



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Safonau Ymddygiad](#)

[The Standards of Conduct Committee](#)

13/09/2016

[Agenda'r Cyfarfod](#)
[Meeting Agenda](#)

[Trawsgrifiadau'r Pwyllgor](#)
[Committee Transcripts](#)

Cynnwys Contents

- 3 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest
- 4 Adroddiad Blynyddol y Comisiynydd Safonau ar gyfer 2015–16
Commissioner for Standards' Annual Report 2015–16
- 8 Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd
o'r Cyfarfod Motion under Standing Order 17.42 to Resolve to Exclude
the Public from the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Jayne Bryant Llafur (Cadeirydd y Pwyllgor)
[Bywgraffiad](#) | [Biography](#) Labour (Committee Chair)

Paul Davies Ceidwadwyr Cymreig
[Bywgraffiad](#) | [Biography](#) Welsh Conservatives

David J. Rowlands UKIP Cymru
[Bywgraffiad](#) | [Biography](#) UKIP Wales

Eraill yn bresennol
Others in attendance

Gerard Elias CF / QC Comisiynydd Safonau Cynulliad Cenedlaethol Cymru
National Assembly for Wales Commissioner for
Standards

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

Claire Griffiths Dirprwy Glerc
Deputy Clerk

Meriel Singleton Ail Glerc
Second Clerk

Joanest Varney–
Jackson Uwch–gynghorydd Cyfreithiol
Senior Legal Adviser

Dechreuodd y cyfarfod am 09:30.
The meeting began at 09:30.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest

[1] **Jayne Bryant:** Good morning, everybody, and welcome back after the summer break. Just to remind you that Members are welcome to speak in Welsh or English; the headsets available are for translation or amplification. And we've had apologies this morning from Dafydd Elis-Thomas.

Adroddiad Blynyddol y Comisiynydd Safonau ar gyfer 2015–16
Commissioner for Standards' Annual Report 2015–16

[2] **Jayne Bryant:** Just moving on to item 2, I'd like to welcome the commissioner here this morning. You're very welcome. We're moving on to the commissioner for standards' annual report. Members will have had a copy of this back in July and the commissioner is in attendance today to present his report and answer any queries and questions from Members on the content. So, perhaps the commissioner would like to introduce his report, then Members can ask any questions afterwards. Commissioner.

[3] **Mr Elias:** Thank you very much, Chair. I was delighted, a day or two before the Assembly rose for the recess, to lay my report before the Assembly as usual. It's of course my final full-year report as I shall leave office on 30 November. I believe, Chair, that you're giving me the opportunity in November, at perhaps my last meeting, to make some final comments on my term of office and I don't, therefore, take this opportunity to do that. But, if I may—running through my report, I usually present it in a formal fashion because of course I commend it to everyone to read it if they have an interest in the subject—perhaps I could make some specific points that arise from it.

[4] I indicate in the report that which I believe, that after nearly six years in office I am able to say that the performance of the National Assembly in relation to reputation and the standard of conduct of its Members over that period has been generally good. As I say, it's not an unblemished record—perhaps that would be asking too much in any event. But, as I put it in paragraph 01.11:

[5] 'judged by the conduct of our own Members over the years,'—

[6] without taking the reputation of other places into account—'the people of Wales', in my view,

[7] 'have no reason to call into question the reputation of the Assembly.'

[8] That, I think, is a very important matter. I also spelt out in my report what I believe has been the considerable assistance provided by the National Assembly for Wales Remuneration Board, which has set the necessary

standards and the clearest paths to Members' financial rectitude. I've no doubt that has been a major factor in ensuring we haven't had some of the problems that have arisen elsewhere. Similarly, I applaud—and very readily applaud—the culture that has been created by Claire Clancy, the Commission's Chief Executive and Clerk of the Assembly, the culture of ready assistance and advice to Members, which again I think has assisted Members in staying on the right side of the code of conduct, as I put it in my report.

[9] I set out in my report the complaints table and, by comparison, Members and the public will see that the number of complaints has been more or less steady over the whole period of my involvement here. Twenty four complaints in 2015–16, of which three were admissible and three have been carried forward. I summarise how those complaints have been broken down in paragraph 02.03. I don't think that I need to go into any more detail there, but would be happy to take any questions in relation to them.

[10] But may I mention the matter that affected eight complaints? They related to issues that I class as performance-related issues. That is, complaints about the performance of a Member or Members in relation to answering correspondence, dealing with queries, complaints and so on. I have taken the view, rightly or wrongly, over my period of office that these are matters finally to be determined by the electorate and not by the commissioner for standards, because they don't raise breaches of the code. But, as some may have noticed—and indeed Lord Thomas in his lecture last year, the standards commissioner lecture of last year, raised the issue—the public are becoming more and more concerned about the performance of their elected representatives in these areas.

[11] I have had preliminary discussions with the incoming commissioner to ask whether he might think—as I think I would if my term were going on—it right to look, perhaps with the Presiding Officer and this committee, at whether guidelines—I don't suggest a regulatory standards procedure, but guidelines—might be set out so that the public will see what may be expected of their Members, and Members will know how they should be responding to letters, telephone calls, queries and things of that kind. But that will be a matter for the new commissioner and, obviously, not one that I can take on further.

[12] I underline in my report, Chair, as you will know, the essential reason for the objectivity of the standards committee, and I underline the

importance of the independence of the standards commissioner. They are vital to the system that we operate.

[13] Finally, if I may, in presenting my report, I refer to the booklet that I have in my hand now. I set out, nearly six years ago, that one of my aims was to have a booklet that would incorporate all aspects of conduct for Assembly Members in one place, where it could be turned up and all documents could be put together. I'm exceedingly grateful to all members of staff here, and to the Commission staff who have assisted in putting that together. I think it's a very useful booklet, and neither Members of the Assembly nor indeed the public should now be able to complain that everything isn't to hand as and when they need it.

[14] I'm delighted therefore to present my last report. I shall obviously give you a brief report at the end of my term as to what has happened since March of this year, but there, Chair, is my report and I commend it to this committee.

[15] **Jayne Bryant:** Thank you very much. I think one of the key words that you used in here is 'vigilance', and I think that that's something that the committee needs to make sure that we've got at the forefront of our minds at all times. Especially as a new Member, I'm particularly grateful for that booklet, as I'm sure others are here today as well, because it's been a very handy guide to have it in one place. Do we have any questions? Paul?

[16] **Paul Davies:** Yes. In your introduction, you mentioned that you've reviewed some of the procedures and made the system a little bit more user-friendly. Perhaps you could just tell us how you've made those changes over the last few years.

[17] **Mr Elias:** I think, when I started nearly six years ago, it was commonly accepted that there were some flaws in some of the procedures. There were procedures that were unnecessarily time-consuming. I consulted with Members at the time, and with other interested parties. What resulted from those consultations is the procedure that we now operate under. Is it perfect? No, but it is, I believe, better than it was. That together with, for example, the review that I've carried out—as I referred to in this report—of the registration and declaration of interests, for example, was a matter of consultation that I think you will know went on for many months before we had the final report and then the changes that were made to that regime. These things are an ongoing process and, if I may say so, I think—and I

certainly will say it to my successor—once done, a bit like the Forth bridge, it doesn't mean to say that one doesn't go back to it. I think one has to go back to it and constantly, as the Chair has said, be vigilant about where there may be holes in the procedure or holes in the regulations, or perhaps simply areas of the regulations that may be misunderstood. All the time one needs to be reviewing areas of these things to see where we can make improvements. So, it's been very much a consultative approach that I've taken and then come forward with what I believe, on the whole, have been proposals that have been unanimously endorsed.

[18] **Paul Davies:** I suppose that follows on to my next question because I think, again, in your introduction you say that, as an institution, we have to redouble our efforts to demonstrate obviously high standards here in Wales. Where do you think further improvements could be made, given that statement?

[19] **Mr Elias:** I suppose the underlying point that I would make is that—and I have repeated this many times because I believe it to be at the forefront of everything we do—Members do need to remember that standards apply every day, not only on high days and holidays or when you're in a particular committee or in a particular situation. Of course, we've had the debate a number of times now, over the last few years, and it's been referred to in the standards commissioner's lectures by a number of the speakers. Personal life for Members doesn't, in real terms, exist; that's to say private life, which has no bearing upon their position as Assembly Members. Members do need to remember that and, of course, to remember that every time the rules are breached, the rebuilding of the confidence and trust takes three, four, five times the effort.

[20] **Jayne Bryant:** Thank you.

[21] **Paul Davies:** I think also, in your report, you mention that, obviously, you've met other commissioners from other legislatures. Are there any measures we could actually adopt from other legislatures, in your opinion, that would improve things for us here?

[22] **Mr Elias:** I think it's—if I may say so—an ongoing thing. We have a meeting with the other commissioners and the other standards departments, if you like, in the various Assemblies and Parliaments on about an 18-month basis—every 18 months or so. And I think it's fair to say, certainly in my case, that I have learned a lot from what others do and I do—and sometimes

I've acknowledged it in the reports that I've written—acknowledge that I'm getting the idea that I'm putting forward from the practice of the Northern Ireland parliament, for example. So, all of these things are brought in and other Assemblies and Parliaments do certain things very differently from the way that we do them. I've taken a view that some of the things I see elsewhere I wouldn't want to recommend here or to copy, but certainly where I feel that we can benefit from it, then I indicate where it's coming from and will put it to you, the Members, to determine whether we should apply that to our new regime.

[23] **Paul Davies:** Okay; thanks.

[24] **Jayne Bryant:** Thank you. David.

[25] **David J. Rowlands:** No, I'm fine; thank you very much.

[26] **Jayne Bryant:** Are you fine? Okay. Well, thank you very much, commissioner, for coming in and we look forward to the opportunity to thank you again, when we see you in November, for all your work over the last six years. Thank you.

[27] **Mr Elias:** Thank you very much.

09:41

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd
o'r Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Meeting**

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in 17.42(vi).

accordance with Standing Order 17.42(vi).

Cynigiwyd y cynnig.

Motion moved.

[28] **Jayne Bryant:** We'll move on to item number 3 now. I propose that, in accordance with Standing Order 17.42, the committee resolves to meet in private for item 4 of today's meeting. Are all Members content? Content.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 09:42.

The public part of the meeting ended at 09:42.