

Report 02-20 by the Committee on Standards of Conduct to the Senedd under Standing Order 22.9

December 2020



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Standards of Conduct Committee
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Cardiff Bay
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Report 02-20 by the Committee on Standards of Conduct to the Senedd under Standing Order 22.9

December 2020



About the Committee

The Committee was established on 22 June 2016. Its remit can be found at:
www.senedd.wales/SeneddStandards

Committee Chair:



Jayne Bryant MS
Welsh Labour

Current Committee membership:



Rhun ap Iorwerth MS
Plaid Cymru



Andrew RT Davies MS
Welsh Conservatives



David J Rowlands MS
Independent Alliance for Reform*

*David J Rowlands MS considered this report as a Member of the Brexit Party Group. He ceased to be a Member of the Committee on 16 October 2020 when he resigned from the Brexit Party Group. On 11 November 2020, David was elected as a member of the Committee on behalf of the Independent Alliance for Reform group.

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Recommendations

Recommendation 1. The Committee recommends to the Senedd, in accordance with 7.12(iii) of the Procedure for Dealing with Complaints against Members of the Senedd, that a breach has been found but that no further action should be taken.

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Introduction

1. The terms of reference of the Standards of Conduct Committee (the Committee) are set out in Standing Order 22.¹ In accordance with functions set out in Standing Order 22.2 the Committee must:

“investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards.”²

2. This report is made to the Senedd under Standing Order 22.9 and paragraph 8.1 of the Procedure for Dealing with Complaints against Members of the Senedd³ (the Procedure), in relation to a complaint made against Dai Lloyd MS.

3. The report from the Acting Commissioner for Standards (the Commissioner) on his investigation of the complaint is attached at Annex A. It sets out the details of the complaint and the findings of the Commissioner’s formal investigation.

4. This report sets out the details of the complaint and the way in which the Committee arrived at its recommendation.

5. The complaint relates to a meeting of the Plaid Cymru Group in June 2017, and the use of Senedd Resources (namely a room in Ty Hywel) for party political purposes. It was made against Dai Lloyd MS, in his capacity as the Chair of the Plaid Cymru Group.

6. Rhun ap Iorwerth MS, attended the Plaid Cymru Group meeting which is the subject of this complaint. He, therefore, absented himself from all Committee deliberations relating to this complaint under Standing Order 22.5. Llyr Gruffydd MS, the alternate committee member was not present at the Plaid Cymru Group meeting in question, and therefore substituted in the consideration of this complaint.

7. The Commissioner’s report refers to ‘The Rules and Guidance on the Use of Assembly Resources’ which was issued in 2013. This document was updated in September 2020⁴. The version of the rules in force at the time of the event complained of is annexed.

¹ Standing Orders

² Standing Order 22.2(i)

³ The Senedd’s Procedure for Dealing with Complaints Against Members of the Senedd

⁴ <https://senedd.wales/en/memhome/code-conduct-mem/Pages/rules-guidance-resource.aspx>

Consideration of the Complaint

8. The complaint against the Member concerned, Dai Lloyd MS, states: “that Plaid Cymru organised a party political strategy meeting on the Assembly Estate” and that “The nature of the meeting was overtly political and used to improve Plaid Cymru's electoral fortunes”.

9. The complaint engaged paragraph 10 of the Code of Conduct, which states:

“Members are required to comply with the ‘Rules and Guidance on the Use of [Senedd] Resources’ and any guidance on the use of [Senedd] resources specifically relating to an election campaign.”

The relevant provision of the Rules and Guidance on the Use of [Senedd] Resources at the time stated:

12. Assembly Members must ensure that they use Assembly Resources for the purpose of their activities as Assembly Members only and not for any of the purposes listed below, which are prohibited:

- personal, business or commercial communications;
- party political activity of any kind, for example, party-political fund-raising, recruitment of party members and the organisation and publicising of party political meetings; and
- campaigning for the election or re-election of particular candidates for any public office (including the Member in question).

10. The Committee met on Tuesday 6 and 20 October 2020 to consider and reach its conclusion in respect of this complaint.

Committee's Consideration of its Decision

11. The Committee considered whether the Member was in breach of Standing Order 22.2(i).⁵

12. In considering whether a breach took place, the Committee reviewed the facts found by the Commissioner and set out in his report, the Commissioner's opinion that a breach had taken place, representations from Dai Lloyd MS to the Commissioner and written representations to the Committee by Dai Lloyd MS.

13. Dai Lloyd MS did not avail himself of the opportunity to give oral evidence to the Committee.

Having reviewed the report from the Acting Commissioner for Standards the Committee finds that a breach of paragraph 10 of the Code of Conduct by Dai Lloyd MS, while acting as Chair of the Plaid Cymru Group.

Committee's Recommendation – Sanctions available.

14. The Committee considers that a breach by any Member of the Senedd is a serious matter. The reputation of the Senedd as an institution, and the public's trust and confidence in it, rely upon Members demonstrating integrity and leadership by their actions.

15. In reaching its recommendation, the Committee noted that Dai Lloyd MS fully acknowledged that his actions constituted a breach of the Code of Conduct and has fully co-operated with the Commissioner's investigation.

Recommendation 1. The Committee recommends to the Senedd, in accordance with 7.12(iii) of the Procedure for Dealing with Complaints against Members of the Senedd, that a breach has been found but that no further action should be taken.

16. A copy of this report has been provided to the Member concerned, who was also notified of his right to appeal under section 8 of the procedure, which was not pursued.⁶

⁵ Standing order 22.2(i)

⁶ The Senedd's Procedure for Dealing with Complaints Against Members of the Senedd.

17. The Committee Chair has tabled a motion (in accordance with Standing Order 22.11 and paragraph 9.1 of the procedure) calling on the Senedd to endorse the Committee's recommendation.

Matters arising from this complaint

18. This complaint arose from the disclosure of a confidential note of a private meeting. The Commissioner states in his report that:

“Whilst Dr Lloyd’s contravention of the provisions cannot be excused the conduct of the instigator of the complaint is, in my opinion, very much more reprehensible.”

19. The Commissioner also highlights this complaint as a:

“...very clear example of abuse of the complaints process in an attempt to score political points.”

20. The Committee has been provided a copy of the meeting note to verify the findings of the Commissioner.

21. The Committee considered whether the note should be published with this report and concluded that the Committee should not allow itself to be used as a conduit for the release of information about a private meeting for purpose of political “point scoring”. The abuse of the system in this way is unacceptable, and undermines a process which should build confidence in elected representatives. Andrew RT Davies asked for it to be noted that he would like all the information in the Commissioner’s annex published and not redacted. However, the majority view of the Committee was to redact the information relating to the meeting, as it considered the summary of the matters discussed at the meeting set out at paragraph 6.4 of the Commissioner’s report sufficient for the intelligible understanding of the complaint and the Commissioner’s findings in this case..

22. The Committee also noted with concern the Commissioner’s critical comments on the impact of the complainant’s failure to engage in the process after having made the original complaint(paragraph 8.1)⁷. We endorse the view that the process should not be delayed unnecessarily due to a failure to co-operate on the part of the complainant. We will give further consideration to the suggestion of the Commissioner to include a provision permitting the Commissioner to end an investigation if the complainant is wilfully failing to co-

⁷ Commissioners report paragraph 8.1

operate as part of our review into the Code of Conduct and associated procedures.

23. Finally, the Committee has noted the Commissioner's comments about the timeframe for the complaint, and his view that the complainant⁸ was used as a means to circumvent this. In the light of this the Committee also intends to consider the timeframe for making complaints as part of our review into the Code of Conduct and associated procedures

⁸ Commissioners report paragraph 8.2

Annex A: Report from the Commissioner for Standards

RESTRICTED - INVESTIGATION

REPORT

by

THE ACTING SENEDD COMMISSIONER FOR STANDARDS

of the investigation of a complaint by

JONATHAN SWAN

against

DR DAI LLOYD MS

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RESTRICTED - INVESTIGATION

1. INTRODUCTION

1.1 This is the report of my investigation of a complaint by Jonathan Swan against Dr Dai Lloyd MS.

1.2 The documents I have relied on in the consideration of the complaint are at Annex A. Where they are of no evidential value of identifying details of individuals referred to in these documents have been redacted. Quotations from these documents and from the relevant provisions identified in Section 4 are italicised. Footnote references are given to the main although not all, supporting documents.

2. THE COMPLAINT

2.1 On 10 February 2020 Mr Swan asked me to investigate his assertion '*that Plaid Cymru organised a party political strategy meeting on the Assembly Estate*'. He said that '*The nature of the meeting was overtly political and used to improve Plaid Cymru's electoral fortunes. As a result I believe it is a breach of Point 12 of the Code of Conduct for Assembly Members*'.¹ He attached a copy of what bore to be a note or minutes of that meeting² and of an email sending it to those who had been in attendance.³ On 18 February, in response to my query as to the identity of the person he was complaining about Mr Swan told me that he believed it '*must be against Dai Lloyd as Chair of the meeting*'.⁴ He also told me that he had received the copy note and email only recently from a person who had been present at the meeting. Mr Swan sought anonymity '*because of the nature of my work at the BBC*'.

3. THE INVESTIGATION

3.1 On 3 March 2020 I wrote to Dr Lloyd advising him of the complaint against him, but not the identity of the complainant, affording him the opportunity to make representations to me regarding its admissibility. Dr Lloyd replied on 18 March but did not question the admissibility of the complaint. On 7 April I advised Mr Swan and Dr Lloyd of my decision that the complaint was admissible and that I had commenced my formal investigation.

¹ Document 1

² Document 2

³ Document 3

⁴ Document 4

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- 3.2 In my letter of 7 April I also asked Mr Swan to tell me who had provided him with the copy documents on which his complaint was founded so that I could confirm their authenticity. Mr Swan did not respond. On 22 April I again asked Mr Swan for that information. Again he failed to respond.
- 3.3 I obtained a copy of the records relating to the booking of the room used for the meeting in question. I sought assistance on the issue of the authenticity of the note of the meeting from the author of the email that covered the note of meeting. Unfortunately that person no longer worked for Plaid Cymru and was unable to assist me. I also approached all those elected representatives who appeared to have been present at the meeting and a senior Plaid Cymru official for information on that matter. In response Neil McEvoy MS provided me with copies of the covering email and note of meeting identical to those submitted by Mr Swan and told me that the note was an accurate record of what took place at the meeting.⁵
- 3.4 On 29 June I wrote to Mr Swan explaining that natural justice required that Dr Lloyd should know who had complained about him unless there were compelling contrary reasons. I asked him to provide information on the nature of his work with the BBC so that I could make an informed decision on his anonymity. He failed to respond to that letter. On 1 September I wrote to Mr Swan informing him that in view of his failure to respond I could not be satisfied that his anonymity was justified and that I would be disclosing his identity to Dr Lloyd and in my report to the Committee.
- 3.5 On 2 September 2020 I interviewed Dr Lloyd via Teams. On 8 September a note of that meeting was agreed and I concluded my investigation.⁶

4. THE RELEVANT PROVISIONS

- 4.1 Paragraph 10 of the Code of the Code of Conduct for Assembly Members (“the Code”) provides –

‘10. Members are required to comply with the Rules and Guidance on the Use of Assembly Resources (“the Rules”) and any guidance on the use of Assembly resources specifically relating to an election campaign.’

⁵ Document 5

⁶ Document 6

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4.2 Paragraph 12 of the Rules provides –

‘12. Assembly Members must ensure that they use Assembly Resources for the purpose of their activities as Assembly Members only and not for any of the purposes listed below, which are prohibited:

- personal, business or commercial communications;*
- party political activity of any kind, for example, party-political fund-raising, recruitment of party members and the organisation and publicising of party political meetings; and*
- campaigning for the election or re-election of particular candidates for any public office (including the Member in question).*

4.3 In the absence of any evidence that Dr Lloyd played any part in the booking of the room for the meeting on 20 June 2017 I do not consider paragraph 21 of the Rules (Booking of rooms on the Assembly estate) to be relevant.

5. FINDINGS OF FACT

5.1 I found the following facts established to the required standard –

- i. A Parliamentary General Election was held on 8 June 2017;
- ii. On 20 June 2017 a joint meeting of the Plaid Cymru Assembly Group (as it then was) and the Plaid Cymru Westminster Group was held in Conference Room 2 in Tŷ Hywel between 10 am and noon;
- iii. The note of that meeting provided by the complainant is a substantially accurate bullet point record of the main points made by those who spoke at the meeting;
- iv. The main purpose of the meeting was to discuss the General Election campaign, the election results and the way forward for Plaid Cymru as a whole;
- v. Part 1 of the meeting was chaired by Dr Lloyd in his capacity as Chair of the Assembly Group;
- vi. A substantial number of the points raised during that Part related to the General Election campaign and had no direct relationship to how Assembly Members would address business before the Assembly. Examples of such matters included the success of the election campaign with a gain of one seat, the impact of tactical voting, that canvassing 20,000 people was the key to winning two

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- constituencies, the perception that Plaid Cymru was a party for Welsh speakers, the suggestion of forming a new party, that the campaign had focussed too much on attacking Labour, that work should be done to recruit more ethnic minority candidates, that changing the party's branding could be more important than changing perceptions of it and the need to professionalise the party;
- vii. Dr Lloyd did not attempt to stop discussions of these issues;
 - viii. No additional expenditure of Assembly funds was incurred as a result of the meeting;
 - ix. On 10 February 2020 Mr Swan submitted his complaint together with a copy of the note of the meeting and a covering email;
 - x. Mr Swan was given a copy of the note and of the email by a person who had been present at the meeting only shortly before he submitted his complaint;
 - xi. Mr Swan fronted the complaint, which was politically motivated, for that person;
 - xii. Mr Swan is a former Chair of Cardiff South Plaid Cymru who, according to media reports, left that party to join the Welsh National Party⁷;
 - xiii. Mr Swan's lack of co-operation during the investigation by failing to respond to letters and emails resulted in delay and additional cost; and
 - xiv. Dr Lloyd, Plaid Cymru Members of the Senedd, Members and of Parliament and their staff co-operated fully throughout the investigation.

6. CONSIDERATION

6.1 Mr Swan was not present at the meeting on 20 June 2017 and can throw no light on whether the note of it he submitted is genuine or accurate.⁸ Dr Lloyd, unsurprisingly given the passage of time and the number of committee meetings he chairs, has no recollection of that meeting.⁹ Copies of the note and its covering email identical to those submitted by Mr Swan were found during an extensive search of Plaid Cymru records although nothing was found to establish that the note had ever been approved or that any of those present had contested its accuracy.¹⁰ Mr McEvoy provided further identical copies of both documents and told me

⁷ Document 7

⁸ Document 2

⁹ Document 6

¹⁰ Document 9

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'that the minutes are a genuine and true record of what took place'.¹¹ On the basis of all of that evidence I am satisfied that the note is a substantially accurate record of the points made by those who spoke the meeting albeit it does not record any discussion of these points that may have taken place.

6.2 It is not disputed that the use of Conference Room 2 to hold the meeting on 20 June 2017 was a use of Assembly resources. Paragraph 10 of the Rules requires Members to *'ensure that they use Assembly Resources for the purpose of their activities as Assembly Members only and not for any of the purposes listed below, which are prohibited'*. The second prohibited purpose listed is *'party political activity of any kind'* of which a number of examples not relevant to the present investigation are given. The issue, then, is whether what took place during Part 1 of the meeting was only for purpose of Dr Lloyd's and the other Members present activities as Assembly Members or whether it was party political activity. If the former it was permissible, if the latter it was not and was in contravention of paragraph 10 of the Rules and paragraph 12 of the Code.

6.3 Neither the Code nor the Rules give any guidance on what are the proper activities of Members in relation to the use of rooms or on the meaning of party political purposes. In these circumstances I took legal advice and can do no better than quoting from the most relevant part of that advice – *'..... the boundary between a Member's activities as a Member of the Assembly (for which Assembly Resources can be utilised) and party political activity (for which the use of Assembly Resources is prohibited) is inexact and sensitive to the facts of a particular complaint. In considering questions about the proper use of Assembly Resources it is necessary to take account of the extent to which the Assembly's functions and business are by their very nature "political", in the sense of being concerned with the affairs of government and the exercise of authority. In my opinion this means discussion involving AM's and their staffs can legitimately encompass the political response to the business before the Assembly. On the other hand, the discussion of campaigning on political questions or matters of wider party organisation, beyond the business of the recognised party groups within the Assembly, would fall within the scope of prohibited party political activity'*. I accept that approach as the correct way of distinguishing between a Member's activities as a Member of the Assembly and party political activity engaged in by a Member.

¹¹ Document 5

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6.4 The meeting on Tuesday 20 June 2017 was not a routine weekly meeting of the Plaid Cymru Assembly Group to discuss business before the Assembly and the Groups approach to it. There is nothing to suggest that there was any discussion of the political response to business before the Assembly such as who would speak on issues and how Members would be asked to vote.¹² Indeed, it would have been surprising if the routine business of the weekly meetings of the Assembly Group had been discussed at joint meeting attended by Members of Parliament. In his complaint Mr Swan asserted that *'The nature of the meeting was overtly political and used to improve Plaid Cymru's electoral fortunes'*.¹³ As Mr Swan was not present at the meeting and knew nothing of it apart from what was in the document given to him, his assertion is of no evidential value. In a response on behalf of the current Plaid Cymru MPs who had been present at the meeting I was told that the purpose of the meeting *'..was to consider the 2017 snap General Election result and its implications for the Senedd and devolution more broadly'*.¹⁴ That is borne out by the note from which it is apparent that the discussion focused on the General Election, the results of that election and the way forward for Plaid Cymru as a whole.¹⁵ At my meeting with him on 2 September 2020 Dr Lloyd told me that he accepted that some of the matters apparently discussed at the meeting on 20 June 2017 should probably not have been dealt with using Assembly/Senedd resources, despite, in some instances, there being, he asserted, a context relating to Assembly/Senedd business. I am unable to accept that assertion.¹⁶ I am unable to identify any significant connection between the matters apparently discussed during Part 1 of the meeting, especially those identified in Finding of Fact V, and the work of Dr Lloyd or any of those present as Members of the Assembly. I am satisfied that this was a joint meeting of the Westminster and Assembly Groups called to discuss the campaign for the General Election that had been held 12 days earlier, the results of that election and the way forward for the party as a whole.

7. CONCLUSION

7.1 I am satisfied that what took place during Part 1 of the meeting on 20 June 2017 was party political activity. Dr Lloyd allowed the room to be used for

¹² Document 2

¹³ Document 1

¹⁴ Document 7

¹⁵ Document 2

¹⁶ Document 6

RESTRICTED - INVESTIGATION

a prohibited purpose and so contravened paragraph 10 of the Rules and paragraph 12 of the Code.

8. ISSUES OF GENERAL PRINCIPLE

- 8.1 The repeated failure of Mr Swan to respond to requests for information delayed my investigation and resulted in increased expenditure. I recommend that consideration be given to inclusion in the next version of the Procedure for dealing with complaints against Assembly Members of a provision permitting the Commissioner to end an investigation if the complainant is wilfully failing to co-operate. As a safeguard the Commissioner's decision could be subject to review by the Committee.
- 8.2 I have no doubt that this complaint was made at the instigation of a person present at the meeting on 20 June 2017. Mr Swan made the complaint more than two and a half years after the meeting. Admissibility criterion v, set out in paragraph 3.1 of the Procedure for dealing with complaints against Assembly Members, provides that to be admissible a complaint *'must be made within one year from the date when the complainant could reasonably have become aware of the conduct complained about'*. The instigator of the complaint avoided that provision by passing the note of the meeting to Mr Swan only shortly before 10 February 2020.¹⁷ I recommend that consideration be given to amending criterion v to provide that a complaint is admissible only if it is made within one year from the date of the conduct complained about. There would need to be a safeguard to avoid the exclusion of a complaint that genuinely could not have been made within that period.
- 8.3 During my meeting with Dr Lloyd he spoke of the apparent tension between paragraph 12 of the Code of Conduct and paragraph 21 of the Rules and Guidance on the use of Assembly resources. In a previous report I have commented on the need for clarification of these provisions. I welcome the assurance I have been given that work on that matter is well advanced.
- 8.4 This complaint provides a very clear example of abuse of the complaints process in an attempt to score political points. Whilst Dr Lloyd's contravention of the provisions cannot be excused the conduct of the instigator of the complaint is, in my opinion, very much more reprehensible. Not only did that person disclose the confidential note of the private meeting to Mr Swan in the knowledge that it would be further

¹⁷ Document 1

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disclosed by him but he or she also concealed his or her identity by using Mr Swan to front the complaint. I recommend that consideration be given to inclusion in the Code of Conduct of a provision outlawing abuse of the complaints process.

9. PROCESS

9.1 Mr Swan and Dr Lloyd have been provided with the final draft of this report and afforded an opportunity to comment on its factual accuracy. No response was received from Mr Swan. Dr Lloyd's response related to redaction of certain details and raised no matters of factual accuracy.

9.2 A copy of this final report has today been sent to each of them.

A handwritten signature in black ink, appearing to read 'Douglas Bain', is centered on the page. The signature is written in a cursive style with a long horizontal stroke extending to the right.

Douglas Bain CBE TD
Acting Senedd Commissioner for Standards

28 September 2020

DOCUMENTS RELIED UPON

1. Email Swan to Commissioner 10 February 2020
2. Copy Minutes of Joint Meeting 20 June 2017
3. Copy email PC official to PC Assembly Group Members and staff 27 June 2017
4. Email Swan – Commissioner 18 February 2020
5. Email McEvoy – Acting Commissioner 4 August 2020
6. Agreed Note of Meeting Acting Commissioner –Dr Lloyd
7. Email PC official – Acting Commissioner 21 August 2020
8. Bubble.Wales report 21 December 2019
9. Email PC Senedd – Acting Commissioner 21 August 2020

Fwd: FW: Cofnodion Diwygiedig Amended joint group minutes

Jonathan Swan
To: Standards Commissioner

Follow up. Completed on 11 February 2020.
You replied to this message on 11/02/2020 08:35.

Joint group meeting minutes (002).docx
23 KB

Document 1

Reply

Reply All

Forward

...

Mon 10/02/2020 15:46

Amended joint group minutes

Dear Standards Commissioner,

Please find below an email that has just come into my possession. The attachment to that email, sent to all Plaid Cymru AMs and staff, shows that Plaid Cymru organised a party political strategy meeting on the Assembly Estate. The nature of the meeting was overtly political and used to improve Plaid Cymru's electoral fortunes. As a result I believe it is a breach of Point 32 of the Code of Conduct for Assembly Members.

Could you please investigate. Please also note that as I was only just sent this email I could not have reasonably known about its existence until now.

Many thanks,

Jonathan Swan

From: [Redacted] (Plaid Cymru – Swyddfa'r Grŵp | Plaid Cymru – Group Office) [Redacted] <[\[Redacted\]@assembly.wales](mailto:[Redacted]@assembly.wales)>

Sent: 27 June 2017 10:34

To: All Plaid Cymru Party - Members <PlaidCymru.Members@assembly.wales>

Cc: All Plaid Cymru Party - Support Staff <PlaidCymru.SupportStaff@assembly.wales>

Subject: Cofnodion Diwygiedig - Amended joint group minutes

[Redacted]
Gweinyddyd Grŵp Plaid Cymru

Plaid Cymru Group Administrator

Cynulliad Cenedlaethol Cymru



Joint group meeting

20/6/17 10am National Assembly for Wales

Present: Dai Lloyd AM (Chair), [REDACTED], [REDACTED], Adam Price AM, Elin Jones AM, Leanne Wood AM, Steffan Lewis AM, Bethan Jenkins AM, Hywel Williams MP, Neil McEvoy AM, Jonathan Edwards MP, Simon Thomas AM, Ben Lake MP, Liz Saville Roberts MP.

Part 1 : 2017 Westminster Election feedback (Chaired by DLI)

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Part 2: Going forward (Chaired by █)

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Action points arising from meeting

[REDACTED]

[REDACTED]

Fwd: FW: Cofnodion Diwygiedig Amended joint group minutes

Document 3

Reply Reply/All Forward ...
Mon 10/02/2020 16:46

Jonathan Swan
Standards Commissioner

Follow up: Completed on 11 February 2020.
You replied to this message on 10/02/2020 08:35.

Joint group meeting minutes (0012).docx
23 KB

Dear Standards Commissioner,

Please find below an email that has just come into my possession. The attachment to that email, sent to all Plaid Cymru AMs and staff, shows that Plaid Cymru organised a party political strategy meeting on the Assembly Estate. The nature of the meeting was overtly political and used to improve Plaid Cymru's electoral fortunes. As a result I believe it is a breach of Point 12 of the Code of Conduct for Assembly Members.

Could you please investigate. Please also note that as I was only just sent this email I could not have reasonably known about its existence until now.

Many thanks,

Jonathan Swan

From: [redacted] (plaid cymru – swyddfa'r grŵp | plaid cymru – Group Office) [redacted]@assembly.wales>

Sent: 27 June 2017 10:34

To: All Plaid Cymru Party - Members <PlaidCymru.Members@assembly.wales>

Cc: All Plaid Cymru Party - Support Staff <PlaidCymru.SupportStaff@assembly.wales>

Subject: Cofnodion Diwygiedig - Amended joint group minutes

[redacted]

Gweinnyddydd grŵp Plaid Cymru

Plaid Cymru Group Administrator

Cynulliad Cenedlaethol Cymru

[redacted]

[redacted]

 Plaid Cymru | Party of
Cymru | Wales

(Staff Comisiwn y Senedd | Senedd Commission Staff)

From: Jonathan Swan [redacted]
Sent: 18 February 2020 17:42
To: Standards Commissioner
Subject: Re: Complaint against Dai Lloyd AM - Strictly Confidential

Dear [redacted], [Information about unrelated inadmissible complaints has been redacted]

- [redacted]
[Information about unrelated inadmissible complaints has been redacted]

[redacted]

- With regards to the complaint on Plaid hosting a political strategy meeting on the National Assembly estate I believe the complaint must also be against Dai Lloyd, as the Chair of the meeting. The minutes of the meeting were recently sent to me by someone who was at the meeting in question.

If possible, I would prefer it if my name was not known because of the nature of my work at the BBC.

Jonathan Swan (not Swift).

[redacted]

[redacted] [Information about unrelated inadmissible complaints has been redacted]

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[REDACTED]

(Staff Comisiwn y Senedd | Senedd Commission Staff)

From: Bain, Douglas (Standards Commissioner)
Sent: 05 August 2020 10:29
To: [REDACTED] (Staff Comisiwn y Senedd | Senedd Commission Staff)
Subject: Fw: Cofnodion Diwygiedig - Amended joint group minutes
Attachments: Joint group meeting minutes (002).docx

From: McEvoy, Neil (Aelod o'r Senedd | Member of the Senedd) <[REDACTED]>
Sent: 04 August 2020 14:54
To: Bain, Douglas (Standards Commissioner) <[REDACTED]>
Subject: FW: Cofnodion Diwygiedig - Amended joint group minutes

Dear Mr Bain,

In reference to your letter of 31st of July, I can confirm that I was present at the meeting, although I played no role in organising it, and that the minutes are a genuine and true record of what took place.

I've checked through my records of Plaid Cymru group business in order to forward you the email that includes these minutes, which is below, with the minutes attached. I will also forward it as a clean email as it appears in my inbox. The email was sent by the Plaid Cymru Group administrator, [REDACTED], who is no longer in that employment, on the 27th of June, 2017 at 10:34. The minutes were sent to all Plaid Cymru MSs and support staff.

The meeting would have been arranged by Dai Lloyd MS, as Chair of the Plaid Cymru Senedd Group.



Neil McEvoy MS/AS
 Leader of the Welsh National Party (WNP)
 Arweinydd Y Blaid Genedlaethol (YBG)

Phone | Ffon [REDACTED]
 Web | Wefan www.neilmcevoy.wales
 Email | E-bost [REDACTED]



From: [REDACTED] (Plaid Cymru – Swyddfa'r Grŵp | Plaid Cymru – Group Office)
Sent: 27 June 2017 10:34
To: All Plaid Cymru Party - Members <[REDACTED]>
Cc: All Plaid Cymru Party - Support Staff <[REDACTED]>
Subject: Cofnodion Diwygiedig - Amended joint group minutes

[REDACTED]
Gweinyddydd Grŵp Plaid Cymru

Plaid Cymru Group Administrator

Cynulliad Cenedlaethol Cymru



COMPLAINT BY JONATHAN SWAN AGAINST DR DAI LLOYD MS**AGREED NOTE OF MEETING 2 SEPTEMBER 2020**

1. This note records the main points of a meeting held via Teams between Douglas Bain, Acting Standards Commissioner, and Dr Dai Lloyd MS on 2 September 2020. The meeting was arranged in connection with the complaint by Jonathan Swan against Dr Lloyd in which it was alleged that on 20 June 2017 Dr Lloyd had improperly used Assembly resources, namely a Conference Room, when he chaired a meeting at which party political matters were discussed. [REDACTED] Commissioner's Office, and [REDACTED], [REDACTED], were present.
2. In the course of the meeting in response to questions posed by Mr Bain Dr Lloyd said that –
 - He had been a Member of the Assembly/Senedd since 1999 except for the period 2011-2016 when he had lost his seat ;
 - He had been the Chair of Plaid Cymru Assembly/Senedd Group since 2000 apart from this period;
 - He was aware, now and in 2017, of his duty to comply with the Rules and Guidance on the Use of Assembly Resources and in particular with the prohibition in paragraph 12 on using rooms on the Assembly/Senedd estate for party political purposes;
 - It was the normal practice for that Assembly/Senedd Group to meet between 11am and noon each Tuesday morning when the Assembly/Senedd was sitting;
 - The main purpose of these weekly meetings was to discuss the business for the week ahead and sort out matters such as who would ask questions and how Members would vote on particular issues;
 - He took no part in the booking of rooms for these meetings but believed that it was possible that they were booked in his name as Chair of the Group;
 - Over the years in addition to chairing these weekly Group meetings he chaired numerous other meetings within the Assembly/Senedd and outside it in connection with his work as a Member or his other interests;
 - He had no recollection of the meeting on 20 June 2017 about which the complaint is made. Although that may seem surprising as this was a joint meeting of the Westminster and Assembly Groups joint meetings were held from time to time and his memory was not now as good as it once had been;
 - He could not recall any change to the location of the weekly meetings in the summer of 2017;
 - As he had no recollection of the meeting in question he was unable to offer a view on whether or not the note of the meeting provided by the complainant

was genuine or a true bullet point record of the main points made by the speakers;

- He accepted that the fact that no evidence of any objections to the accuracy of the note had been found despite an extensive search of Plaid Cymru records perhaps indicated that the note was genuine and substantially accurate. It was however at best a note of bullet points and did not disclose the discussions that probably took place about them;
 - He did not consider that the use of a room to hold the weekly Group meetings was contrary to paragraph 12 of the Rules and Guidance;
 - When asked if the matters apparently discussed during Part 1 of the meeting on 20 June 2017 should have been discussed on the Assembly/Senedd estate his initial response was that he believed that was legitimate. He accepted that a distinction could be made between discussion and deliberation by Members relating to the political response to matters before the Assembly/Senedd which was permissible and the discussion of party matters not directly related to such business which was not. He accepted that some of the matters apparently discussed at the meeting on 20 June 2017 should probably not have been dealt with using Assembly/Senedd resources, despite, in some instances, there being a context relating to Assembly/Senedd business;
 - He had always taken care to ensure that his constituency and Senedd offices were used only for his work as a Member. He was a politician and everything he did was political. It could be hard on occasion to distinguish between use of resources in connection with his political work as a Member and use of resources for party political purposes. Whilst some things fell readily into one or other of the categories there were others that fell between them. He had believed that the matters apparently discussed at the meeting on 20 June were in the first category but accepted now that some perhaps fell into the second. If that was my (the Acting Commissioner's) view he would accept that finding.
 - He welcomed the Commissioner's acknowledgement of the apparent tension between paragraph 12 and paragraph 21 of the Rules and Guidance on the Use of Senedd (Assembly) Resources and believed that the intention to issue more robust guidance on this issue to Members would bring about greater clarity in future. He was keen to emphasise that the use of the Conference Room for a private meeting, flawed though it was in certain aspects, did not incur any cost to the taxpayer or result in the misuse of public funds.
3. Dr Lloyd was told that the complainant was Jonathan Swan who according to the media had resigned as Chair of Cardiff West Plaid Cymru and joined the Welsh National Party. Mr Swan had sought anonymity because of the nature of his work with the BBC. He had failed to respond to a request for details of that work so that an assessment of his request for anonymity could be made.

He had also failed to respond to requests from Mr Bain to reveal who had given him the note of the meeting shortly before he made the complaint. Mr Bain regretted that this lack of co-operation had delayed the investigation and said that he would be drawing it to the attention of the Committee. Dr Lloyd responded that he believed the present complaint was politically motivated and was one of a number of attempts made to discredit him ahead of the 2021 elections.

4. At Dr Lloyd's request Mr Bain explained the procedure that would be followed to bring the investigation to a conclusion and for the submission of his report to the Committee. Dr Lloyd thanked Mr Bain and [REDACTED] for their work on this matter which he hoped could be brought to a conclusion as soon as possible.

(Staff Comisiwn y Senedd | Senedd Commission Staff)

From: [REDACTED]@parliament.uk>
Sent: 21 August 2020 13:27
To: Standards Commissioner
Cc: WILLIAMS, Hywel; Liz Saville Roberts; LAKE, Ben
Subject: Response to Senedd Acting Standards Commissioner - Plaid Cymru Westminster Group

Dear Acting Standards Commissioner,

I'm writing to you in my capacity as the Chief of Staff of the Plaid Cymru Westminster Group in response to your recent correspondence to the three Members of Parliament which currently sit in the Westminster Group.

Please accept this email on behalf of Liz Saville Roberts MP, Hywel Williams MP, and Ben Lake MP in the interests of avoiding duplication and providing a clear response to facilitate your investigation.

I can confirm that we have undertaken a detailed search of records, diaries and inboxes in response to your correspondence and on the basis of that search I can confirm that all three Members of Parliament attended a meeting of the Plaid Cymru Senedd (then Assembly) Group within the Senedd building on Tuesday 20th June 2017.

I can further confirm that it would appear that the note which you have kindly shared corresponds with a draft note circulated by the Assembly Group's then Senior Press Officer which the MPs' received. However, I cannot with confidence confirm that the note accurately reflects the MP's input into the said meeting as we have found no paper trail of them signing it off as an accurate and correct reflection of their contributions.

Having spoken to the Members in question, I should add that their recollection is that the purpose of the meeting was to consider the 2017 snap General Election result and its implications for the Senedd and devolution more broadly.

Members of Plaid Cymru's Westminster team welcome the opportunity to visit the Senedd regularly to have discussions with colleagues on the Senedd estate, including in particular discussions with Members of the Plaid Cymru Senedd Group. Close cooperation has been vital to the proper undertaking of our work around cross-cutting issues such as Brexit in recent years and to consider that scrutiny in the broader political context in which we operate. The challenges ahead, such as the scrutiny of the UK Government's proposed post-Brexit UK Internal Market, will require close cooperation between elected members of Plaid Cymru's two parliamentary groups and the availability of private forums to have such discussions appropriately within the parliamentary framework will be paramount.

I would like to conclude by noting the Group is concerned that this 'complaint' seems somewhat arbitrary and has taken a significant amount of effort on our part, at a time when capacity is at a premium.

If you have any further questions you are able to use the contact details below to get in touch with me.

Regards,

[REDACTED]
Plaid Cymru | Party of Wales



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HOME NEWS CONTACT BUBBLE

CARDIFF WEST PLAID CHAIR QUILTS OVER MCEVOY

Posted by Burble | Dec 21, 2019 | News | 0

| ★★★★★

Bubble has been shown this email from Jonathan Swan, chair of Plaid Cymru Cardiff West to Gareth Clubb, CEO of Plaid Cymru. The email, the subject heading of which is “Resignation” explains why Mr Swan is leaving his position and “cutting all ties with Plaid Cymru” along with 130 other people in 15 constituencies”.

Jonathan pulls no punches, writing that the party is rife with bullying, and accusing Plaid of **“crushing intolerance to anyone who is different.”**

He also defends Neil McEvoy, arguing that Neil should still be in Plaid and that complainants who acted against Neil should themselves be expelled: “It beggars belief that a single Plaid

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member, supported by 4 others, reported Neil McEvoy, AM whilst he was a Plaid AM, to the former Standards Commissioner... Those 5 people should have been expelled, not Neil McEvoy."

In October, three Cardiff West Plaid Councillors resigned from the party over Mr McEvoy's expulsion from Plaid, with their language striking a similar tone: "It is regrettable that ongoing personal vendettas now seem the most important thing for the Plaid Cymru leadership. Members are encouraged to make complaints against other members and a toxic atmosphere within the party has been allowed to take hold."

With another blow to Plaid in Cardiff West, and a mass walkout across 15 constituencies, one has to wonder who will be left to campaign for Plaid in the First Minister's constituency in 2021.

READ THE FULL EMAIL BELOW

Sent: Thursday, 19 December 2019, 17:51:48 GMT

Subject: Resignation

Dear Members,

I will be resigning as Chair of Cardiff West Plaid Cymru. I am cutting all ties with Plaid Cymru with 130 other people in 15 constituencies. We avoided doing so during the Election to avoid needless bitterness.

I joined Plaid Cymru to fight for fair play in and for Wales. The experiences of the past 2 and a half years demonstrate that justice is not part of Plaid's agenda. There is no integrity in internal

Plaid procedures, but serious prejudice. Bullying is rife and there is crushing intolerance to anyone who is different. I believe in unity through diversity, not in uniformity.

The truth is that some members in Plaid are more equal than others, as the shenanigans in Cardiff West, Llanelli, Ynys Mon, Aberconwy, Cynon, Blaenau Gwent and heavens know where else shows.

Less than 10 members in Cardiff have been not only allowed, but encouraged to reverse the brilliant progress built in our Capital City over the past 16 years, through hundreds of people and hundreds of thousands of hours of work.

It beggars belief that a single Plaid member, supported by 4 others, reported Neil McEvoy, AM whilst he was a Plaid AM, to the former Standards Commissioner for allegedly using his constituency office for "the benefit of Plaid Cymru". Those 5 people should have been expelled, not Neil McEvoy.

Last February in the Ely by-election our local members not only had to fight Labour, but also Plaid Cymru's central bureaucracy. We won despite Plaid, not because of the party.

Last week saw Plaid retain four seats and fail to even come second in a single other seat in Wales. Plaid got its worst result ever in Rhondda constituency, in terms of number of votes cast for Plaid. In Cardiff, a candidate was not fielded in one constituency to make way for the unionist Lib Dems. In two others, the deposits were lost. In Cardiff West, the vote went down yet again.

It seems we're being left with a rump of a party, confined to rural traditional Welsh speaking

areas, yet happy to prop up Labour in the Senedd.

I'm interested in beating Labour and ending their two decades of rule in Wales. The only way to do that is by winning in south Wales, including our capital. It's become clear that Plaid will never become a party capable of beating Labour here. We had opportunities in Cardiff West, in Blaenau Gwent and in Llanelli, but in all of those constituencies the party leadership has intervened to cause division and resignations.

It's time for a new Welsh party to emerge who can represent all of Wales and I'll be committing my time from now on towards making that new party happen.

Yours faithfully,

Jonathan Swan

The out going Chair of Cardiff West

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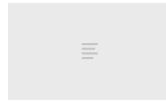
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(Staff Comisiwn y Senedd | Senedd Commission Staff)

From: [REDACTED] (Plaid Cymru – Swyddfa'r Grŵp | Plaid Cymru – Group Office)
Sent: 21 August 2020 15:14
To: Standards Commissioner
Cc: Lloyd, Dai (Aelod o'r Senedd | Member of the Senedd)
Subject: Ymateb i ohebiaeth y Comisiynydd Safonau
Attachments: 19-8-2020 Atodiad i'r Comisiynydd Safonau.docx

Annwyl Gomisiynydd Safonau Dros Dro,

Ysgrifennaf mewn ymateb i'ch gohebiaeth ddiweddar ataf i a'ch gohebiaeth bellach yn uniongyrchol at rai Aelodau Plaid Cymru o'r Senedd a oedd wedi'u henwi mewn dogfen a gyflwynwyd ichi ac sy'n destun cwyn ar hyn o bryd.

Er mwyn sicrhau bod yr wybodaeth gennym fel Grŵp yn gyson ac yn gywir, ac er mwyn hwyluso'r ymateb mwyaf trwyadl a threfnus bosib mewn ymateb i'ch cais, cadarnhaf fy mod yn ymateb ar ran yr holl Aelodau o Grŵp Senedd Plaid Cymru y gwnaethoch ohebu â nhw mewn perthynas â'r mater hwn.

Rwyf mewn sefyllfa i wneud hynny gan imi ofyn i'r Aelodau dan sylw ddarparu'r canlynol:

1. *Unrhyw gofnod dyddiadur, agenda, cofnodion, nodiadau neu ohebiaeth yn eich meddiant sy'n gysylltiedig â chyfarfod Grŵp a gynhaliwyd ar 20 Mehefin 2017.*
2. *Os ydych yn cofio cymryd rhan yn y cyfarfod, cadarnhad p'un ai a yw'r nodyn sydd wedi dod i law yn adlewyrchiad cywir a chyflawn o'r trafodaethau ai peidio.*

Yn ei lythyr atoch dyddiedig 18 Mawrth 2020, soniodd Dr Dai Lloyd AS fod nodyn am gyfarfod gyda'r nos ar ôl y cyfarfod llawn ar 20 Mehefin 2017 wedi'i anfon gan weinyddydd y Grŵp ar y pryd. Roedd hyn yn bwrw amheuaeth ar ddilysrwydd y nodyn oedd wedi ei ddwyn i'ch sylw o gyfarfod am 10.00am ar 20 Mehefin 2017. Fodd bynnag, yn dilyn y chwiliad manwl hwn ar draws swyddfeydd gwahanol Aelodau y bŵm yn ei gydlynu, gallaf gadarnhau y daeth e-bost i'r fei a anfonwyd gan Dr Dai Lloyd AS at Aelodau'r Grŵp ar 19 Mai 2017 yn atgoffa Aelodau fod cyfarfod Grŵp estynedig i'w gynnal rhwng 10.00-12.00 y bore Mawrth canlynol 20 Mehefin 2017. Atodaf gopi i'ch sylw. Ni allwn ddod o hyd i unrhyw agenda i gyd-fynd gyda gwahoddiad Dr Lloyd i'r cyfarfod yma, ond mae ei e-bost dyddiedig 19 Mai 2017 yn dweud fod y cyfarfod estynedig gydag Aelodau Seneddol ('MPs'). Mae'r e-bost hwn gan Dr Lloyd yn cadarnhau fod cyfarfod Grŵp estynedig wedi'i gynnal am 10.00 ar y dyddiad dan sylw felly a byddai hefyd yn esbonio'r cais i gael mwy o gadeiriau yn yr ystafell gyfarfod gan y byddai Aelodau o Senedd San Steffan wedi bod yn bresennol.

Yng ngoleuni'r chwiliad hwn yn ogystal, ac ar sail yr wybodaeth a ddychwelwyd ataf, rwy'n falch o allu cadarnhau bod e-bost wedi ei ganfod sydd hefyd yn berthnasol i'r mater dan sylw. E-bost yw hwn gan Uwch Swyddog Cyfathrebu'r Grŵp ar y pryd yr anfonwyd ar 21 Mehefin 2017, ddiwrnod ar ôl y cyfarfod. Atodaf gopi i'ch sylw. Fel y gwelwch, mae'n ymddangos i'r Uwch Swyddog Cyfathrebu ar y pryd gylchreded nodiadau drafft o'r cyfarfod dan sylw a gynhaliwyd ar 20 Mehefin 2017 sydd i'w weld yn cyfateb i'r nodyn sydd wedi dod i'ch sylw chi. Nid oes nodiadau neu gofnodion pellach o'r cyfarfod hwn wedi dod i law hyd yn hyn.

Oherwydd y staff sydd wedi gadael a'r amser sydd wedi pasio ers y cyfarfod dan sylw, nid ydyn ni dal wedi gallu cadarnhau pwy yn union gymerodd y nodiadau yma. Nid ydyn ni'n gallu cadarnhau ychwaith pa broses cymeradwyaeth a sicrhau ansawdd fu'r nodiadau yma yn destun iddynt er mwyn sicrhau na chafodd unrhyw un oedd yn bresennol yn y cyfarfod eu camddyfyngu, er enghraifft. Fel y disgwyl, nid oedd llawer o Aelodau yn cofio rhyw lawer am y cyfarfod penodol dan sylw oherwydd yr amser oedd wedi pasio. Mae yn ymddangos, serch hynny, fod Aelodau Plaid Cymru yn Senedd San Steffan wedi'u gwahodd i'r cyfarfod hwn i roi cyfle i aelodau'r Blaid yn y ddwy senedd drafod goblygiadau'r etholiad cyffredinol a fu i waith a blaenoriaethau'r Grŵp wrth symud ymlaen yn ei-destun ehangach, trafod meysydd gwaith a chymau gweithredu.

Mae dal amheuaeth gennym felly ynghylch a yw'r nodyn gylchredwyd gan yr Uwch Swyddog Cyfathrebu ar y pryd yn adlewyrchiad cywir a chyflawn o'r trafodaethau yn yr hyn sydd wedi'i sefydlu bellach fel cyfarfod Grŵp Senedd Plaid Cymru. Ymhelaethaf ar hynny wrth geisio ymateb i'ch cwestiwn am yr eitemau oedd i'w trafod yn y cyfarfod dan sylw.

Fe holoch yn eich gohebiaeth ataf i am yr eitemau oedd i'w trafod yn y cyfarfod dan sylw. Fel soniais i eisoes, nid ydyn ni wedi llwyddo i ddod o hyd i agenda ar gyfer y cyfarfod. Ond, ar sail fy mhrofiad yn

gweithio i'r Grŵp ers 2018, un o brif ddibenion pob cyfarfod Grŵp wythnosol yn y slot yma fel rheol (11:00-12:00 ar fore Mawrth pan fo'r Senedd yn eistedd mewn amgylchiadau arferol) yw trafod busnes y Senedd yr wythnos honno a materion yn gysylltiedig â busnes seneddol. Yn wir, gan gyfeirio eto at lythyr Dr Lloyd atoch dyddiedig 18 Mawrth 2020, mae'n sôn am bwysigrwydd cyfarfodydd Grŵp wythnosol a natur y materion safonol gaiff eu trafod o ran busnes seneddol a'u pwysigrwydd i gyflawniad gwaith yr Aelodau a swyddogaeth y Senedd. Mae hefyd yn sôn am bwysigrwydd cael gofod diogel i gynnal trafodaethau preifat o'r fath a'r goblygiadau i allu'r Senedd i weithredu fel y mae os bernir fod gwneud hynny yn groes i'r rheolau.

Mae bron yn anochel felly fel rhan o'r cyfarfod estynedig y byddai busnes dydd i ddydd y Cynulliad yr wythnos honno wedi'i drafod mewn manylder gan fod Cyfarfod Llawn y prynhawn Mawrth hwnnw am 13.30 a'r prynhawn Mercher dilynol, yn ychwanegol at ac yn ogystal â'r materion mwy lefel uchel yn y tirwedd gwleidyddol (megis argraffiadau Aelodau o'r ddwy senedd o'r etholiad a fu yn haf 2017) yn y cyfarfod Grŵp estynedig hwn, fel y mae'r nodyn o'r cyfarfod yn ei adrodd.

Mae'n ymddangos imi hefyd bod y pwyntiau gweithredu yn y nodyn yn adlewyrchu'r mathau o faterion gwleidyddol y mae Aelodau yn ei drafod mewn cyfarfodydd Grŵp (perthynas gyda phleidiau eraill yn Senedd Cymru a Senedd San Steffan a chysylltiadau gydag arweinyddiaeth y pleidiau hynny, materion staffio'r Grŵp, gwaith datblygu polisi i bwrpas cyflwyno rhaglen llywodraethu amgen fel gwrthblaid, y fframwaith strategol ehangach y mae Grŵp Senedd Plaid Cymru yn gweithio oddi mewn iddo). Yn hyn o beth, dymunaf danlinellu ar lefel weithredol fel Pennaeth Staff, ymhellach i lythyr Dr Lloyd atoch, pa mor bwysig yw hi bod y Grŵp – yn briodol, mewn cyfarfod preifat fel y mae pob cyfarfod grŵp – yn rhydd i gynllunio, trafod a chytuno ar waith y Grŵp, gan gynnwys o bryd i'w gilydd gyda chydweithwyr o'r un blaid ag Aelodau'r Grŵp mewn senedd-dai eraill, a chyfeirio mewn trafodaethau at ystod y ffactorau sy'n uniongyrchol berthnasol i'r trafodaethau hynny yn eu cyd-destun ehangach.

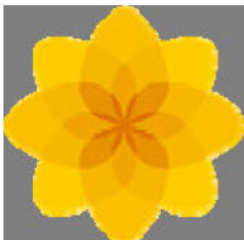
Ar sail yr wybodaeth ddiweddaraf hon, rwy'n dychmygu y byddwch chi neu'ch staff ar eich rhan yn dymuno cysylltu ymhellach gyda Dr Lloyd wrth barhau gyda'ch ymchwiliad. Rwy'n ei gynnwys yn yr e-bost hwn felly. Rwy'n siŵr y byddai'n croesawu'r cyfle i gael trafodaeth bellach gyda chi yng ngoleuni'r wybodaeth ddiweddaraf sydd wedi dod i law. Yn yr un modd, rwyf innau yn hapus i hwyluso'ch ymchwiliad ymhellach mewn unrhyw ffordd os gallaf.

Hoffwn ymddiheuro na fu'n bosib imi ymateb ynghynt i'r ceisiadau am wybodaeth yn eich llythyr ataf i. Mae'n capasiti fel staff a chapasiti'r Aelodau yn dynn iawn ar y gorau, ond yn enwedig felly yn y cyfnod digynsail hwn ar hyn o bryd. Gobeithiaf, serch hynny, bod yr wybodaeth uchod o fudd i'ch ymchwiliad a bod yr adnodd sydd wedi mynd i mewn i allu darparu ymateb estynedig fel hyn a'r atodiad yn adlewyrchu ein bod yn trin y mater yma yn briodol ac yn dangos ein diffuantrwydd i hwyluso'ch gwaith gorau gallwn.

Yn gywir iawn,

[REDACTED]
Pennaeth Staff Grŵp Senedd Plaid Cymru

[REDACTED]
Pennaeth Staff | Chief of Staff



Grŵp Senedd Plaid Cymru
Plaid Cymru Senedd Group

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Dear Interim Senedd Commissioner for Standards

I write in response to your recent correspondence to me and your further correspondence sent directly to some Plaid Cymru Members of the Senedd who were named in a document submitted to you and who are currently the subject of a complaint.

To ensure that the information that we, as a Group, hold is consistent and accurate, and to facilitate the most thorough and organised response possible to your request, I confirm that I am responding on behalf of all Members of the Plaid Cymru Group at the Senedd with whom you corresponded on this matter.

I am in a position to do this having asked the Members in question to provide the following information:

1. *Any diary entries, agendas, minutes or correspondence in your possession related to a Group meeting held on 20 June 2017.*
2. *If you remember taking part in the meeting, can you confirm that the note that has been received is a full and accurate reflection of the discussion?*

In his letter to you dated 18 March 2020, Dr Dai Lloyd MS mentioned that a note regarding a meeting held after Plenary on the evening of 20 June 2017 had been sent by the Group's administrator at the time. This cast doubt on the validity of the note that had been brought to your attention regarding a meeting at 10.00 on 20 June 2017. However, following a detailed search among the offices of the different Members, which I co-ordinated, I can confirm that an e-mail has come to light, sent by Dr Dai Lloyd MS to Members of the Group on 19 May 2017 reminding Members that an extended Group meeting was to be held between 10.00 and 12.00 the following Tuesday, namely 20 June 2017. I attach a copy for your attention. I was unable to find an agenda to accompany Dr Lloyd's invitation to this meeting, but his e-mail dated 19 May 2017 states that the extended meeting was to include Members of Parliament ('MPs'). The e-mail from Dr Lloyd confirms that an extended Group meeting was held at 10.00 on the date in question, which would explain the request for additional chairs in the meeting room as Members of the Westminster Parliament would also have been present.

In light of this search, and based on the information returned to me, I am pleased to be able to confirm that another e-mail has been found that is relevant to the matter in question. This is an e-mail from the Group's Senior Communications Officer at the time, which was sent on 21 June 2017—the day after the meeting. I attach a copy for your information. As you can see, it appears that the Senior Communications Officer at the time circulated a draft note of the meeting in question held on 20 June 2017, which appears to reflect the note brought to your attention. To date, no further notes or minutes from this meeting have come to hand.

Due to the fact that some staff members have left, and due to the time that has elapsed since the meeting in question, we are still unable to confirm who exactly took these notes. We have also been unable to confirm what process of approval and quality assurance was followed with regard to these notes to ensure that nobody present at the meeting was misquoted, for example. As is to be expected, many Members do not remember much about this specific meeting as it was held some time ago. However, it appears that the Plaid Cymru Members at the Westminster Parliament were invited to this meeting to give party members from both Parliaments an opportunity to discuss the implications of the recent general election and the Group's future priorities in a wider context, and to discuss fields of endeavour and action points.

We still, therefore, have doubts regarding whether or not the note circulated by the Senior Communications Officer at the time is a full and accurate reflection of the discussion during

what has now been established to have been a meeting of the Plaid Cymru parliamentary Group. I will expand on this in attempting to respond to your question regarding the items to be discussed in the meeting in question.

In your correspondence to me, you asked about the items to be discussed in the meeting in question. As I have already mentioned, we have not managed to find an agenda for this meeting. However, in my experience of working for the Group since 2018, one of the primary objectives of every weekly Group meeting in this slot, as a rule (11:00-12:00 on Tuesday mornings when the Senedd is in session under normal circumstances), is to discuss Senedd business for that particular week and matters related to Senedd business. Indeed, referring again to Dr Lloyd's letter to you dated 18 March 2020, it mentions the importance of these weekly Group meetings and the nature of the issues discussed with regard to Senedd business, as well as the importance of these discussions in enabling Members to do their work and the Senedd to fulfil its functions. The letter also mentions the importance of having a safe space to hold private discussions of this kind and the implications for the Senedd's ability to operate as it does if such discussions were to contravene the rules.

It is almost inevitable, therefore, that as part of the extended meeting the Assembly's day-to-day business that week would have been discussed, as there was to be a Plenary meeting at 13.30 that Tuesday afternoon and again the following Wednesday afternoon, in addition to the more high-level issues regarding the political landscape (such as the impressions of Members of both Parliaments of the election held in summer 2017), as recorded in the note taken at the meeting.

It also appears to me that the action points included in the note reflect the kinds of political issues that Members discuss in Group meetings (relationships with other parties in the Senedd and at Westminster and relations with the leadership of those parties; Group staffing issues; policy development work for the purpose of presenting an alternative programme for government as an opposition party; the wider strategic framework within which the Plaid Cymru Senedd Group works). In this regard, as Chief of Staff, I wish to underline at an operational level, further to Dr Lloyd's letter to you, how important it is that the Group—as appropriate, in a private meeting like every other group meeting—is free to plan, discuss and agree the Group's work, including on occasion with colleagues from the same party in other Parliaments, and to refer in these discussions to a range of factors that are directly relevant to the discussions in their wider context.

Based on this latest information, I imagine that you or your staff, acting on your behalf, will wish to have further contact with Dr Lloyd as you continue your investigation. With that in mind, I include him in this e-mail. I am sure that he would welcome the opportunity to have a further discussion with you in light of the recent information that has come to hand. By the same token, I too stand ready to assist you with your investigation in any way, if I am able to do so.

I apologise that I was unable to respond sooner to your requests for information in the letter that you sent me. Our capacity as staff is limited at the best of times—this is also true of Members—but particularly so in these current unprecedented circumstances. Despite this, I hope that the information outlined above is of assistance to your investigation, and that the resources that have gone into providing an extended response like this, as well as the attachments, reflect the fact that we are treating this issue appropriately and that we are sincere in our desire to facilitate your work to the best of our ability.

Yours sincerely,


Chief of Staff, the Plaid Cymru Senedd Group

Annex B: The Rules and Guidance on the Use of Assembly Resources

Rules and Guidance on the Use of Assembly Resources

This document relates to paragraph 10 of the Code of Conduct.

Last updated: May 2016

Owner: Assembly Commission

Contact: Members' Business Support

Background

1. This document, which applies from 6 May 2016, sets out for Assembly Members rules and guidance relating to the use of Assembly Resources.
1. The information has been approved by the Chief Executive and Clerk of the National Assembly in her capacity as Principal Accounting Officer for the Assembly Commission.
2. The word 'must' in this document denotes a rule. Any other wording in this document is guidance.
3. 'Assembly Resources' means any support provided to Assembly Members by the Assembly Commission. That support may be in the form of financial resources, staff resources or any other form of support provided by the Assembly Commission.
4. This document identifies the different sets of rules on the use of Assembly Resources by which Members must abide. In particular, Members are advised to refer to:
 - The Remuneration Board's **Determination for the Fifth Assembly** ('the Determination')
 - The **Code of Conduct** for Assembly Members. This document is referred to in paragraph 10 of the Code of Conduct.
 - The National Assembly for Wales **Standing Orders**.
5. Members must ensure that they understand and comply with this document. Members who are in doubt as to whether they may use Assembly Resources for a particular purpose must first obtain written confirmation from the Head of Members' Business Support (MBS) that use of Assembly Resources for the purpose in question is permitted.

Principles of Support

6. The Determination sets out a number of general principles of conduct that underpin the rules by which allowances may be claimed. These principles apply equally to the use of all Assembly Resources provided to Assembly Members. Members are strongly encouraged to familiarise themselves with them and to act on them accordingly.

Similarly, the Code of Conduct for Assembly Members sets out general standards of conduct to which Members must have regard when using Assembly Resources.

7. Members have personal responsibility for all expenses incurred and resources used in their name. They should, therefore, only delegate work to staff having ensured that staff have a clear understanding of the limits of the authority given to them.
8. Complaints of misuse of Assembly Resources may be referred to the Standards Commissioner.
9. Other rules and guidance produced by the Assembly Commission from time to time will also be subject to the principles of support detailed above.

Conduct

10. Further information is available to Members regarding conduct, behaviour and the recording of interests. The documents listed below support and complement this document as to the use of Assembly Resources:
 - **Register of Members Interests**
 - **Guidance on the recording of employment of family members**
 - **Rules on the operation of Cross Party Groups**
 - **Guidance on lobbying and access to Members**
 - **AMSS Code of Conduct (internal link only)**
 - **National Assembly for Wales ICT Security and Usage Rules (internal link only)**
 - **Official Languages Scheme**
 - **Guidance on booking rooms (internal link only)**
 - **The Policy Research and Communications Fund (internal link only)**

Use of Resources for Assembly business

11. Assembly Members must ensure that they use Assembly Resources for the purpose of their activities as Assembly Members only and not for any of the purposes listed below, which are prohibited:
- personal, business or commercial communications;
 - party political activity of any kind, for example, party-political fund-raising, recruitment of party members and the organisation and publicising of party political meetings; and
 - campaigning for the election or re-election of particular candidates for any public office (including the Member in question).

Stationery, Printing, Copying and Postal Resources

12. Stationery, printing, copying and postal resources provided by the Assembly Commission (“Central Resources”) must not be used for the following purposes:
- newsletters and annual reports;
 - leaflets;
 - greetings cards and similar communications; or
 - circulars (communications sent in identical, or near identical, form to numerous addresses).
13. However, Central Resources may be used for Circulars that are:
- sent in response to requests for communications from recipients of Circulars;
 - sent to signatories of a petition addressed to the Member (but this exception does not apply if the Member is a petitioner); and
 - surgery notices.¹
14. Members are able to use their Office Costs Allowance to cover the cost of stationery, printing, copying and postage for items for which Central Resources may not be used (as listed in paragraph 13), but which are for their activities as Assembly Members. Surgery Notices may also be advertised and the costs met from the Office Costs Allowance.

¹ A surgery notice is a document whose sole purpose is to inform constituents of the place, date and time of Members’ surgeries or to tell the public about how to find out this information. The fact that a document of another description (e.g. a newsletter) also contains such information does not mean that the document constitutes a Surgery Notice.

15. Members drawing on the use of Assembly Resources for publications, must comply with the Assembly Commission's **Official Languages Scheme**.

Assembly Member Websites and Social Media

16. Assembly Members' websites, which have been established or maintained using Assembly Resources, may only be used for activities related to the role of an Assembly Member. Care will be needed to avoid giving the impression that the content of a Member or a group's website, supported by Assembly Resources, is intended to support the election of a particular candidate (or candidates) of a political party. Information on the content of communications is provided in paragraphs 31 -38.
17. The following will not, in themselves, be regarded as breaching the prohibition on party political content:
 - The website identifying the Member as being a member of a political party or the website displaying the logo of that Member's party.
 - Links on the website to one or more (separate) websites that carry party political content. The website must make clear that the links lead to websites that are not hosted by the Assembly Member and not funded from Assembly Resources.
18. Members are responsible for ensuring that any future changes to social media platforms do not result in these rules being breached.
19. When using social media, Members are reminded that although they may not be drawing on Assembly Resources, they are still bound by the Code of Conduct for Assembly Members and the ICT Security and Usage Rules. Similarly, support staff are bound by the AMSS Code of Conduct and the ICT Security and Usage Rules.

Booking of rooms on the Assembly estate

20. Assembly Members may book meeting rooms for their activities as Members only. Meeting rooms must not be booked for party political purposes i.e. a room must not be booked primarily or substantially for the purpose of promoting the work of any political party.
21. Responsibility and accountability for the use of meeting rooms rests with the Assembly Member who has made the booking (or on whose behalf the booking was made). In addition, that Assembly Member (or another Member) must attend the meeting.
22. Information on the booking of rooms involving external visitors may be accessed here: **Guidance on booking rooms**.

Sponsoring events on the Assembly estate

23. Members sponsoring events on the Assembly estate must abide by the rules and responsibilities that fall to them as stated in the Events policy and the accompanying terms and conditions.

Use of the Assembly estate for filming

24. Media operations, such as filming or recording, in any part of the Assembly estate must never disrupt the activity in that area or impact on visitor access.
25. The prior consent of the Presiding Officer, requested via the Media Office, must be obtained in order to carry out filming, photography or recording in the Siambr, committee rooms, public galleries or other restricted access areas.
26. For party political content, media operations are allowed in public areas in the Senedd and in Members' offices. However, media operations for these purposes, are not allowed in restricted areas, such as the Siambr or committee rooms. Overt campaigning for votes is not allowed anywhere on the Assembly estate.
27. During an Assembly election period, when the Assembly has been dissolved, no media operations are allowed on the Assembly's estate by, or for the benefit of, a political party or individual candidate.
28. Further advice or guidance can be given by the Media Office [0300 200 6252].

Use of Assembly Resources during Election Periods

29. Members must abide by guidance that will be produced around times of elections. This includes guidance on dissolution during Assembly elections and guidance for European, UK or local elections.

Content of communications

30. The following section on the content of communications is drawn from the Rules and Guidance on the Policy Research and Communications Fund, as set out by the Remuneration Board.
31. Members may use Assembly Resources to engage with their constituents, and, in particular:
 - a. communicate their work to the public;
 - b. raise awareness of their work;
 - c. improve transparency and accountability; and
 - d. encourage engagement with constituents.
32. Members must not use Assembly Resources for the purposes of overt party political communications (such as, the use of Assembly Resources to campaign for votes for a political party).

33. Members must exercise judgement in each case to ensure that resources are used appropriately. The test that Members must apply is, firstly, that Assembly Resources are being used in respect of the purposes shown in paragraph 32 above; and, secondly, that it is not done in an overtly party political way.
34. Members must seek advice in advance from MBS where there is any doubt about whether the proposed communications would be an acceptable use of Assembly Resources. MBS will advise Members accordingly.

Illustrative examples of resources that might be used in communicating with constituents (this list is not exhaustive)

35. The following are examples of how resources might be used to promote local communication and engagement:
 - to develop resources that make connections between the Assembly’s responsibilities and powers, local issues and the Member’s activity;
 - to assist with the development of a professionally produced newsletter;
 - to produce regular newsletters;
 - to produce constituent surveys or conduct listening groups with constituents in order to take soundings on issues of local importance;
 - to develop resources that build connections between the Assembly and other democratic institutions in the locality e.g. making connections and raising awareness of differences between the work of local councillors, local MPs, Members and MEPs;
 - to produce public information videos about an individual Member’s work – what I do, how to get in touch, how I can help, where to find me, what I’m working on, etc.;
 - to develop professional websites integrated with social media platforms; and
 - to develop blogs.

Examples of typical content when using Assembly resources for communicating with constituents (this list is not exhaustive)

36. The following is a list of content that would be considered appropriate when engaging with constituents using Assembly resources:
 - statements or information about the Member’s work as a Member;
 - articles promoting constituency activity;

- information highlighting government schemes that have specific benefits to the constituency/constituents, including contact points e.g. job centres;
- information about changes to benefits or otherwise that are directly related to their constituents and how they can obtain help and further information;
- statements about Wales or UK government activity, but only where the Member directly links them to their constituency or region or can demonstrate that constituents would have a particular interest in, or need to know about, that activity;
- items reporting what Members have said or done in the Assembly;
- items raising awareness of issues and encouraging constituents to participate in consultations/surveys;
- small, discreet logos, along with the logo of the National Assembly.

37. Content that would **not** be considered appropriate and that must be avoided:

- party political statements/overtly campaigning for votes;
- promoting party activity – e.g. information about party meetings;
- large, imposing party logos;
- general statements about government activity across Wales (or the UK) without reference to the Member’s constituency or region.

