**GILESTONE FARM AND THE MINISTERIAL CODE**

1. On 3 August the First Minister asked the Permanent Secretary to inquire into the circumstances where two Ministers (the Minister for Climate Change and the Minister for Education and the Welsh Language) were said to have attended a dinner at the home of a lobbyist. The First Minister told the Permanent Secretary that his understanding was that the decision about the purchase of Gilestone Farm was made prior to this event taking place and that neither of the two Ministers were involved in making that decision, but that he would like this understanding to be reviewed and corrected if necessary.

2. The First Minister also asked the Permanent Secretary to consider whether the Ministerial Code in its current form was fit-for-purpose in providing clarity about recording meetings or inter-actions with lobbyists in all appropriate circumstances. If not, the Permanent Secretary should suggest amendments which can provide such clarity for future reference. The Permanent Secretary was also asked to make any further comments or recommendations which he considered important or necessary. The First Minister also asked for the timing of the decision-making process in respect of Gilestone Farm to be reviewed in this context.

3. The Permanent Secretary asked me as Director for Propriety and Ethics to undertake this review on his behalf, though the Permanent Secretary was kept informed throughout the process as appropriate. The review was carried out independently by me and in accordance with the Civil Service Code values.

4. During my review, I spoke separately to the Minister for Climate Change and to the Minister for Education and the Welsh Language and their respective Private Offices, as well as key senior officials who were involved in advising Ministers on the purchase of Gilestone Farm. I also conducted a review of the relevant documentation held by the Welsh Government.

5. I identified that there had been an event of the nature which had been put to the Welsh Government, though the Ministers told me that it had taken place on 16 May and that it was a social gathering, rather than a dinner party. The event had taken place at the home of the Director of a professional public affairs organisation and, as well as the Director, had included two other individuals who worked for their organisation; a senior manager of the Green Man Festival; both Ministers; and the husband of the Minister for Climate Change.

6. I concluded that the evidence was that the event in question was a social gathering amongst friends and acquaintances, not an official meeting. Both Ministers assured me that they were attending in a personal capacity and that there was no discussion of any ministerial business, including anything in relation to the purchase of Gilestone Farm. I conclude therefore that the Ministerial Code had not been broken.

7. Notwithstanding my conclusion, in my view the occasion did have some scope for misinterpretation. It might have been prudent, with the benefit of hindsight, for the Ministers concerned to have recognised how the occasion might be viewed and taken steps to manage that possibility by recording the event with the First Minister.

8. I noted that all meetings which ministers have in their ministerial capacity were formal and so ministers were precluded from having any meetings with lobbyists when they are acting as ministers. It is a frequently-commented upon feature of political and public life in Wales that many of those involved know each other well and will meet regularly in different contexts and in different roles. It is easy, particularly when interacting with close acquaintances, to overlook how some exchanges might be perceived.

9. With the endorsement of the Permanent Secretary, I recommend that in the light of these events the First Minister should give guidance to his Cabinet on contacts with lobbyists which occur in their non-ministerial capacity. I suggest that the First Minister should ask his Cabinet colleagues to bear in mind that any contact with lobbyists, even outside of their ministerial roles, may on occasion create a perception that they are opening themselves to influence. Any significant contacts which might fall into this category should be discussed with officials to consider if they should be drawn to the attention of the First Minister and that, where possible, advice should be sought beforehand. The guidance could be issued either as an amendment to the Ministerial Code or as a letter from the First Minister.

10. The First Minister had also asked for an account of the timing of decisions and confirmation that the Ministers involved were not involved in the decision regarding Green Man. Initial discussions between Welsh Government and Green Man had begun in 2019, centred around acquiring more land to enable the continued growth of the brand and associated ventures. A site for purchase had been identified and the Minister for the Economy was informed of the opportunity and agreed that officials should continue discussions to explore the opportunity.

11. On 23 March this year advice was put to the Minister for the Economy seeking his approval to purchase Gilestone Farm. The Minister for Climate Change was a copy recipient of the advice but played no part in the decision. The Minister for the Economy approved the proposal on 24 March and the purchase was completed on 31 March. The social evening referred to above took place on 16 May.

12. Welsh Government officials received a full business plan from Green Man at the end of June which is being subject to core Welsh Government assessment and due diligence procedures.

13. Neither Minister has been, or is anticipated to be, a decision maker in relation to this project. However, while I have not found any breaches of the Ministerial Code in respect of either Minister, in view of the risk of perceived conflict, I advise that both Ministers should recuse themselves formally from any future decisions in relation to Green Man.

**Director of Propriety and Ethics August 2022**

**Welsh Government**