



Our ref/Ein cyf: MB/FM/3190/13

Jenny Rathbone AM  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

4<sup>th</sup> July 2013

Dear Jenny

**APPOINTMENT AS CHAIR OF THE ALL-WALES PROGRAMME MONITORING COMMITTEE FOR THE EUROPEAN STRUCTURAL FUNDS**

In exercise of my powers under the Structural Funds (National Assembly for Wales) Regulations 2006 (SI 2006/3282), I would like to invite you to serve as Chair of the All-Wales Programme Monitoring Committee (PMC) for the West Wales and the Valleys Convergence and East Wales Regional Competitiveness and Employment European Structural Funds programmes.

The All-Wales PMC is responsible for monitoring the effective delivery of the programmes in Wales and its membership comprises 16 members drawn on a representative basis from partners and statutory bodies and 5 members selected on merit via the public appointments process. The composition represents a balance of interests across Wales, as well as relevant expertise, to ensure effective delivery of the programmes for the benefit of businesses, people and communities across Wales.

The Chair of the PMC is a 'representative' of the Managing Authority (i.e. the Welsh Government), and in this respect, I attach the provisions relating to this appointment. You will of course need to consider these carefully before responding. I hope that you will be able to accept the role and the provisions relating to it and would ask you to confirm your acceptance in writing. In the meantime, I would be grateful if you could delay any public announcement relating to the appointment.

The Committee has been meeting on a regular basis since it was first established in 2007. The next meeting of the Committee is scheduled for 6 December 2013 at the Welsh Government's Offices in Merthyr Tydfil. The Welsh European Funding Office is the managing and certifying authorities for the Structural Fund programmes and provides the secretariat for the Committee.

I attach great importance to the role of the All-Wales Programme Monitoring Committee and the work of the Chair and Members. The current round of European Structural Funds for

2007–2013 is building upon the success of previous programmes and continuing to support our policies for sustainable growth and jobs.

The All-Wales PMC has an important role in advising on the effective implementation of these programmes. The primary focus of the PMC's work is to ensure the successful implementation of the 2007–2013 programmes but we are also preparing for the successful launch of the next programme period and would hope that you will be able to continue to chair the Wales Programme Monitoring Committee, European Structural and Investment Funds 2014-2020. We anticipate that the 2014-2020 programmes will be approved by the European Commission later in 2013, with the new PMC meeting shortly afterwards and taking over the responsibility for the 2007-2013 programmes as well as the new programmes.

In addition to the PMC, the Chair of the All-Wales PMC also chairs the Post-2013 European Programmes Partnership Forum, a key stakeholder group that provides strategic direction for the development and programming of 2014-2020 EU programmes. I hope that you will be able to chair the Forum for its remaining meetings during this vital period of preparation for the next round of EU programmes. The next meeting is scheduled for 29<sup>th</sup> August at the Merthyr Tydfil Office.

I hope, in due course, that you will accept my invitation and wish you every success as Chair of the All-Wales PMC.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

**CARWYN JONES**

## ANNEX A

### **PROVISIONS OF APPOINTMENT AS CHAIR OF ALL-WALES PROGRAMME MONITORING COMMITTEE FOR THE EUROPEAN STRUCTURAL FUNDS 2007–2013**

Although you are not a Member of the Welsh Government, in the performance of your duty as PMC Chair, you should have particular regard to act within the *spirit* of collective responsibility, and the main principles of the Ministerial Code and the 'Code of Practice for Ministerial Appointments to Public Bodies'.

#### **Conflict of Interest**

You must take particular care to avoid any possible conflict of interest between your public duty as PMC Chair and your private (financial or otherwise) and constituency interests. It is your personal responsibility to decide whether and what action is needed to avoid a conflict or the perception of a conflict, and to defend that decision, if necessary.

#### **Public appointments**

In accordance with the 'Code of Practice for Ministerial Appointments to Public Bodies' (published by the Commissioner for Public Appointments), you should have regard to the following principles: responsibility, merit, independent scrutiny, equal opportunities, probity, openness and transparency, and proportionality.

#### **Collective responsibility**

Upholding the principle of Collective responsibility applies in which decisions reached by the Welsh Government on the Structural Funds are binding and you are required to abide by them and defend them as necessary. This means that you should be able to express your views frankly and argue freely in private, while maintaining a united front when Welsh Government policy decisions relating to the Structural Funds have been reached. This in turn requires that the privacy of opinions expressed and any advice offered within the Welsh Government should be maintained. It is therefore essential that, subject to the guidelines on the disclosure of information set out in the Code of Practice on Access to Information, you take the necessary steps to ensure that you and your staff preserve the privacy of Welsh Government business and protect the security of Welsh Government documents.

#### **Constituency and Party political interests**

In relation to Structural Funds issues, you are free to make your views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided you make clear you are acting as your constituents' representative or at the request of a particular group or person and not as PMC Chair. You are advised to take particular care in such cases to represent the views of your electorate rather than express a personal view.

You must not use the Welsh Government's resources for party-political purposes. You must uphold the political impartiality of the Civil Service and not ask civil servants to act in any way which would conflict with the Civil Service Code.

If you are uncertain about whether a conflict arises between the role of PMC Chair and your constituency / party political capacity you should refer matters to the Minister responsible for the implementation of the Structural Funds and / or the First Minister for determination.

### **European Structural Funds bids / applications**

Where you are a Member of an area with a potential European funding application, lending support to a specific project should only be undertaken on the very clear understanding that it is in a constituency or regional capacity, and not in your role as PMC Chair.

### **Information/data protection issues**

In your capacity as PMC Chair you may receive briefing including information, data or legal advice that is not in the public domain. In so far as the legislative provisions relating to the Freedom of Information Act 2000 and the Data Protection Act 1998 are concerned, the Welsh Government will treat the provision of that information to you as an internal arrangement. This means that you must keep this information or data confidential and decisions on its further disclosure will be taken by the Welsh Government (following its legal obligations). Any legal advice submitted to you will also be subject to legal professional privilege and must be kept confidential, and that privilege maintained.

### **Assembly statements and other announcements**

In accordance with the principle of collective responsibility, as PMC Chair you must ensure that statements are consistent with collective Welsh Government policy on the Structural Funds and you should not anticipate decisions not yet made public.

In particular, you should not give undertakings, either in or outside the Assembly (whether Plenary, Committee meetings, broadcasts, articles or contributions to constituency and / or national press and media etc), on any subject matter relating to the Structural Funds until agreement to the proposed timing and to the terms of the statement has been given by the responsible Minister and / or the First Minister.

If you intend to make a speech which deals with, or makes observations which relate to the Structural Funds you should consult with the responsible Minister; and the principle of collective responsibility applies.

If you are invited to broadcast on radio and television in a private and not PMC Chair capacity, you should consider whether such a broadcast would have a bearing on the responsible Minister's Structural Funds portfolio, in which case you should clear the matter with the Minister concerned before agreeing to the invitation.

The above provisions do not debar you from making or contributing to announcements relating to the Structural Funds, but they do require you, before work has begun, to consult with and seek agreement on such issues with the responsible Minister and / or First Minister.

### **Relations with other governments**

You should consult the responsible Minister and / or the First Minister before extending or accepting invitations to other political representatives, whether Ministers, MEPs, MPs, to discuss subject matters relating to the Structural Funds. Following the meeting with the political representative, you must also send a note of the salient points of any discussions you had regarding the subject matter.

## **Remuneration**

In line with existing policy and procedures you will be entitled to a daily rate of £198 (exclusive of travel and subsistence costs) for between 10 and 12 days per year. This will cover your attendance at All-Wales PMC meetings, preparatory work and other agreed days as required.

As an Assembly Member you will already be aware that you will need to liaise with the appropriate officials in the National Assembly for Wales to register these additional payments.

## **Travel and subsistence expenses**

In planning official travel and subsistence (T&S) arrangements, in your role as PMC Chair you should adhere to the guiding principles as follows:

Propriety: expenses should not be claimed for travel arrangements other than for official business in role of PMC Chair;

Cost consciousness: Cost of alternative arrangements should be considered before decisions involving substantial costs are made. In particular, this will be a consideration where special flights are being addressed as an alternative to scheduled services. This principle should also be borne in mind when considering accommodation arrangements.

When travelling on official business by air, rail or car, you must always make efficient and cost-effective travel arrangements; such travel expenses will normally be borne by the PMC Secretariat's T&S budget.