



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Safonau Ymddygiad **The Standards of Conduct Committee**

Dydd Mawrth, 12 Mehefin 2012
Tuesday, 12 June 2012

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol **Committee members in attendance**

Mick Antoniw	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Llyr Huws Gruffydd	Plaid Cymru The Party of Wales

Kirsty Williams Democratiaid Rhyddfrydol Cymru
Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Gerard Elias QC Comisiynydd Safonau Cynulliad Cenedlaethol Cymru
National Assembly for Wales's Commissioner for Standards

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Lara Date	Clerc Clerc
Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Alys Thomas	Y Gwasanaeth Ymchwil Research Service

Dechreuodd y cyfarfod am 10.34 a.m.
The meeting began at 10.34 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Mick Antoniw:** Good morning everyone and thank you for attending the meeting. Participants are welcome to speak in English or Welsh. Headsets are available; amplification is on channel 0 and channel 1 is for translation. We have all switched off our mobile phones, I am sure, and we know the protocol in respect of fire alarms. We are all here, so there are no apologies.

Arolwg o'r Gweithdrefnau Safonau: Ystyried Cynigion Cyfnod 2, gan gynnwys
Trefniadau sy'n Gysylltiedig â Gweithgareddau Lobio
Review of the Standards Procedures: Consider Stage 2 Proposals, including
Arrangements Relating to Lobbying Activity

[2] **Mick Antoniw:** I remind Members that the review of the complaints procedure that we completed goes to Plenary on 20 June, so we are now considering stage 2, which is the code of conduct. I invite the National Assembly for Wales's Commissioner for Standards to present his proposals on how that would be dealt with.

[3] **Mr Elias:** Stage 2, as we discussed some months ago, involves consideration of the code, particularly of those areas that relate to the personal conduct of Members, lobbying, use of Assembly resources, staff/Member relations, salaries and expenses and matters of that kind in particular, as well as the relationship of AMs with the commissioner and questions of confidentiality. There are also issues in this phase of discussion arising in the area of lobbying and on penalties and sanctions.

[4] In order to carry out an effective review of this, a consultation period of some nine months will be required for me to discuss with the various groups within the Assembly and the secretariat here what problems may arise and may have arisen in the past in relation to some of these areas. I would also envisage consulting extensively with Assembly Members

on each of these areas.

[5] It is for that reason that I shall need time in order to conduct those consultations and, ultimately, produce a report to this committee. I envisage looking at that generally, but I will hopefully have a report for you by March 2013, in nine months' time. It will be along the same lines as the report that we produced on the procedure review, to say, 'This is what we currently have, these are the proposals for amendment and these are the reasons for those proposals', so that the committee knows exactly why we are suggesting movement when we do so. The committee can then debate those matters and give us a new code, which I hope will be fit for purpose across the board.

[6] In relation to one area, there is a question of some urgency in our consideration of matters—I will not go into the reasons for that, but maybe you will, if necessary—and it is regarding the area of lobbying. In that regard, as you invited me to do so, I put that at the forefront of my consultations. I propose to take that as a separate issue and to produce a report to this committee by 1 October of this year. Again, that report will be carried out after quite extensive consultation internally and with Assembly Members, of course, as well as members of the Government, with a view to indicating to this committee what problems, if any, currently exist or are on the horizon that the committee can then look at.

[7] The benefit of my carrying out that relatively narrow, but nonetheless quite comprehensive, consultation process is that it will allow the committee, in October, to focus on those areas where problems are seen to exist or to be on the horizon, rather than opening matters out at the moment to what might be a very general debate and discussion, which could be endless. My proposal gives some finality, at least with regard to raising issues, that this committee can then focus upon.

[8] So, in the area of lobbying, I propose a shorter-term consultation. I will issue a report to you by 1 October and I propose to consult quite widely, as I have indicated, but essentially internally at the present time, with a view to seeing what problems, if any, exist in this area. I should put on record that, in the 18 months that I have been in office, no issue or complaint has been raised with me in this area, but that does not mean to say that there are not areas that we ought to look at, or that the existing regulation is necessarily fit for purpose and as robust as it might be. However, that is something that I will endeavour to put before the committee come 1 October.

[9] In essence, those are my proposals in broad terms. Perhaps I should also say that, in the area of sanctions, members of the public have—not in great numbers, it is right to say—raised with me the question of sanctions arising from recent publicity in relation to a case that the committee determined. It would be of assistance to me to have some general principle in relation to sanctions, or guidance emanating from this committee in the first place, which I can then consult upon, so that we can see whether there is an appetite to change the current arrangement.

[10] **Mick Antoniw:** Thank you for that. I invite Members to ask any questions or make any comments.

[11] **Kirsty Williams:** I support the proposals as outlined in the paper for the continuing review at stage 2. With regard to sanctions, I think that it would be appropriate for the commissioner to look at the appropriateness of the current system with a view to creating a system that would allow this committee greater discretion in relation to the sanctions that may be applied, should a case come before this committee again.

[12] **Mark Isherwood:** I endorse the proposed course of action and timescales. The comments suggest that consideration should be given to a wider range of discretionary rather

than mandatory sanctions, applicable in varying circumstance.

[13] **Llyr Huws Gruffydd:** Mae'r unig bwynt y byddwn yn ei wneud—ac mae wedi cael ei wneud mewn cyfarfodydd blaenorol, wrth gwrs—yng nghyd-destun lobïo. Fel yr ydych wedi dweud, nid oes cwynion wedi dod i law, ond y peth pwysig yw ein bod ni'n hapus ein bod wedi edrych ar y maes hwnnw, a'n bod yn delio ag unrhyw feysydd lle byddai materion posibl yn codi. Bydd angen bod yn ofalus bod ein casgliadau yn gymesur, oherwydd rydym yn cwrdd â gwahanol bobl mewn gwahanol gyd-destunau, ac mae angen bod yn glir o ran pa rai o'r rheini sy'n dod o dan unrhyw newidiadau a fyddai'n cael eu cyflwyno. Rwyf yn hapus iawn gyda'r hyn sydd wedi'i amlinellu, a byddwn yn awyddus iawn i'r gwaith gychwyn yn ebrwydd.

Llyr Huws Gruffydd: The only point that I would make—and it has been made in previous meeting, of course—is in the context of lobbying. As you have said, no complaints have been received to date, but the important thing is that we are content that we have looked at that area, and that we deal with any areas where possible issues may arise. However, we will need to be careful that the conclusions that we come to are proportionate, because we meet various people in various contexts, and we need to be clear about which of those would fall within the remit of any changes introduced. I am more than content with what has been outlined, and I would be eager to see the work starting as soon as possible.

[14] **Mick Antoniw:** I am grateful for those comments. My only additional comment is that the timetable of early October for a report on the lobbying issue is very welcome. It is fundamental that our role is to consistently examine the transparency and robustness of what we have in the absence of complaints. It does not mean that we should not review that transparency and robustness, because that is what is expected of us.

[15] I am glad for the sanctions issue to be considered and to come within the broader report to be issued in March 2013. Is everyone content for us to proceed in that particular way? I see that you are. In which case, all that is left for me to do is to thank you for coming and thank you for the work that you are undertaking. That brings the meeting to a close.

*Daeth y cyfarfod i ben am 10.43 a.m.
The meeting ended at 10.43 a.m.*