

Nineteenth report to the Sixth Senedd under Standing Order 22.9

January 2025



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About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddStandards

Current Committee membership:



Committee Chair:
Hannah Blythyn MS
Welsh Labour



Mick Antoniw MS
Welsh Labour



Peredur Owen Griffiths MS
Plaid Cymru



Samuel Kurtz MS
Welsh Conservatives

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Recommendations

Recommendation 1. The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure, that a breach has been found but no further action is required. Page 9

1. Introduction

1. The terms of reference of the Standards of Conduct Committee (“the Committee”) are set out in Standing Order 22¹. In accordance with the functions set out in Standing Order 22.2, the Committee must:

“investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards.”²

2. This report is made to the Senedd under Standing Order 22.9 and paragraph 8.23 of the Procedure for Dealing with Complaints against Members of the Senedd³ (“the Procedure”) in relation to a complaint made against Andrew RT Davies MS.

3. The report from the Commissioner for Standards (“the Commissioner”) on his investigation of the complaint is attached at Annex A. It sets out the details of the complaint and the findings of the Commissioner’s formal investigation.

4. This report sets out the details of the complaint and the Committee’s deliberations in arriving at its decision.

5. A copy of this report has been provided to the Member concerned and the Complainant.

¹ [Standing Orders](#)

² [Standing Order 22.2\(i\)](#)

³ [The Senedd’s Procedure for Dealing with Complaints Against Members of the Senedd](#)

2. Consideration of the Complaint

6. The Commissioner received a complaint about the Member's failure to declare a relevant interest as a farm owner, when asking an oral question in Plenary on 13 November 2024 on the impact of the 2024 budget on farm owners in Wales.

7. In this assessment of the complaint, the Commissioner considered that Standing Order 13.8A (Declaration of Relevant Interests) was the most relevant:

13.8A Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.

8. The Committee met on 10 December 2024 and 14 January 2025 to consider the Commissioner's report and reach its conclusion in respect of this complaint.

3. Committee's Consideration of its Decision

9. The Committee considered whether the Member was in breach of Standing Order 22.2(i).⁴

10. In considering whether a breach took place, the Committee reviewed the findings of the Commissioner as set out in his report. The Committee also took further oral evidence from the Commissioner at its meeting of 14 January.

11. The Member did not avail himself of the opportunity to make written or oral representations to the Committee.

The Committee's decision

12. The Committee noted that the Member accepted that he was a partner in a farming business and that he did not declare an interest before asking his question. As referenced in the Commissioner's report, this was considered a decision by the Member not to declare, rather than an oversight.

13. The Committee also noted that the Commissioner had:

"... no doubt that the admitted fact that the Member was a partner in a farming business might reasonably be thought by some to have influenced his contribution to the discussion on 13 November."

14. The Committee considered that the Commissioner's report was very clear in its conclusion, and that there is no ambiguity in the Standing Order. Therefore we conclude that the Member failed to comply with the requirement to declare a relevant interest.

The Committee finds that Andrew RT Davies failed to comply with Standing Order 13.8A.

The Committee's recommendation

15. The Committee considers failure to comply with Standing Orders to be a serious matter. Failure to declare a relevant interest when speaking in Plenary is problematic, as the Committee believes that transparency is an important principle which Members should all work to uphold. The reputation of the

⁴ [Standing order 22.2\(i\)](#)

Senedd as an institution, and the public's trust and confidence in it, rely on Members demonstrating integrity and leadership through their actions.

16. The Commissioner for Standards and the Committee have dealt with a number of complaints relating to the Member during the Sixth Senedd, all of which have been of a relatively minor nature. Repeated breaches, even of a minor nature, are a cause of concern for this Committee and suggest a disregard for the decisions it makes. Should the Committee find the Member to have breached the Code of Conduct in future, the total number of breaches made by the Member will be taken into consideration, which is likely to result in the recommendation of a sanction that reflects the totality of the breaches.

17. On this occasion the Committee was satisfied that the explanation provided by the Member for not declaring was as a result of misinterpretation rather than seeking to purposefully conceal an interest. However, we would like to highlight the duty on Members to seek advice on interests, which is readily available from the Registrar of Members' Interests through the Senedd's Table Office.

18. Although we consider the Member to have failed to comply with Standing Orders, we do not consider that any further action is warranted.

Recommendation 1. The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure, that a breach has been found but no further action is required.

4. Lessons learnt from this complaint

19. Members of the Senedd are required to declare both registerable and relevant interests. Although the interests are categorised differently, the purpose behind both is to ensure there is transparency around Members' contributions.

20. The Committee would like to remind Members of the importance of considering Standing Orders 13.8A and 17.24A before speaking in Plenary or a Committee on any item that they may have a relevant interest in. As set out in the guidance, the declaration itself should be sufficiently informative to enable the listener to understand the nature of the interest being declared, it is not enough to say 'I have an interest in the matter under discussion'. Members must have candour in deciding when to declare an interest. Members should consider whether their interest is something that could be reasonably considered by anyone watching to be a relevant interest, and should not assume that people outside of the Senedd are aware of their interests.

21. All matters which are raised on the floor of the Senedd are covered by the requirements of those Standing Orders. Just because a matter is reserved does not mean that the requirement for Members to declare interests do not apply.

22. In correspondence with the Commissioner, the Member draws parallels with other taxation such as income tax and national insurance. General taxation and other issues which impact all Members are far less likely to be reasonably thought to have influenced an individual Member's contribution, than taxation and other policies that only impact some Members.

23. The Committee is undertaking work on registration and declaration of interests and will ensure that such considerations are set out clearly within the guidance. Further advice may be sought from the Registrar of Members' Interests through the Senedd's Table Office.

Annex A – Report from the Commissioner for Standards

REPORT

by

SENEDD COMMISSIONER FOR STANDARDS

of the investigation of a complaint against

ANDREW R T DAVIES MS

1. Introduction

1.1 On 13 November 2024 Miles Pateman (“the Complainant”) submitted a complaint to me about the conduct of Andrew R T Davies MS (“the Member”).¹ In it he complained that during plenary 13 November 2024 when “*asking a question (OQ61855e) about the impact of the 2024 budget on farm owners in Wales, Mr Davies (“the Member”) failed to disclose that he himself is a farm owner.*” I have considered the complaint in accordance with the Procedure for Dealing with Complaints against Members of the Senedd (“the Procedure”).

1.2 As required by paragraph 7.4(e) of that Procedure the complaint and all the evidence I relied upon in forming my opinion are given in the footnote references.

2. The investigation

2.1 On 18 November I told both parties that I was obtaining legal advice before deciding the admissibility of the complaint. On 19 and 20 November I told the parties that, having considered that advice, I was satisfied that whilst the conduct complained of could not amount to a breach of Standing Order 2.6 (Declaration of Registerable Interests) it could, if proved, amount to a breach of Standing Order 13.8A (Declaration of Relevant Interests). I also told them that I had decided that the complaint was admissible insofar as it related to a breach of that Standing Order and that I had started my investigation of it. I offered the Member a meeting to discuss the procedure I intended to follow and posed him four questions including whether there was any further information he wished to provide to assist me in my investigation.^{2 3}

2.2 The Member responded the same day⁴. On 22 November I wrote to the Member seeking an explanation of matters in his response “*together with any other evidence or information you wish me to consider before completing my investigation.*”⁵ The Member responded on 26 November.⁶

¹ [Complaint](#)

² [Letter Commissioner – Complainant 19 November 2024](#)

³ [Letter Commissioner – Member 20 November 2024](#)

⁴ [Letter Member – Commissioner 20 November 2024](#)

⁵ [Letter Commissioner – Member 22 November 2024](#)

⁶ [Letter Member – Commissioner 26 November 2024](#)

2.3 Having considered the complaint and all the information provided by the Member I was satisfied that no further investigation was required.

2.4 On 27 November I sent both parties a copy of my findings of fact and told them that they had until 4 December to submit written corrections or representations about them. I made clear that in the absence of corrections or representations the facts would be deemed admitted.^{7 8} Neither party submitted corrections of representations.

3. Findings of Fact

I found the following facts established –

1. On 13 November 2024 the Member was a partner in a farming business, namely, T J Davies and Sons.
2. On that date the Member took part in plenary proceedings concerning his OQ 61855 ‘What assessment has the Cabinet Secretary made of the impact on Welsh agriculture of the UK Government autumn budget’.
3. The Member did not declare a relevant interest before or whilst taking part in those proceedings.

4. Consideration

4.1 Standing Order 13 .8A provides –

“Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member’s contribution.”

4.2 It follows that it is irrelevant whether the interest in question was financial, whether it did in fact influence the Member’s contribution to proceedings or whether the interest was public knowledge. All that is required is that the Member had an interest which was relevant to the proceedings and that it might reasonably have been thought by others to influence that Member’s contribution.

4.3 In his letter of 20 November, the Member accepted that on 13 November he was a partner in a farming business and that he did not declare an interest before taking part in the plenary proceedings relating to his oral question about the impact on the UK Government budget on farm owners in Wales. He said that he had considered whether he should declare an interest but had decided not to because the *proceedings “related to a national issue that was not the responsibility of the Senedd, and that it affected the entire community rather than applying particularly to*

⁷ [Letter Commissioner – Complainant 27 November 2024](#)

⁸ [Letter Commissioner – Member 27 November 2024](#)

me.” He contended that there was *“a long established practice that members (sic) do not typically declare an interest in plenary if matters are not particular to them.”* He also questioned whether I should be dealing with the complaint stating *“Furthermore, the questioning was undertaken in plenary and it is my understanding that the interpretation of Standing Orders falls under the jurisdiction of the Presiding Officer.”*

- 4.4 In his letter of 26 November, the Member sought to make a distinction between the lack of a declaration on 13 November and the declaration of interest made on his behalf when tabling WQ94922 and by him in plenary on 20 February 2024. He contended that the debate on that date and the subject of the Written Question related to a devolved matter whereas the proceedings on 13 November concerned a reserved matter. He also said *“It is no secret that I am a farmer and it is something I discuss publicly frequently. I have spoken publicly about the impacts of the proposed changes to agricultural property relief will have on all farmers, including our farm in the Vale of Glamorgan. It is not something that I have ever tried to conceal. If it is deemed appropriate, I will gladly ask for the Record of proceedings to be updated to include a referenced to my role as a farmer.”*
- 4.5 I have given careful consideration to all the representations made by the Member. The legal advice I obtained confirmed my view that I was entitled to consider complaints about an alleged failure to declare an interest in plenary. This was confirmed in the Advice Note to Members: Declaring an Interest issued on 26 November where it is stated *“The Llywydd is also unable to rule on whether a Member should have declared a relevant interest or not. Under the Members’ code of conduct, alleged breaches of these Standing Orders can be referred to the Senedd Commissioner for Standards for investigation.* It is clear from the text of paragraph 3 of the Code of Conduct that whilst normally the conduct of Members during plenary will be dealt with by the Llywydd that is not always the case. I rejected the Members contention that should not deal with this complaint.
- 4.6 I also rejected the Member’s representations that it was not necessary for him to declare an interest because the proceedings were about a reserved matter and that there is *“a long established practice of Members not declaring an interest in plenary if matters under discussion are not particular to them”*. There is no substance to these representations which would appear to be based on a misunderstanding of the clear difference between the requirement to declare a financial interests under Standing Orders 2.6 and 2.7 and the requirement to declare a relevant interest under Standing Oder 13.8A.
- 4.7 I accept that the Member’s partnership in a farming business is properly declared as required by Standing Order 2.6 and that it is probable that few were disadvantaged by him not declaring an interest on 13 November. Whilst that might be considered a mitigating factor it has, as noted above, no relevance to the issue of whether the Member failed to comply with Standing Order 13.8A.

4.8 I have no doubt that the admitted fact that the Member was a partner in a farming business might reasonably be thought by some to have influenced his contribution to the discussion on 13 November. Whilst Standing Order 13.8A makes clear that it is for Members to decide if they have an interest that should be declared. This was not an instance of an oversight by the Member. He considered whether he was required to declare an interest and decided that he did not. I find it most surprising that an experienced Member could have made that decision. The long-standing advice, repeated by me during at least two awareness sessions attended by the Member, is that if in doubt Member's should err on the side of declaring an interest. I note also, that one of the example declarations given at paragraph 110 of the Guidance for Members on registration, declaration and recording of financial and other interests is *"I am a farmer with interests in land and animals which would be affected by the scheme."*

5. **Opinion**

It is my opinion that during plenary on 13 November 2024 the Member failed to declare a relevant interest, namely that he was a partner in a farming business, and so failed to comply with Standing Order 13.8A.

Douglas Bain CBE TD
Senedd Commissioner for Standards

5 December 2024