broadcast, with the exception of the meetings to discuss the four complaints, which were held in closed session. Details of the Committee's work programme and activities are outlined below.

2. The Committee's Remit

2.1 Standing Order 16 sets out the remit of the Standards Committee, and the requirements as to its membership, the role of the Independent Adviser on standards, meetings and reports. A copy is at Annex A.

2.2 The key function of the Committee is to consider complaints referred to it by the Presiding Officer and any matters of principle relating to the conduct of Assembly Members generally. The Committee also oversees the Register of Members' Interests.

3. Work Programme and Activities

3.1 Despite the fact that there were only four complaints referred to the Committee during the year, the Committee's workload was high.

Complaints Referred to the Committee

3.2 Standing Order 16 limits the Committee's powers of investigation to complaints which have been referred to it by the Presiding Officer. Between the period 1 August 2000 to 31 July 2001, four complaints were referred. Three cases concerned the use of the Assembly's resources. The fourth was an alleged breach of the Code of Conduct for Assembly Members. One complaint was upheld and the others were dismissed. Copies of the Committee's reports were published on the Intranet/Internet following completion and are at Annex B.

3.3 The one upheld complaint attracted considerable media attention. Although one press article queried the use of the full complaints procedure in this instance, media coverage generally recognised the importance of the principle involved. The Committee will be exploring different ways of dealing with "de minimus" cases where appropriate.

The Independent Adviser

3.4. Mr Richard Penn was appointed as the Assembly's Independent Adviser on Standards of Conduct on 15 March 2000. Standing Order 16.3 requires him to act as the independent adviser to the Presiding Officer on matters relating to the conduct of Assembly Members and to assist the Committee, by invitation, in its investigations. Mr Penn has been active in both roles and the Committee would like to thank him for his contribution to their work.

The Register of Members Interests

3.5 During the course of the year the Register was maintained and published by the Table Office in accordance with the published guidance and Standing Orders. The Presiding Office has published quarterly reports on the Register and the Clerk to the Committee provides an oral update on developments with the Register at every Committee meeting

3.6 It is not possible to separately identify the number of 'hits' on the Register section of the Assembly's Web-site. However a small number of queries have been made to the Table Office in relation to the interests of individual Members and AMs as a whole. The publication of revised guidance on registration (see Paragraph 3.10 below) has clarified the requirements and

there is every indication that the Register has become a routine feature of the Assembly.

Review of Members' Interests

3.7 In spring 2000 the Committee began a fundamental review of the framework and rules governing the requirements of Assembly Members to register and declare certain interests. Members had been unsure of the precise meaning of the rules on declaration and voting and the requirements of standing order 4 and its annex.

3.8 The review encompassed a thorough examination of the relevant sections of the Government of Wales Act, standing orders, the guidance available to Assembly Members and experience of registrations and declarations made.

3.9 The key point arising from its investigation was the need to clarify the requirements for registering values in relation to financial interests. The Committee's conclusions and its proposed course of action were endorsed at its meeting in July, together with a revised draft of the Assembly's guidance on "the Registration and Declaration of Members' Financial and other Interests". Members were consulted over the summer on the Committee's views. The response supported the Committee's conclusions in respect of the requirement to register and declare values.

3.10 In concert with the debate on the Committee's annual report, in November 2000 the Assembly agreed the necessary amendment to the Annex to standing order 4. The Assembly endorsed the revised *Guidance on the Registration and Declaration of Members Interests* on 13 February 2001.

3.11 A *Pocket guide on Registration and Declaration of Members Interests* was distributed to Members and published on the Intranet in March 2001. The leaflet was also made available to Members on the Chamber-web for use when they are in the plenary session.

3.12 The Committee had also noted that the practice of declaring interests after making a plenary contribution detracted from the importance of the requirement and had led to some confusion. Declarations should be made at the start of a Members' contribution. The Chair discussed this with the Presiding Officer who subsequently reminded Members of their responsibilities. The Committee hopes that this matter is now resolved.

Indirect Interests

3.13 The Committee's review of the *Guidance on the Registration and Declaration of Members Interests* identified a number of inconsistencies in the requirements for Members to declare and register "indirect interests".

3.14 There is 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 have 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.

3.15 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. However, because of the criminal sanctions that would arise from non-registration and non-declaration, the definitions of Indirect Interests would need to be tightened. The Committee's recommendations on this will be brought before the Assembly in the autumn.

Members' Freemasonry

3.16 In March 2001, the Presiding Officer invited the Committee to consider the Assembly's requirement for Members to register their membership of the Freemasons in the statutory Register of Interests. Mr James R Bevan, Provincial Grand Secretary, Province of South Wales Eastern Division and Mr John Hamill, Director of Communications for the United Grand Lodge of England attended the Committee meeting on 4 April and made a presentation about the history, policies and principles of the Freemasons. They emphasised that their principal concern was that the Freemasons were the only fraternal organisation whose membership had to be included in the Register.

3.17 The Assembly is awaiting a decision from the Human Rights Court in Strasbourg on a case being heard under the European Convention on Human Rights. The Committee will consider the issue again in the light of that judgement and report to the Assembly.

Protocol with Police

3.18 Arrangements have been made with South Wales Police to extend the existing protocol with them to other police forces in Wales.

Review of Procedures

3.19 The Assembly's rules and procedures relating to standards of conduct have evolved over the first two years of its life and the Committee believe that an overarching review of these procedures would be timely and appropriate. The review will encompass the Committee's jurisdiction; the effectiveness of the complaints procedure; the role of the Independent Advisor on Standards of Conduct; and comparable arrangements in other democratic institutions in the UK. The Committee is in the process of appointing someone to conduct the review and will report to the Assembly on its conclusions in due course.

4. The Committee's Conclusions in respect of Ethical Standards (SO 16.1(v))

4.1 As noted above, only four complaints were referred to the Committee during the period of this report. Three related to breaches of Assembly guidance on the use of resources. From the evidence presented to the Committee there seem to be few grounds for concern about the ethical standards of its Members.

4.2 However, the Committee is aware that the potential to use its procedures and resources for the pursuance of party political advantage remains. The Committee would be concerned if this type of activity were allowed to affect its ability to carry out its serious role.

**STANDARDS COMMITTEE
NOVEMBER 2000**

STANDING ORDER 16 - Committee on Standards of Conduct

Title and Terms of Reference

16.1 There shall be a Committee on Standards of Conduct, which shall:

- (i) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Presiding Officer that a Member has not complied with standing order 4 or any Assembly resolution relating to the financial or other interests of Members, or that an Assembly Secretary has not complied with the requirements of paragraph 2.8;
- (ii) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Presiding Officer that a Member has not complied with any Assembly resolution relating to Members' standards of conduct or with the guidance for Assembly Secretaries which the Assembly has approved in accordance with paragraph 2.7;
- (iii) consider any matters of principle relating to the conduct of Members generally;
- (iv) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests, and the form and content of the Register; and
- (v) present an annual report to the Assembly on the complaints made to the Presiding Officer under (i) and (ii) and the action taken, and on its conclusions in respect of ethical standards in the conduct of the Assembly's business.

Membership

16.2 The Assembly shall elect a Member to chair the Committee, together with other Members elected so far as practicable to reflect the balance of political groups in the Assembly. The Presiding Officer shall not be a member of the Committee, but shall be entitled to attend any meeting of the Committee, or submit papers to it, for the purpose of drawing to its attention such considerations as he or she considers appropriate.

Independent Adviser

16.3 The Assembly shall appoint a person who is not an Assembly Member or a member of its staff to provide advice and assistance to the Presiding Officer on any matter relating to the conduct of Members; and the Committee may, in addition to the appointment as appropriate of its own advisor under paragraph 8.14, invite the Assembly's appointee to investigate factual matters arising out of any matter before it.

Meetings

16.4 The Committee shall meet as soon as may be after a complaint has been laid before it by the Presiding Officer; and at other times as convened by the chair.

16.5 The Committee may meet in public or in private, but when considering a complaint, the Committee shall meet in private unless it resolves otherwise. Any Member who is or may be the subject of an investigation by the Committee shall at his or her request be permitted to make oral or written representations to it and may be accompanied at oral hearings by another person (who may participate in the proceedings with the permission of the chair).

Reports

16.6 If the Committee has investigated a complaint laid before it by the Presiding Officer, it shall report to the Assembly as soon as may be after completion of the investigation. The Committee may report to the Assembly on other matters within its remit from time to time.

**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 consideration 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

**NATIONAL ASSEMBLY FOR WALES
STANDARDS COMMITTEE FORTH REPORT 2000 - C007-00**

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 she could make representations to the Committee if she 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.

Summary of the Committee's consideration

7. The complaint against the Member was made by a member of the public. The crux of the allegation was that an Assembly Member had used Assembly stationery to write an unsolicited party political letter to the complainant, in response to a letter that he had written (and been published) in a newspaper. 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 case again raised the issue of guidance on the use of resources and the grey area that exists on the definition of matters such as "party political". The Committee reached the view that the letter would have been a probable

breach of the guidance, had it been available at the time the letter was sent. It reiterated its view that there was a need for more explicit guidance and perhaps some templates to serve as a guide to what was and wasn't acceptable. It resolved that the House Committee should be asked to provide further guidance for Members and their staff.

Summary

11. This is the fourth report by the Standards Committee and the second on a complaint considered under the new procedure. The recommendation of the Independent Adviser on Standards was to dismiss the complaint since the guidance had not been formally issued at the time that the letter was sent. The Committee decided to accept the recommendation and to dismiss the case.

D MELDING

Chair of Standards of Conduct Committee
November 2000

THE NATIONAL ASSEMBLY FOR WALES: COMMITTEE ON STANDARDS OF CONDUCT

**REPORT 01-2001 - Presented to the National Assembly for Wales
on 26th January 2001 in accordance with Standing Order 16.6**

COMPLAINT AGAINST ALUN CAIRNS AM

Purpose and Scope of Report

1. This is a report to the Assembly by the Committee on Standards of Conduct under Standing Order 16.6 about a complaint which it has considered against Alun Cairns AM. The complaint related to a breach of the Code of Standards for Assembly Members adopted by the Assembly on 18 May 1999, by the inappropriate use of Assembly stationery.

Standards Committee Terms of Reference

2. Standing Order 16(ii) provides for the Committee on Standards of Conduct to:

Investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Presiding Officer that a Member has not complied with any Assembly resolution relating to Members' standards of conduct.....

An extract from Standing Orders which sets out the Committee's remit in full is at Annex A. A list of the Committee's membership is at Annex B.

The Complaint

3. The complaint against Mr Cairns was that he had inappropriately used the free stationery and postage facilities provided by the Assembly for political aims. Mr Cairns had written to a constituent on 18 May 2000 on Assembly headed note-paper inviting her to attend a meeting at Penllergaer Primary School on 24 May 2000 to

“obtain her views and ideas on how the National Assembly can best work for her”.

The letter also contained a number of references to various high-profile national and local issues where Mr. Cairns claimed that the Conservative Party

had been effective. Mr. Cairns told the Committee that this was one of a series of such meetings for constituents and that he sent the letter to about 120 of his constituents in the Penllergaer area selected at random from the electoral register. The letters were all personally addressed on the face of the letter and on the National Assembly envelope in which they were sent.

4. The constituent did not attend the meeting on 24 May although she returned a reply slip to Mr Cairns indicating that she did intend to attend. Mr Cairns told the Committee that because of this indication she received a further letter from him dated 2 June 2000, again on Assembly headed note-paper and personally addressed, thanking her for attending the meeting and encouraging a continued dialogue. In the penultimate paragraph of that second letter Mr. Cairns said:

“Finally, a number of people expressed an interest to join Gower Conservative Association and therefore, enclosed is an application form for that purpose”.

A Membership Application Form to join Gower Conservatives was enclosed with his letter.

5. Paragraph 5 of the *Code of Standards for Assembly Members* adopted by the Assembly on 18 May 1999 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 payments and allowances must be strictly observed”.

Summary of the Committee’s Investigation

6. The complaint was dealt with in accordance with a procedure approved by the Standards Committee on 6 July 2000 following consultation with all Assembly Members.

7. The complaint was made to the Presiding Officer on 16 June 2000. He invited the Independent Adviser on Standards to conduct a preliminary investigation to establish whether it should be considered fully by the Committee on Standards of Conduct. He concluded that it was a formal complaint properly presented by the complainant on a matter that fell within the jurisdiction of the Committee. In the light of the report on the preliminary investigation the Presiding Officer decided to refer the complaint to the

Committee and to ask the Independent Adviser to undertake a formal investigation to establish the facts of the case.

8. The Independent Adviser reported to the Committee on 6 November. A copy of his report was also sent to Mr Cairns. The Committee met on 6 December to consider the complaint. The public were excluded in accordance with Standing Order 16.5. Mr Cairns made oral and written representations to the Committee and answered questions from members. The Committee wishes to record that Mr Cairns fully co-operated with the process throughout.

9. In the course of the Committee's investigation, Mr Cairns confirmed that he was generally aware of the Code of Standards for Assembly Members and that he had always tried to use common sense in applying the principles of the Code. He did not take any advice about this particular initiative nor the correspondence that was involved. He was not aware of what were then the draft rules on the Use of Assembly Resources (he is not a member of the House Committee which had drafted the rules). He was not aware at the time he sent the letters of the details of the complaint against another Assembly Member nor had he seen the First Report of the Standards Committee that dealt with the details of that complaint.

10. Mr Cairns emphasised to the Independent Adviser that this initiative was not meant to be a party political initiative - rather, he saw it as an attempt to raise the profile of himself as a regional Assembly Member and of the Assembly generally. The meetings were deliberately organised in 'neutral' venues such as schools and anyone who had attended the meetings would have heard him say, even to the point of over-emphasis, that the meetings were not 'political' events. He did not regard the letters as 'circulars' and confirmed that they were all individually addressed to those invited.

11. Mr Cairns was concerned to explain that the letter of 2 June proposed a continuation of the dialogue with those constituents who had attended the meeting on 24 May and who had thereby shown an interest in such a dialogue and the inclusion of an application form to join the Gower Conservative Association was a specific response to the request of a number of those who had attended the meeting to know more about the work of the Conservative Party in Wales. Mr. Cairns was very clear in his response to the Independent Adviser that this 'follow-up' letter proposing the continuing dialogue would have been sent irrespective of the inclusion of the application form to join the Gower Conservative Association - he described the application form as an 'aside'. The constituent received the second letter because by her reply to the first letter she had indicated that she was interested in the dialogue even though she did not attend the meeting. With benefit of hindsight he accepts that it was not appropriate to include an application form to join the Gower

Conservative Association with his letter of 2 June which action he concedes was a breach of the Code of Standards.

Committee's Conclusion

12. The Committee has noted the Adviser's report and the representations made by Mr Cairns.

13. The Committee considers that Mr Cairns' letter dated 18 May 2000 can be seen on balance as a letter from an Assembly Member to a constituent promoting discussion of relevant local issues rather than as a vehicle for party political or campaigning purposes.

14. However, the Committee has concluded that the second letter from Alan Cairns AM to the constituent dated 2 June 2000 was sent amongst other things for the purpose of recruiting new members to his political party because it included an application form to join the Gower Conservative Association.

15. The Committee considers that the use of the free stationery supplied by the Assembly for this purpose was an improper use of an allowance made to a Member for public purposes. In the Committee's opinion there is accordingly a breach of Paragraph 5 of the Code of Standards for Assembly Members.

16. The complaints procedure is intended to preserve as much anonymity as possible to protect all concerned. Because the Committee has decided that the complaint should be upheld, the report identifies Mr Cairns. However other names, including that of the complainant, have been withheld to protect confidentiality

Committee on Standards Of Conduct January 2001

MEMBERSHIP OF THE COMMITTEE ON STANDARDS OF CONDUCT

David Melding (Chair)	South Wales Central	Conservative
Cynog Dafis	Mid and West Wales	Plaid Cymru
Janice Gregory	Ogmore	Labour
Christine Gwyther	Carmarthen West & South Pembrokeshire	Labour
Brian Hancock	Islwyn	Plaid Cymru
Christine Humphreys	North Wales	Liberal Democrats
Gareth Jones	Conwy	Plaid Cymru
Karen Sinclair	Clwyd South	Labour

Gwenda Thomas

Neath

Labour

Clerk
Deputy Clerk

Andrew George
Jill Thomas

Independent Adviser on
Standards

Richard Penn

THE NATIONAL ASSEMBLY FOR WALES: COMMITTEE ON STANDARDS OF CONDUCT

**REPORT 02-2001 - Presented to the National Assembly for Wales
*On 10 July 2001 in accordance with Standing Order 16.6***

COMPLAINT AGAINST A MEMBER

Purpose and Scope of Report

1. This is a report to the Assembly by the Committee on Standards of Conduct under Standing Order 16.6 about a complaint which it has considered against a Member. The complaint was that because of the inappropriate use of an email received by the Member, there was a breach of the Code of Standards for Assembly Members adopted by the Assembly on 18 May 1999 in relation to the requirements in the Code about "public duty" and "openness".

Standards Committee Terms of Reference

2. Standing Order 16(ii) provides for the Committee on Standards of Conduct to:

Investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Presiding Officer that a Member has not complied with any Assembly resolution relating to Members' standards of conduct....

An extract from Standing Orders which sets out the Committee's remit in full is at Annex A. A list of the Committee's membership is at Annex B.

The Complaint

3. The complaint against the Member was that the Member had distributed private correspondence to all Assembly Members and their Support Staff without the complainant's consent. It was alleged that this had breached the Code of Conduct for Assembly Members in respect of the requirements of 'public duty' and 'openness'.

Summary of the Committee's Investigation

4. The complaint was dealt with in accordance with a procedure approved by the Standards Committee on 6 July 2000 following consultation with all Assembly Members.

5. The complaint was made to the Presiding Officer on 26 March 2001. He invited the Independent Adviser on Standards to conduct a preliminary investigation to establish whether it should be considered by the Committee on Standards of Conduct. The Independent Adviser concluded that it was a formal complaint properly presented by the complainant on a matter that fell within the jurisdiction of the Committee. In the light of the report on the preliminary investigation the Presiding Officer decided to refer the complaint to the Committee and to ask the Independent Adviser to undertake a formal investigation to establish the facts of the case.

6. The Independent Adviser reported to the Committee on 21 June 2001. A copy of his report was sent to the complainant and to the Member. The Committee met on 28 June to consider the complaint. In accordance with the Complaints Procedure the public were excluded in accordance with Standing Order 16.5. The Member (who was accompanied by a friend in accordance with the Procedure) made oral representations to the Committee and answered questions from members.

Committee's Conclusion

7. The Committee has fully considered the Adviser's report and the representations made by the Member.

8. In the light of all the available evidence, the Committee considers that the Member's actions did not breach the Code of Conduct for Assembly Members in respect of the requirements of 'public duty' and 'openness'.

9. However, the Committee acknowledged that the Assembly's Guidance on the Use of Assembly Resources in respect of email services needs to be clarified and strengthened and it resolved to refer this issue to the House Committee for further consideration.

10. The complaints procedure is intended to preserve as much anonymity as possible to protect all concerned. Because the Committee has decided that the complaint should not be upheld, this report does not identify the Member or the complainant, nor give any details of the complaint which might lead to their identification.

Committee on Standards of Conduct July 2001

MEMBERSHIP OF THE COMMITTEE ON STANDARDS OF CONDUCT

David Melding (Chair)	South Wales Central	Conservative
Eleanor Burnham	North Wales	Liberal Democrat
Cynog Dafis	Mid and West Wales	Plaid Cymru
Janice Gregory	Ogmore	Labour
Christine Gwyther	Carmarthen West & South Pembrokeshire	Labour
Brian Hancock	Islwyn	Plaid Cymru
Gareth Jones	Conwy	Plaid Cymru
Karen Sinclair	Clwyd South	Labour
Gwenda Thomas	Neath	Labour
Clerk	Andrew George	
Deputy Clerk	Jill Thomas	
Independent Adviser on Standards	Richard Penn	