

Provisions of Appointment as Chair of All-Wales Programme Monitoring Committee for the European Structural and Investment Funds

Although you are not a Member of the Welsh Government, in the performance of your duty as PMC Chair, you should have particular regard to act within the *spirit* of collective responsibility, and the main principles of the Ministerial Code and the 'Code of Practice for Ministerial Appointments to Public Bodies'.

Conflict of Interest

You must take particular care to avoid any possible conflict of interest between your public duty as PMC Chair and your private (financial or otherwise) and constituency interests. It is the personal responsibility to decide whether and what action is needed to avoid a conflict or the perception of a conflict, and to defend that decision, if necessary.

Public appointments

In accordance with the 'Code of Practice for Ministerial Appointments to Public Bodies' (published by the Commissioner for Public Appointments), you should have regard to the following principles: responsibility, merit, independent scrutiny, equal opportunities, probity, openness and transparency, and proportionality.

Collective responsibility

Upholding the principle of Collective responsibility applies in which decisions reached by the Welsh Government on the European Structural and Investment Funds are binding and you are required to abide by them and defend them as necessary. This means that you should be able to express your views frankly and argue freely in private, while maintaining a united front when Welsh Government policy decisions relating to the European Structural and Investment Funds have been reached. This in turn requires that the privacy of opinions expressed and any advice offered within the Welsh Government should be maintained. It is therefore essential that, subject to the guidelines on the disclosure of information set out in the Code of Practice on Access to Information, you take the necessary steps to ensure that you and your staff preserve the privacy of Welsh Government business and protect the security of Welsh Government documents.

Constituency and Party political interests

In relation to European Structural and Investment Funds issues, you are free to make your views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided you make clear you are acting as their constituents' representative or at the request of a particular group or person and not as PMC Chair. You are advised to take particular care in such cases to represent the views of your electorate rather than express a view themselves.

You must not use the Welsh Government's resources for party-political purposes. You must uphold the political impartiality of the Civil Service and

not ask civil servants to act in any way which would conflict with the Civil Service Code.

If you are uncertain about whether a conflict arises between the role of PMC Chair and your constituency / party political capacity you should refer matters to the Minister responsible for the implementation of the European Structural and Investment Funds and / or the First Minister for determination.

European Structural and Investment Funds bids / applications

Where you are a Member of an area with a potential European funding application, lending support to a specific project should only be undertaken on the very clear understanding that it is in a constituency or regional capacity, and not in your role as PMC Chair.

Information/data protection issues

In your capacity as PMC Chair you may receive briefing including information, data or legal advice that is not in the public domain. In so far as the legislative provisions relating to the Freedom of Information Act 2000 and the Data Protection Act 1998 are concerned, the Welsh Government will treat the provision of that information to you as an internal arrangement. This means that you must keep this information or data confidential and decisions on its further disclosure will be taken by the Welsh Government (following its legal obligations). Any legal advice submitted to you will also be subject to legal professional privilege and must be kept confidential, and that privilege maintained.

Assembly statements and other announcements

In the principle of collective responsibility, as PMC Chair you must ensure that statements are consistent with collective Welsh Government policy on the European Structural and Investment Funds and you should not anticipate decisions not yet made public.

In particular, you should not give undertakings, either in or outside the Assembly (whether Plenary, Committee meetings, broadcasts, articles or contributions to constituency and / or national press and media etc), on any subject matter relating to the European Structural and Investment Funds until agreement to the proposed timing and to the terms of the statement has been given by the responsible Minister and / or the First Minister.

If you intend to make a speech which deals with, or makes observations which relate to the European Structural and Investment Funds you should consult with the responsible Minister; and the principle of collective responsibility applies.

If you are invited to broadcast on radio and television in a private and not PMC Chair capacity, you should consider whether such a broadcast would have a bearing on the responsible Minister's European Structural and Investment Funds portfolio, in which case you should clear the matter with the Minister concerned before agreeing to the invitation.

The above provisions do not debar you from making or contributing to announcements regarding the European Structural and Investment Funds etc, but requires you, before work has begun, to consult with and seek agreement on such issues with the responsible Minister and / or First Minister.

Relations with other governments

You should consult the responsible Minister and / or the First Minister before extending or accepting invitations to other political representatives, whether Ministers, MEPs, MPs, to discuss subject matters relating to the European Structural and Investment Funds.

Following the meeting with the political representative, you must also send a note of the salient points of any discussions you had regarding the subject matter.

Remuneration

In line with existing policy and procedures you will be entitled to a daily rate of £198 (exclusive of travel and subsistence costs) for between 10 and 12 days per year. This will cover your attendance at PMC meetings, preparatory work and other agreed days as required.

As an Assembly Member you will already be aware that you will need to liaise with the appropriate officials in the National Assembly for Wales to register these additional payments.

Travel and subsistence expenses

In planning official travel and subsistence (T&S) arrangements, in your role as PMC Chair you should adhere to the guiding principles as follows:

- Propriety: expenses should not be claimed for travel arrangements other than for official business in role of PMC Chair;
- Cost consciousness: Cost of alternative arrangements should be considered before decisions involving substantial costs are made. In particular, this will be a consideration where special flights are being addressed as an alternative to scheduled services. This principle should also be borne in mind when considering accommodation arrangements.

When travelling on official business by air, rail or car, you must always make efficient and cost-effective travel arrangements; such travel expenses will normally be borne by the PMC Secretariat's T&S budget.