

THE NATIONAL ASSEMBLY FOR WALES: COMMITTEE ON STANDARDS OF CONDUCT

REPORT 01-2001 – Presented to the National Assembly for Wales

on 26th January 2001 in accordance with Standing Order 16.6

COMPLAINT AGAINST ALUN CAIRNS 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 Alun Cairns AM. The complaint related to a breach of the Code of Standards for Assembly Members adopted by the Assembly on 18 May 1999, by the inappropriate use of Assembly stationery.

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 Cairns was that he had inappropriately used the free stationery and postage facilities provided by the Assembly for political aims. Mr Cairns had written to a constituent on 18 May 2000 on Assembly headed note-paper inviting her to attend a meeting at Penllergaer Primary School on 24 May 2000 to

"obtain her views and ideas on how the National Assembly can best work for her".

The letter also contained a number of references to various high-profile national and local issues where Mr. Cairns claimed that the Conservative Party had been effective. Mr. Cairns told the Committee that this was one of a series of such meetings for constituents and that he sent the letter to about 120 of his constituents in the Penllergaer area selected at random from the electoral register. The letters were all personally addressed on the face of the letter and on the National Assembly envelope in which they were sent.

4. The constituent did not attend the meeting on 24 May although she returned a reply slip to

Mr Cairns indicating that she did intend to attend. Mr Cairns told the Committee that because of this indication she received a further letter from him dated 2 June 2000, again on Assembly headed note-paper and personally addressed, thanking her for attending the meeting and encouraging a continued dialogue. In the penultimate paragraph of that second letter Mr. Cairns said:

"Finally, a number of people expressed an interest to join Gower Conservative Association and therefore, enclosed is an application form for that purpose".

A Membership Application Form to join Gower Conservatives was enclosed with his letter.

5. Paragraph 5 of the *Code of Standards for Assembly Members* adopted by the Assembly on 18 May 1999 states that:

"No improper use shall be made of any payment or allowance made to members for public purposes and the administrative rules which apply to such payments and allowances must be strictly observed".

Summary of the Committee's Investigation

6. 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.

7. The complaint was made to the Presiding Officer on 16 June 2000. 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. He 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.

8. The Independent Adviser reported to the Committee on 6 November. A copy of his report was also sent to Mr Cairns. The Committee met on 6 December to consider the complaint. The public were excluded in accordance with Standing Order 16.5. Mr Cairns made oral and written representations to the Committee and answered questions from members. The Committee wishes to record that Mr Cairns fully co-operated with the process throughout.

9. In the course of the Committee's investigation, Mr Cairns confirmed that he was generally aware of the Code of Standards for Assembly Members and that he had always tried to use common sense in applying the principles of the Code. He did not take any advice about this particular initiative nor the correspondence that was involved. He was not aware of what were then the draft rules on the Use of Assembly Resources (he is not a member of the House Committee which had drafted the rules). He was not aware at the time he sent the letters of the details of the complaint against another Assembly Member nor had he seen the First Report of the Standards Committee that dealt with the details of that complaint.

10. Mr Cairns emphasised to the Independent Adviser that this initiative was not meant to be a party political initiative – rather, he saw it as an attempt to raise the profile of himself as a regional Assembly Member and of the Assembly generally. The meetings were deliberately

organised in 'neutral' venues such as schools and anyone who had attended the meetings would have heard him say, even to the point of over-emphasis, that the meetings were not 'political' events. He did not regard the letters as 'circulars' and confirmed that they were all individually addressed to those invited.

11. Mr Cairns was concerned to explain that the letter of 2 June proposed a continuation of the dialogue with those constituents who had attended the meeting on 24 May and who had thereby shown an interest in such a dialogue and the inclusion of an application form to join the Gower Conservative Association was a specific response to the request of a number of those who had attended the meeting to know more about the work of the Conservative Party in Wales. Mr. Cairns was very clear in his response to the Independent Adviser that this 'follow-up' letter proposing the continuing dialogue would have been sent irrespective of the inclusion of the application form to join the Gower Conservative Association - he described the application form as an 'aside'. The constituent received the second letter because by her reply to the first letter she had indicated that she was interested in the dialogue even though she did not attend the meeting. With benefit of hindsight he accepts that it was not appropriate to include an application form to join the Gower Conservative Association with his letter of 2 June which action he concedes was a breach of the Code of Standards.

Committee's Conclusion

12. The Committee has noted the Adviser's report and the representations made by Mr Cairns.

13. The Committee considers that Mr Cairns' letter dated 18 May 2000 can be seen on balance as a letter from an Assembly Member to a constituent promoting discussion of relevant local issues rather than as a vehicle for party political or campaigning purposes.

14. However, the Committee has concluded that the second letter from Alan Cairns AM to the constituent dated 2 June 2000 was sent amongst other things for the purpose of recruiting new members to his political party because it included an application form to join the Gower Conservative Association.

15. The Committee considers that the use of the free stationery supplied by the Assembly for this purpose was an improper use of an allowance made to a Member for public purposes. In the Committee's opinion there is accordingly a breach of Paragraph 5 of the Code of Standards for Assembly Members.

16. 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, the report identifies Mr Cairns. However other names, including that of the complainant, have been withheld to protect confidentiality

Committee on Standards Of Conduct

January 2001

ANNEX B

MEMBERSHIP OF THE COMMITTEE ON STANDARDS OF CONDUCT

David Melding (Chair)	South Wales Central	Conservative
Cynog Dafis	Mid and West Wales	Plaid Cymru
Janice Gregory	Ogmore	Labour
Christine Gwyther	Carmarthen West & South Pembrokeshire	Labour
Brian Hancock	Islwyn	Plaid Cymru
Christine Humphreys	North Wales	Liberal Democrats
Gareth Jones	Conwy	Plaid Cymru
Karen Sinclair	Clwyd South	Labour
Gwenda Thomas	Neath	Labour
Clerk	Andrew George	
Deputy Clerk	Jill Thomas	
Independent Adviser on Standards	Richard Penn	

ANNEX A

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.