

Amending Standing Orders: Membership of the Standards of Conduct Committee

November 2021

In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Senedd, including any proposals for the re-making or revision of Standing Orders.

This report recommends amendments to Standing Order 22 relating to the membership of the Standards of Conduct Committee.

The Senedd is invited to approve the proposals to revise the Standing Orders as at Annex A. The amended Standing Orders, if approved, are at Annex B.



Contents

1. Background	3
2. Business Committee consideration	3
3. Decision	4
Annex A: Proposed changes to Standing Order 22, and explanatory notes.....	5
Annex B - Standing Order 22, as amended	7

1. Background

- 1.** Standing Orders 22.3 - 22.5 concern the membership of the committee responsible for the functions specified in Standing Order 22. In the Sixth Senedd the responsible committee is the Standards of Conduct Committee ('the Committee').
- 2.** Standing Orders 22.4 and 22.5 prohibit substitutes from attending meetings of the committee, except in the specified circumstances of a Member of the committee being subject to, or otherwise directly connected with, a complaint. Under those circumstances, Standing Order 22.5 enables a named alternate member from the same political group (elected under Standing Order 22.4A) to attend for the sole purpose of the consideration of the complaint.
- 3.** In addition to the consideration of complaints, the Standards of Conduct Committee also has responsibilities in relation to the regulation of Members' standards of conduct within the Senedd. The Chair of the Committee wrote to the Business Committee on 15 October 2021 outlining that, with one of its Members absent through illness, it has decided to pause its current work to review the Members' complaints procedure because it considers that such work should only proceed with cross party representation.
- 4.** The Committee requested that Standing Orders be amended to allow substitutes to attend meetings of the Committee when it is considering wider policy work, on the basis that it does not carry the same risks of perceptions of bias or interference as the consideration of complaints.

2. Business Committee consideration

- 5.** The Business Committee considered the matter at its meetings of 19 October and 9 November 2021, and decided to propose two changes to Standing Orders.
- 6.** The proposed changes to Standing Orders are outlined at Annex A. The changes would:
 - a. enable any Member from the same political group to substitute (under Standing Order 17.48) at meetings of the responsible committee under Standing Order 22 when it is conducting work that does not involve the consideration of complaints under Standing Order 22.2(i); and

Amending Standing Orders:

Membership of the Standards of Conduct Committee

- b. enable the alternate member from the same political group to replace a member of the responsible committee under Standing Order 22 for the consideration of complaints under Standing Order 22.2(i) if that member was unable to act.

7. The purpose of these changes is to avoid delays to the consideration of complaints and the wider work of the responsible committee caused by unforeseen absences of a member.

3. Decision

8. The Business Committee formally agreed the changes to Standing Orders on 9 November 2021. The Senedd is invited to approve the proposed new Standing Orders at Annex B.

Annex A: Proposed changes to Standing Order 22, and explanatory notes

STANDING ORDER 22 – Standards of Conduct		
Membership		Retain heading
22.3	The Presiding Officer must not be a member of the responsible committee, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.	Retain Standing Order
22.4	Subject to Standing Order 22.5, Standing Order 17.48 must not apply to the responsible committee <u>when it is considering matters under Standing Order 22.2(i).</u>	<p>Amend Standing Order</p> <p>The amendment allows for members of the responsible committee under Standing Order 22 to be represented by another member of the same political group at a meeting, or part of a meeting, other than when the committee is considering complaints referred to it under Standing Order 22.2(i).</p>
22.4A	The Senedd must elect an alternate member from the same political group for each member of the responsible committee, for the purposes of Standing Order 22.5.	Retain Standing Order
22.5	Where a member of the responsible committee is subject to, or otherwise directly connected with, a complaint under Standing Order 22.2(i), he or she may take no part in any consideration of the complaint by the responsible committee. In such circumstances, or where a member of	<p>Amend Standing Order</p> <p>Enables an alternate member to attend meetings of the responsible committee for the consideration of complaints when a member of</p>

Amending Standing Orders:

Membership of the Standards of Conduct Committee

<p>the committee is otherwise unable to act and in relation solely to the consideration of the complaint concerned, that member may be replaced by his or her alternate member elected in accordance with Standing Order 22.4A <u>for the purpose of the consideration of a complaint.</u> The alternate member may participate in the meetings of the responsible committee to consider the complaint as if he or she were a member of it.</p>	<p>the committee is unable to act, for example through illness.</p>
--	---

Annex B – Standing Order 22, as amended

STANDING ORDER 22 – Standards of Conduct

Membership

- 22.3** The Presiding Officer must not be a member of the responsible committee, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.
- 22.4** Standing Order 17.48 must not apply to the responsible committee when it is considering matters under Standing Order 22.2(i).
- 22.4A** The Senedd must elect an alternate member from the same political group for each member of the responsible committee, for the purposes of Standing Order 22.5.
- 22.5** Where a member of the responsible committee is subject to, or otherwise directly connected with, a complaint under Standing Order 22.2(i), he or she may take no part in any consideration of the complaint by the responsible committee. In such circumstances, or where a member of the committee is otherwise unable to act, that member may be replaced by his or her alternate member elected in accordance with Standing Order 22.4A0 for the purpose of the consideration of a complaint. The alternate member may participate in the meetings of the responsible committee to consider the complaint as if he or she were a member of it.