
**ANNUAL REPORT OF THE
NATIONAL ASSEMBLY FOR WALES'
COMMITTEE ON
STANDARDS OF CONDUCT**

2003 - 2004

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1999-2004

COMMITTEE ON STANDARDS OF CONDUCT

REPORT TO THE ASSEMBLY

1. Introduction

- 1.1 This is the fifth annual report to the National Assembly for Wales by its Committee on Standards of Conduct, as required by Standing Order 16. It covers the period from 1 August 2003 to 31 December 2004. The reporting period for this report has been extended, to make it more contemporaneous with the date of the annual debate.
- 1.2 The Committee on Standards of Conduct is one of the Assembly's six Standing Committees. Membership of the Committee during the period of the report was:

Chair

Kirsty Williams, Brecon and Radnorshire (maternity leave from 12.05.04 to 05.10.04)

Mick Bates, Montgomeryshire (from 12.05.04 to 05.10.04)

Membership

Jeff Cuthbert, Labour, Caerphilly

David Davies, Conservative, Monmouth

Jocelyn Davies, Plaid Cymru, South Wales East

Tamsin Dunwoody Kneafsey, Labour, Preseli Pembrokeshire

Sandy Mewies, Labour, Delyn

Lynne Neagle, Labour, Torfaen

Gwenda Thomas, Labour, Neath

Owen John Thomas, Plaid Cymru, South Wales Central

Brynle Williams, Conservative, North Wales

- 1.3 During the reporting period, the Committee met on 6 occasions. In accordance with Standing Orders, its meetings were held in public. Details of the Committee's work programme and activities during the year are outlined below. [\[top\]](#)

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 of Standing Order 16 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. [\[top\]](#)

3. Complaints

3.1 A summary of all complaints against Assembly Members since the inception of the National Assembly can be seen at [Annex B](#). During the period of the Report, only two complaints were referred to the Committee for consideration - both of which were dismissed unanimously. [Committee Reports](#) in relation to these complaints have been laid before the Assembly.

3.2 Although only two complaints were referred, the Committee faced considerable difficulties and new challenges during this period. For the first time, we saw the withdrawal of the Independent Adviser from a complaint. This meant that an additional Independent Adviser needed to be appointed by the Assembly, with the sole remit of investigating that particular complaint.

3.3 This was new territory for the Committee, but following earlier consideration it was agreed to contact other UK legislatures, to seek nominees to undertake this investigation. The Committee is very grateful for the offers of assistance from each of the UK parliaments, which resulted in the appointment of Mr Tom Frawley, Assembly Ombudsman for Northern Ireland. The Committee would like to formally extend its thanks to Mr Frawley for all his efforts in relation to this complaint.

3.4 The Committee also faced for the first time the unauthorised disclosure of a confidential report made to the Committee, by the Independent Adviser, into a complaint made against an Assembly Member. The Committee was united in condemning the apparently deliberate release of this report as a clear breach of trust, and unanimously agreed to investigate the unauthorised disclosure. The [Committee's Report](#) in relation to this 'leak' was laid before the Assembly on 17 January 2005. [\[top\]](#)

4. Work Programme and Activities

- 4.1 The Committee's workload continued to be high. The Committee considered a number of long term and detailed issues, and much work was undertaken during the year on the following items:

Forward Work Programme

- 4.2 In July 2003, the Committee agreed a forward work programme, which outlined the areas that would be the main focus of its work for the coming 2 years.
- 4.3 Three significant areas of work were prioritised:
- i) The Review of Standards Procedures in the Assembly by Professor Woodhouse on the Assembly's Standards of Conduct arrangements;
 - ii) Freemasonry; and
 - iii) The Future Role of the Independent Adviser.
- 4.4 These three areas have formed the majority of the Committee's work during this period, and will continue to do so over the coming months. The Committee will look to adopt early in 2005 its forward work programme for the forthcoming 2 years. [\[top\]](#)

Review of Standards Procedures

- 4.5 The Committee continued to consider and implement the recommendations contained in the [report by Professor Diana Woodhouse](#) of her review of Standards Procedures in the Assembly.
- 4.6 The review focused on five main areas: the Committee's jurisdiction; the effectiveness of the Complaints Procedure; the role of the Presiding Officer; the role of the Independent Adviser on Standards of Conduct; and comparable arrangements in other democratic institutions in the UK; and made 31 main recommendations in the following broad areas:
- i) the content and presentation of the Code of Standards;
 - ii) the matters and amounts that should be registered in the Register of Members' Interests;
 - iii) roles in respect of providing advice to Members and in the investigation of complaints against Members;
 - iv) the conduct of complaints hearings and the sanctions available against Members found in breach;

- v) the role of the political groups in maintaining a “Standards Culture”;
and
- vi) matters where changes in primary legislation are required.

4.7 The Committee made significant progress during the year towards implementing many of the report's recommendations. This occupied much of the Committee's time during this period, and will continue to form the cornerstone of the Committee's Forward Work Programme over the next year. [\[top\]](#)

Freemasonry

4.8 Following the Assembly elections in 2003, the Committee reconsidered the Assembly's requirement for Members to register their membership of the Freemasons in considerable detail and at length. The Committee concluded that the conclusions presented to Plenary in November 2002 were fundamentally correct. Namely that:

- ◆ There is no conclusive evidence of misconduct against the Freemasons as an organisation.
- ◆ It was difficult to establish that the Freemasons are a unique organisation, which might then justify treating them differently to all others.
- ◆ No other legislature in the UK had a similar requirement to Register membership of the Freemasons.

4.9 In particular, the Committee considered that while a significant risk of legal action against the Assembly remained, it was important to focus on the issue of fairness and for the Assembly be seen to be acting consistently and fairly in relation to human rights. As a result the Committee agreed to recommend that Assembly Members should register their membership of all clubs that have a 'closed' membership.

4.10 It is the aim of the Committee to report to the Assembly in Plenary in due course. [\[top\]](#)

Independent Adviser on Standards of Conduct

4.11 Standing Order 16.3 requires the Assembly to appoint a person to provide advice and assistance to the Presiding Officer on any matter relating to the conduct of Assembly Members and to assist the Committee, by invitation, in its investigations. Mr Richard Penn was appointed as the Assembly's Independent Adviser on Standards of Conduct on 15 March 2000.

- 4.12 The Committee acknowledges the vital role that the Independent Adviser plays in assisting both the Presiding Officer and the Committee on Standards of Conduct. Mr Penn has been active in both roles and the Committee would like to thank him for his contribution to their work. [\[top\]](#)

The Future Role of the Independent Adviser

- 4.13 The role of the Independent Adviser is one of the 5 main themes of the Report produced by Professor Diana Woodhouse. The Committee has considered the recommendations made by Professor Woodhouse in some detail, and at length, during the last year, and has recommended the establishment of the post of National Assembly Commissioner for Standards, to supersede the role of Independent Adviser. This post will initially be non-statutory, but the Committee has agreed in principle that a case should be made for a statutory Commissioner when a suitable legislative opportunity arises.
- 4.14 The Commissioner shall be responsible for providing advice and assistance to the Presiding Officer on any matter relating to the conduct of Assembly Members and may be called upon to provide factual advice to the Assembly's Committee on Standards of Conduct on any matter before it. In addition, the Commissioner will have responsibility for the general overview of the Register of Members interests, with scope to recommend policy initiatives in relation to the Register.
- 4.15 Standing Orders changes have been approved by the Committee, which will provide the Commissioner with greater autonomy and a more central role in the complaint process. These Standing Order changes will be taken to Plenary for approval in early 2005.
- 4.16 The appointment process for the Commissioner for Standards is well underway. Formal appointment will be made by the Assembly in accordance with Standing Orders, the Committee hopes to be in a position to recommend appointment in March 2005. [\[top\]](#)

Code of Conduct for Assembly Members

- 4.17 In November 2003 the committee approved a new [Code of Conduct for Assembly Members](#) to replace the original Code of Standards for Assembly Members which had been adopted in May 1999. The proposal for a revised Code arose from specific recommendations contained in the Woodhouse report, which called for a new Code that:
- ◆ incorporated current Guidance and Protocols in a coherent way; and

- ◆ included specific sections on its purpose and the conduct required of Members.

4.18 The new Code of Conduct was approved in Plenary on 14 January 2004. [\[top\]](#)

Complaints Procedure

4.19 The effectiveness of the Complaints Procedure is another of the 5 main themes of the Report produced by Professor Diana Woodhouse, and formed a high percentage of the Report's recommendations. Over the last 12 months, the Committee has worked to produce a new procedure that takes account of the recommendations made. The new Complaints Procedure was approved by the Committee in November 2004, and will be implemented subject to the approval of the necessary Standing Order changes. [\[top\]](#)

The Register of Members' Interests

- 4.20 The [Register of Members' Interests](#) is maintained and published by the Table Office in accordance with the published guidance and Standing Orders. A 'live' report on the Register is available on-line and is updated as entries are received.
- 4.21 The Clerk to the Committee reports on developments with the Register at Committee meetings. The Table Office continues to receive queries in relation to the interests of individual Members and Assembly Members as a whole. Queries received are in the main from members of the public or the press. Interest in the Register during the period of this Report was high.
- 4.22 Following concerns that had been expressed by Assembly Members, the Committee considered and approved a redesigned form for the Registration of Members' Interests. The new forms include basic guidance and indicate to Members the key requirements for Registration. The redesigned form has been approved by the Presiding Officer and circulated to Members for use.
- 4.23 The Committee also approved revised guidance on Registration and Declaration of Members' Interests in relation to a) Land and Property - to offer further guidance on personal residential properties; and b) the Employment of Dependent Children. This revised guidance will be submitted for Plenary consideration in early 2005. [\[top\]](#)

Other Issues

4.24 Over the period of the report the Committee also considered and provided advice to the Presiding Officer and others on a range of issues. These included, the unauthorised disclosure of Committee reports and the draft Code of Conduct for Members of the House Committee. [\[top\]](#)

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

5.1 From the evidence presented to the Committee during the period of this Report, there seem to be few grounds for concern about the ethical standards of Members. Good progress has been made in strengthening the system for monitoring and maintaining high standards of conduct by Assembly Members, and in trying to prevent breaches of those standards through improved guidance and help to Members.

5.2 The Committee believes, however, that there can be no grounds for complacency if the highest levels of ethical standards are to be maintained. The Committee will continue to consider, as part of its on-going review of Standards procedures, how to build upon current ethical standards to create a 'Standards Culture' in the Assembly. 2005 will see significant steps towards this, with the appointment of a Standards Commissioner, and approval of the improved procedure for dealing with complaints. [\[top\]](#)

COMMITTEE ON STANDARDS OF CONDUCT, December 2004

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 a Minister 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 Ministers which the Assembly has approved in accordance with paragraph 2.7 or the Code of Conduct under Standing Order 36.14;

(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 adviser 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).

16.6 The chair may, after consulting the Presiding Officer, call a meeting of the committee in a week in which the Assembly is not holding a Plenary meeting in order to consider a matter of urgent public importance.

Reports

16.7 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.

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Annex B

Standards of Conduct

Summary of Complaints against Assembly Members: 1999 to December 2004

	Complaints referred to Independent Adviser ¹	Complaint Dismissed by Presiding Officer	Complaint Withdrawn by Complainant	Referred to Standards Committee	Dismissed by Committee	Upheld by Committee	Not yet Resolved ²
1999	0	0	0	0	0	0	0
2000 ³	13	8	0	5	4	1	0
2001	6	4	0	2	1	1	0
2002	9	8	1	0	0	0	0
2003	8	7	0	1	1	0	0
2004	10	7	1	1	1	0	1
Total	46	34	2	9	7	2	1

Notes

¹ Includes only complaints which satisfied the criteria in Stage 4 of the Preliminary Phase of the Assembly's Complaints Procedure

² 1 complaint under investigation by Independent Adviser as at 31/12/04.

³ The National Assembly for Wales Procedure for Dealing with Complaints against Assembly Members was approved by the Standards of Conduct Committee on 6 July 2000. [\[top\]](#)