



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

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

**Dydd Mawrth, 29 Mawrth 2011
Tuesday, 29 March 2011**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi 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

Jeff Cuthbert	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Paul Davies	Ceidwadwyr Cymru Welsh Conservatives
Jenny Randerson	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Keith Bush	Cyfarwyddwr, Gwasanaethau Cyfreithiol Director, Legal Services
John Grimes	Clerc Clerk
Catherine Hunt	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 10.01 a.m.
The meeting began at 10.01 a.m.

Cyflwyniad ac Ymddiheuriadau
Introduction and Apologies

[1] **Jeff Cuthbert:** I welcome Members, officials and members of the public to this meeting of the Committee on Standards of Conduct, which will undoubtedly be our final meeting of this Assembly. I remind participants that they are welcome to speak in Welsh or English. Headsets are available for translation and amplification—channel 0 provides amplification and channel 1 the interpretation of Welsh into English. I ask everyone to switch off their mobile phones and any other electronic devices, as they interfere with the recording systems. If the fire alarms sound, the ushers will tell everyone what to do, and if necessary direct you to the nearest fire exits. We have not received notification of any apologies.

10.02 a.m.

Ystyriaeth o Adroddiad gan y Comisiynydd Safonau
Consideration of Report by the Commissioner for Standards

[2] **Jeff Cuthbert:** The background to this item is that our new commissioner for standards, Gerard Elias QC, has prepared a report setting out his preliminary observations on the code of conduct and Standing Orders, and the procedures for dealing with complaints against Assembly Members, and the report has been circulated to Members as paper 1. Gerard, unfortunately, cannot be with us today because, as you may be aware, he is the prosecuting counsel in a high profile case in Swansea, a case that I understand has just been restarted following the swearing in of a new jury. So, he is fully engaged for the foreseeable future. All I seek to do today is to ask Members present for any comments that they may have on the report and then we will decide whether we wish to commend that report to our successor committee, whatever it may be, and discuss one or two other points linked to that. Do Members have any observations or comments on the report from the Commissioner for Standards?

[3] **Paul Davies:** I am fairly happy with the report that is front of us. The only

observation that I have is that, in paragraph 10, recommendation 4, he asks whether, in cases where a complaint is dismissed without prior reference to the Member concerned, it would be necessary or desirable for the Member to be notified that the complaint has been made and rejected. I would have thought that, in order to ensure openness and transparency, Members should be notified.

[4] **Jeff Cuthbert:** Thank you for that, Paul. We can note that, and I daresay that the successor committee could take that comment on board in any deliberation that it has. Jenny, do you want to make a point?

[5] **Jenny Randerson:** No, the points are very reasonable.

[6] **Jeff Cuthbert:** Okay, thank you. This may be a typo, but paragraph 9 states that the existing procedure was last approved by committee in January 2008. My copy of procedure for dealing with complaints is dated June 2008. Is it a typo, or was the one in January superseded by one in June?

[7] **Mr Grimes:** A version went to committee in January, and it was then approved in Plenary in March. I think that there was then a small revision to it, which came through in June.

[8] **Jeff Cuthbert:** It is a minor matter, but the one that I have, which I believe is in force, states that—

[9] **Mr Grimes:** That may not be the latest version.

[10] **Jeff Cuthbert:** Could we ensure then that he has the latest version, in case he wishes to make any changes, although I am sure that they would be minor. I have read the report, and I have read the Standing Orders. The commissioner makes a point about the meaning of Standing Order No. 31.7, which states:

[11] ‘greater than that which might accrue to persons affected by the decision generally’.

[12] I should be very familiar with those Standing Orders, but I re-read that, and I could see his point—it is not as crystal clear as it could be. However, he is, essentially, arguing that it may now be time to bring all our procedures, protocols and rules together in one coherent document. Do you wish to make any points, Keith?

[13] **Mr Bush:** No, I do not think so. The commissioner has not been in post very long, but he already has a feel for how things work, and he has set out an agenda for consideration by the successor committee.

[14] **Jeff Cuthbert:** Thank you. Do we therefore agree that the Commissioner for Standards’ preliminary report should be referred to our successor committee for its consideration? I see that Members agree. Thank you. We may wish to suggest that officials work with Gerard during the election period, to take forward any matters that are included here, so that time is used as well as possible. Does that sound reasonable? I see that Members agree that it does. Thank you.

[15] Finally, as this is our final meeting, I wish to thank Members for their support and their work during the last four years. I look forward to the successor committee continuing with our duties and our deliberations. Thank you very much. The meeting is now closed.

*Daeth y cyfarfod i ben am 10.07 a.m.
The meeting ended at 10.07 a.m.*