

# THE NATIONAL ASSEMBLY FOR WALES: COMMITTEE ON STANDARDS OF CONDUCT

*REPORT 01-2002 - Presented to the National Assembly for Wales on 11<sup>th</sup> January 2002 in accordance with Standing Order 16.6*

## COMPLAINT AGAINST PETER ROGERS AM

### Purpose and Scope of Report

1. This is a report to the Assembly by the Committee on Standards of Conduct under Standing Order 16.6 about a complaint which it has considered against Peter Rogers AM. The complaint related to a breach of the Code of Standards for Assembly Members.

### Standards Committee Terms of Reference

2. Standing Order 16(ii) provides for the Committee on Standards of Conduct to:

*Investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Presiding Officer that a Member has not complied with any Assembly resolution relating to Members' standards of conduct...*

An extract from Standing Orders which sets out the Committee's remit in full is at Annex A. A list of the Committee's membership is at Annex B.

### The Complaint

3. The complaint against Mr Rogers was that he had breached the Code of Standards for Assembly Members by publicly naming and criticising an official of the National Assembly's Agriculture Department. Mr Rogers had issued a press release on 16 April 2001 in which he had called for an immediate enquiry into the conduct of the official.

4. The Code of Standards for Assembly Members adopted by the Assembly on 18 May 1999 states that:

*"Members shall comply with the Assembly's standing orders and its codes of practice and protocols."*

The Protocol for Relationships between Assembly Members and Assembly Staff which was adopted by the Assembly on 19 May 1999 states that:

*"Relationships between Assembly Members and Assembly staff shall be professional and based on mutual respect."*

## Summary of the Committee's Investigation

5. The complaint was dealt with in accordance with a procedure approved by the Standards Committee on 6 July 2000 following consultation with all Assembly Members.

6. The complaint was made to the Presiding Officer on 19 April 2001. He invited the Independent Adviser on Standards to conduct a preliminary investigation to establish whether it should be considered fully by the Committee on Standards of Conduct. The Independent Adviser concluded that it was a formal complaint properly presented by the complainant on a matter that fell within the jurisdiction of the Committee. In the light of the report on the preliminary investigation the Presiding Officer decided to refer the complaint to the Committee and to ask the Independent Adviser to undertake a formal investigation to establish the facts of the case.

7. The Independent Adviser reported to the Committee on 5 December 2001. A copy of his report was also sent to Mr Rogers. The Committee met on 12 December to consider the complaint. The public was excluded from the Committee proceedings in accordance with Standing Order 16.5. Mr Rogers made oral representations to the Committee and answered questions from Members. The Committee wishes to record that Mr Rogers fully co-operated with the process throughout.

8. The background to the complaint was the foot and mouth crisis in Wales in the late spring of 2001. In order to control the spread of the disease the movement of susceptible animals was being allowed only under strict licensing conditions set by MAFF. The Divisional Offices of the Assembly's Agriculture Department were operating under an agency arrangement with MAFF and were processing a large number of animal movement licensing applications under very difficult circumstances.

9. Peter Rogers readily acknowledged that he was deeply involved in the foot and mouth crisis, both as an Assembly Member for his area and as a local farmer. He spoke of his extensive contact with Assembly officials throughout this period. Mr Rogers had been understandably 'wound up' during the foot and mouth crisis and he stated that things had become particularly fraught during Easter Weekend - which led to the press release being issued.

10. In the course of the Independent Adviser's investigation, Mr Rogers confirmed that he was generally aware of the Code of Standards for Assembly Members. He further acknowledged that he had acted inappropriately in publicly criticising officials in a press release and that he

should not have named the official involved. Mr Rogers had issued a further press release to acknowledge this and also undertook to write an unequivocal apology to the official and did so on 18 July 2001.

## **Committee's Conclusion**

11. The Committee has considered the Adviser's report and the representations made by Mr Rogers. It considers that in publicly naming and criticising an Assembly official in a press release Peter Rogers AM has breached the Code of Standards for Assembly Members.

12. The action which the Committee would normally recommend in these circumstances would be an unequivocal apology from Mr Rogers to the official concerned. However, Peter Rogers has accepted that he was wrong to bring an official's name into the public domain. He has issued a further press release to acknowledge this and he has also written to the official concerned to apologise for his action. As a result, no further action is felt to be appropriate.

13. The complaints procedure is intended to preserve as much anonymity as possible to protect all concerned. Because the Committee has decided that the complaint should be upheld, this report identifies Mr Rogers. However, other names, including that of the complainant, have been withheld to protect confidentiality.

**Committee on Standards of Conduct  
January 2002**

**STANDING ORDER 16 - Committee on Standards of Conduct**

**Title and Terms of Reference**

16.1 There shall be a Committee on Standards of Conduct, which shall:

(i) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Presiding Officer that a Member has not complied with standing order 4 or any Assembly resolution relating to the financial or other interests of Members, or that an Assembly Secretary has not complied with the requirements of paragraph 2.8;

(ii) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Presiding Officer that a Member has not complied with any Assembly resolution relating to Members' standards of conduct or with the guidance for Assembly Secretaries which the Assembly has approved in accordance with paragraph 2.7;

(iii) consider any matters of principle relating to the conduct of Members generally;

(iv) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests, and the form and content of the Register; and

(v) present an annual report to the Assembly on the complaints made to the Presiding Officer under (i) and (ii) and the action taken, and on its conclusions in respect of ethical standards in the conduct of the Assembly's business.

**Membership**

16.2 The Assembly shall elect a Member to chair the Committee, together with other Members elected so far as practicable to reflect the balance of political groups in the Assembly. The Presiding Officer shall not be a member of the Committee, but shall be entitled to attend any meeting of the Committee, or submit papers to it, for the purpose of drawing to its attention such considerations as he or she considers appropriate.

**Independent Adviser**

16.3 The Assembly shall appoint a person who is not an Assembly Member or a member of its staff to provide advice and assistance to the Presiding Officer on any matter relating to the conduct of Members; and the

Committee may, in addition to the appointment as appropriate of its own advisor under paragraph 8.14, invite the Assembly's appointee to investigate factual matters arising out of any matter before it.

## MEMBERSHIP OF THE COMMITTEE ON STANDARDS OF CONDUCT

David Melding (Chair)	South Wales Central	Conservative
Eleanor Burnham	North Wales	Liberal Democrats
Cynog Dafis	Mid and West Wales	Plaid Cymru
Christine Gwyther	Carmarthen West and South Pembrokeshire	Labour
Brian Hancock	Islwyn	Plaid Cymru
Gareth Jones	Conwy	Plaid Cymru
Lynne Neagle	Torfaen	Labour
Karen Sinclair	Clwyd South	Labour
Gwenda Thomas	Neath	Labour
Clerk	Andrew George	
Deputy Clerk	Steve George	
Independent Adviser on Standards	Richard Penn	