Senedd Cymru
Y Pwyllgor Safonau Ymddygiad

Trydydd adroddiad i'r Chweched Senedd o dan Reol Sefydlog 22.9

Mawrth 2022

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Senedd Cymru
Y Pwyllgor Safonau Ymddygiad

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Mawrth 2022

Am y Pwyllgor

Sefydlwyd y Pwyllgor ar 23 Mehefin 2021. Ceir ei gylch gwaith yn:
www.senedd.cymru/SeneddSafonau

Aelodau cyfredol y Pwyllgor:

Cadeirydd y Pwyllgor:
Vikki Howells AS
Llafur Cymru

Andrew RT Davies AS
Ceidwadwyr Cymreig

Heledd Fychan AS
Plaid Cymru

John Griffiths AS
Llafur Cymru

Cynnwys

1. Cyflwyniad

1. Nodir cylch gorchwyl y Pwyllgor Safonau Ymddygiad (y Pwyllgor) yn Rheol Sefydlog 22.[1] Yn unol â'r swyddogaethau a nodir yn Rheol Sefydlog 22.2, mae'n rhaid i'r Pwyllgor:

> *"mewn perthynas ag unrhyw gŵyn a gyfeirir ato gan y Comisiynydd Safonau... ymchwilio i'r gŵyn, cyflwyno adroddiad arni ac, os yw'n briodol, argymell camau mewn perthynas â hi."*[2]

2. Lluniwyd yr adroddiad hwn ar gyfer y Senedd yn unol â Rheol Sefydlog 22.9 a pharagraff 8.1 o'r Weithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau o'r Senedd[3] (y Weithdrefn) ac mae'n ymwneud â chwyn a wnaed yn y Bumed Senedd yn erbyn pedwar Aelod. Mae tri o'r rhai y cwynwyd yn eu cylch yn parhau i fod yn Aelodau, ond ni chafodd un ei ailethol. Yn achos y cyn-Aelod, mae'r opsiynau sydd ar gael i'r Pwyllgor wedi'u cyfyngu o dan baragraff 1.8 o'r weithdrefn. Felly, mae'r cyfeiriadau yn yr adroddiad hwn at Aelodau yn cyfeirio at y rheini a oedd yn Aelodau o'r Senedd adeg y digwyddiadau y gwnaed y cwynion yn eu cylch.

3. Mae adroddiad y Comisiynydd Safonau (y Comisiynydd) ar ei ymchwiliad i'r gŵyn wedi'i gynnwys yn Atodiad A. Mae'n nodi manylion am y gŵyn a chanfyddiadau ymchwiliad ffurfiol y Comisiynydd.

4. Mae'r adroddiad hwn yn nodi manylion y gŵyn a thrafodaethau'r Pwyllgor wrth ddod i'w benderfyniad.

5. Gan nad wnaeth y Pwyllgor ganfod y torrwyd y Cod yn yr achos hwn, mae'r adroddiad hwn ac adroddiad y Comisiynydd wedi'u gwneud yn ddienw yn unol â'r Weithdrefn (paragraff 8.1).

6. Mae copi o'r adroddiad hwn wedi'i ddarparu i'r Aelodau dan sylw.

[1] Y Rheolau Sefydlog
[2] Rheol Sefydlog 22.2(i)
[3] Gweithdrefn y Senedd ar gyfer Ymdrin â Chwynion yn erbyn Aelodau o'r Senedd

2. Ystyried y gŵyn

7. Cafodd y Comisiynydd ddwy gŵyn yn ymwneud â phedwar Aelod o'r Bumed Senedd[4] yn yfed alcohol yn Ystafell De'r Aelodau ar 8 Rhagfyr 2020.

8. Roedd y digwyddiad yn ymwneud â bwyta pryd o fwyd ac yfed alcohol yn Ystafell De'r Aelodau yn Nhŷ Hywel ar ystâd y Senedd, a oedd ym marn un achwynydd yn achos posibl o dorri Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 4) (Cymru) 2020 (a ddaeth i rym ar 4 Rhagfyr 2020 ac, ymhlith pethau eraill, a'i gwnaeth yn anghyfreithlon i fangreoedd trwyddedig werthu neu gyflenwi alcohol). Roedd yr achwynydd arall, er yn cydnabod efallai nad oedd yfed alcohol yn dechnegol yn torri'r rheoliad hwn, yn haeru bod ymddygiad yr Aelodau wrth yfed alcohol yn groes i ysbryd y rheoliadau.

9. Mae'r Comisiynydd yn nodi y bu oedi o fwy na chwe mis o ran trafod y gŵyn hon:

> *"to avoid the risk of prejudicing an ongoing criminal investigation and possible criminal proceedings against [the Catering company]*[5]*."*

10. Nododd y Pwyllgor fod yr ymchwiliad troseddol wedi'i gyfeirio'n llwyr at unrhyw achos o dorri'r rheoliadau perthnasol gan y cwmni arlwyo, ac nid at ymddygiad unrhyw un o'r Aelodau y cwynwyd yn eu cylch, ac nad oeddent yn rhan o'r ymchwiliad hwnnw o gwbl.

11. Roedd y gŵyn yn ymwneud â pharagraff 4(b) o'r Cod Ymddygiad a oedd yn gymwys yn y Bumed Senedd, a oedd yn nodi:

> *"Paragraff 4 (b) Uniondeb: Ni ddylai deiliaid swyddi cyhoeddus eu rhoi eu hunain o dan unrhyw rwymedigaeth ariannol neu rwymedigaeth arall tuag at unigolion neu gyrff allanol a allai geisio dylanwadu arnynt wrth iddynt gyflawni eu dyletswyddau swyddogol.*
>
> *Dylai Aelodau'r Senedd bob amser ymddwyn mewn ffordd a fydd yn cynnal a chryfhau ffydd a hyder y cyhoedd yn unplygrwydd y Senedd ac osgoi unrhyw ymddygiad a fydd yn dwyn gwarth ar y Senedd neu ar ei Aelodau'n gyffredinol. Ni ddylai'r Aelodau ofyn i staff Comisiwn y Senedd na staff Llywodraeth Cymru weithredu mewn unrhyw ffordd a allai gyfaddawdu amhleidioldeb gwleidyddol y*

[4] Ni chafodd un Aelod y gwnaed cwyn yn ei gylch ei ail-ethol i'r Chweched Senedd
[5] Paragraff 2.4 o adroddiad y Comisiynydd

Gwasanaeth Sifil a/neu staff Comisiwn y Senedd neu wrthdaro â Chod y Gwasanaeth Sifil a/neu God Ymddygiad Staff Comisiwn y Senedd."[6]

12. Cyfarfu'r Pwyllgor ar 17 a 31 Ionawr, 1 a 28 Chwefror, ac 14 Mawrth 2022 i drafod y cwynion hyn a dod i gasgliad yn eu cylch.

[6] Cod Ymddygiad y Bumed Senedd

3. Y broses o drafod Penderfyniad y Pwyllgor

13. Trafododd Pwyllgor a dorrodd yr Aelodau Reol Sefydlog 22.2(i).[7]

14. Wrth drafod a dorrwyd y Rheol Sefydlog, adolygodd y Pwyllgor ganfyddiadau'r Comisiynydd fel y'u nodir yn ei adroddiad.

15. Hefyd, cymerodd y Pwyllgor dystiolaeth lafar gan y Comisiynydd, gan un o'r achwynwyr ynghylch agweddau penodol ar eu cwyn a chan y tri Aelod a ailetholwyd i'r Senedd. Yn ogystal, cafodd y Pwyllgor sylwadau ysgrifenedig gan y cyn-Aelod dan sylw a chyflwyniad gan yr achwynydd, a roddodd dystiolaeth lafar.

Penderfyniad y Pwyllgor

16. Canfu'r Pwyllgor fod hon yn gŵyn gymhleth ac anodd ei hystyried. Mae penderfynu bod unrhyw Aelod o'r Senedd wedi torri'r Cod Ymddygiad yn fater difrifol. Mae enw da Senedd Cymru, a ffydd a hyder y cyhoedd yn y sefydliad, yn dibynnu ar allu'r Aelodau i ddangos uniondeb ac arweiniad drwy eu gweithredoedd.

17. Nododd y Pwyllgor fod gweithredoedd yr Aelodau yn wahanol i'r rhai a adroddwyd mewn peth o'r sylw yn y newyddion. Canfu'r Comisiynydd fod tri Aelod wedi cwrdd yn yr Ystafell De ag aelod o staff cymorth i drafod y posibilrwydd o gynnwys ymrwymiad i ddeddfwriaeth mewn maniffesto a hefyd:

> *"Their discussion lasted about five hours during which time they consumed all but one glass of the two bottles of red wine that had, as usual, been left out for them. Throughout the period that they were in the Tea Room they sat at separate tables and observed social distancing"*[8]

18. Cafodd gwydraid o win ei arllwys i'r Aelod arall gan Aelod arall ond nid oedd yn rhan o'r cyfarfod.

19. Nododd y Pwyllgor fod y Comisiynydd wedi canfod nad oedd gweithredoedd yr Aelodau yn yr achos hwn yn torri'r gyfraith gan fod y rheoliadau'n ymwneud â'r gwaharddiad ar werthu a chyflenwi alcohol gan ddeiliaid trwydded yn hytrach nag yfed alcohol. Mae adroddiad y Comisiynydd yn nodi fel a ganlyn:

[7] Rheol Sefydlog 22.2(i)
[8] Paragraff 5.3 o adroddiad y Comisiynydd

> *"On 4 December, by virtue of the coming into effect of the Health Restrictions (Coronavirus Restrictions) (No 4) (Amendment) (Wales) Regulations 2020("the new regulations"), it **may** [ychwanegwyd pwyslais] have become unlawful for Charlton House to sell or supply alcohol in the Tea Room. It did not become unlawful to consume alcohol there."*[9]

20. Gofynnodd y Pwyllgor hefyd am eglurhad gan y Comisiynydd mewn sesiwn lafar ynghylch ei ganfyddiad ei fod:

> *"...found it established that none of the four Members were aware that the new regulations may have made it unlawful for Charlton House to supply alcohol in the Tea Room on 8 December"*[10].

21. Cadarnhaodd y Comisiynydd i'r Pwyllgor fod y canfyddiad hwn yn ymwneud â diffyg ymwybyddiaeth o union ddosbarthiad yr Ystafell De, yn hytrach na diffyg ymwybyddiaeth gyffredinol o'r rheoliadau a'u heffaith. Gan ystyried hyn, ceisiodd y Pwyllgor, drwy ei ymchwiliad ei hun, sefydlu gyda phob Aelod beth oedd eu dealltwriaeth o'r rheoliadau adeg y digwyddiad. Dywedodd pob un o'r Aelodau wrth y Pwyllgor eu bod yn ymwybodol o'r rheoliadau a bod mangreoedd lletygarwch yn methu â gweini bwyd a bod angen iddynt gau ar ôl 6pm heblaw rhai eithriadau, a bod mangreoedd trwyddedig wedi'u cyfyngu o ran gwerthu alcohol, ond eu bod yn credu na fyddai hyn yn gymwys i Ystafell De'r Aelodau oherwydd eu bod yn ystyried bod yr Ystafell De yn debyg i ffreutur yn y gweithle. Hefyd, roeddent yn cymryd yn ganiataol, gan fod gwasanaeth alcohol ar gael yn yr Ystafell De, fod hyn yn cyd-fynd â'r gyfraith gyfredol.

22. Fe wnaeth y Pwyllgor hefyd drafod y cyfeiriad yn un o'r cwynion bod aelod o'r staff arlwyo wedi teimlo dan bwysau i weithredu mewn modd a oedd yn groes i'r rheoliadau. Ni chanfu'r Comisiynydd unrhyw dystiolaeth o hyn ac ni chadarnhaodd yr hawliad. Mewn cyfweliad gyda'r Comisiynydd, cadarnhaodd yr aelod o staff nad oedd hynny'n wir ac fe wnaeth yr achwynydd a gododd y mater hwn gadarnhau i'r Pwyllgor eu bod yn derbyn canfyddiad y Comisiynydd yn hyn o beth.

23. Fe wnaeth y Pwyllgor roi ystyriaeth ofalus i gasgliadau'r Comisiynydd yn ei adroddiad, sydd fel a ganlyn:

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[9] Paragraff 4.1h o adroddiad y Comisiynydd. Mae troednodyn i'r paragraff yn nodi "The uncertainty arises because it is unclear whether or not the Tea Room was within the definition of "workplace canteen" in regulation 19B of the Health Restrictions (Coronavirus Restrictions) (No4) (Wales) Regulations 2020 and so not caught by the prohibition on the sale or supply of alcohol set out in regulation 19B. That matter can only be decided by the courts" ac felly'n gosod yr eithriad. Mae adran 19B yn nodi: "(b) ffreuturau yn y gweithle, pan na fo dewis ymarferol arall i bobl yn y gweithle hwnnw gael bwyd rhwng 6.00 p.m. a 6.00 a.m."

[10] Paragraff 5.6 o adroddiad y Comisiynydd

> *"Whether or not conduct breaches the Integrity Principle is subjective and a matter on which individuals considering the same facts may genuinely reach different conclusions. Acting in a manner that will tend to undermine the public's trust and confidence in the integrity of the Senedd or which would tend to bring the institution or its Members generally into disrepute is a very grave matter. The fact that what the Members did in the Tea Room was legal and that they were unaware that as a result of the new regulations the supplying to them of alcohol might be illegal, whilst highly relevant, is not conclusive. In deciding whether conduct is so bad that it can properly be said to breach the Principle it is necessary to consider the conduct in context and especially the restrictions that had been imposed on all people in Wales due to the pandemic. Had the conduct of the Members been as alleged by the Sun I would have had no hesitation in finding that they had breached the Principle. Whilst some have been critical of the conduct of the Members I cannot be satisfied, having considered all the circumstances in context, that any of them contravened the Integrity Principle of the Code of Conduct or any other relevant provision on 8 or 9 December 2020."*[11]

24. Fel rhan o'u proses drafod, fe wnaeth mwyafrif y Pwyllgor gwestiynau pa mor ddoeth oedd hi i'r Aelodau aros yn yr Ystafell De am gyfnod mor hir y tu hwnt i'r hyn sy'n ofynnol ar gyfer cynhaliaeth, o gofio'r amgylchiadau a oedd yn wynebu'r wlad ar y pryd.

25. Fodd bynnag, yng ngoleuni canfyddiadau a chasgliadau'r Comisiynydd, ac ymchwiliadau pellach y Pwyllgor ei hun, cytunodd y Pwyllgor yn unfrydol ar ganfyddiad na thorrwyd y rheoliadau, gan ystyried yr holl dystiolaeth a gyflwynwyd.

26. Wrth ddod i'w benderfyniad, fe wnaeth y Pwyllgor hefyd ystyried:

- bod yr Aelodau dan sylw wedi ymddiheuro am yr argraff a roddwyd gan y digwyddiad ac yn cydnabod y gallai eu gweithredoedd gael eu gweld fel rhai nad oeddent o fewn ysbryd y rheoliadau; ac
- effaith bersonol sylweddol y digwyddiad ac, yn benodol, effaith yr adroddiadau ffug yn y cyfryngau ar yr Aelodau.

Mae'r Pwyllgor yn canfod na thorrwyd yr egwyddor uniondeb yn y Cod Ymddygiad.

[11] Paragraff 5.3 o adroddiad y Comisiynydd

4. Gwersi a ddysgwyd o'r gŵyn hon

27. Cododd nifer o faterion eraill wrth drafod y gŵyn hon, y mae'r Pwyllgor yn ystyried ei bod yn briodol eu nodi fel "[m]aterion o egwyddor ynglŷn ag ymddygiad yr Aelodau yn gyffredinol"[12] o ran llywio'r ffordd o ymdrin â chwynion o'r math hwn yn y dyfodol.

Ymchwiliad cychwynnol Comisiwn y Senedd a'r lluniau teledu cylch cyfyng

28. Nododd y Comisiynydd fod swyddogion Comisiwn y Senedd wedi cynnal ymchwiliad cychwynnol i'r digwyddiad, a oedd yn cynnwys ceisio gwybodaeth gan y rhai oedd yn gysylltiedig â'r mater. Yn ystod ei sesiwn lafar gyda'r Pwyllgor, mynegodd y Comisiynydd rai pryderon ynghylch goblygiadau casglu tystiolaeth fel hyn cyn yr ymchwiliad mwy fforensig yr oedd gan y Comisiynydd y pŵer i'w gynnal wedi hynny.

29. Wrth nodi'r sylwadau hyn a chan ystyried sylwadau un achwynydd a'r Prif Weithredwr a'r Clerc ar y pwynt hwn, mae'r Pwyllgor yn derbyn, gan fod y wybodaeth am y digwyddiad wedi'i rhoi i'r Comisiwn i ddechrau ac nid yn uniongyrchol i'r Comisiynydd, fod cymryd camau i ganfod a oedd sail digonol ar gyfer gwneud cwyn yn briodol a doeth yn yr achos hwn. Pe bai sefyllfa o'r fath yn codi eto, mae'r Pwyllgor yn disgwyl na ddylai unrhyw waith gan y Comisiwn i ganfod ffeithiau fod yn ddim mwy na'r hyn sy'n angenrheidiol i sefydlu a oes sail resymol dros amau bod ymddygiad Aelod wedi torri'r Cod Ymddygiad[13], a bod gwaith ymchwilio o'r fath yn cael ei wneud mor gyflym â phosibl.

30. Yn ystod ei waith cychwynnol i ganfod ffeithiau, defnyddiodd Comisiwn y Senedd luniau teledu cylch cyfyng i gadarnhau'r amseroedd y gadawodd yr Aelodau yr Ystafell De. Yn ddiweddarach, dilëwyd y lluniau yn awtomatig yn unol â pholisi cadw Comisiwn y Senedd ar gyfer teledu cylch cyfyng. Fodd bynnag, roedd y dyddiad dileu rhagnodedig yn dod ar ôl i'r mater hwn gael ei gyfeirio at y Comisiynydd Safonau ond cyn i'r Comisiynydd gael cyfle i'w adolygu ei hun fel rhan o'i ymchwiliad.

31. Er nad oedd diffyg lluniau teledu cylch cyfyng yn y pen draw yn berthnasol i'r Comisiynydd wrth lunio'r ganfyddiadau ac wrth i'r Pwyllgor wrth ddod i'w benderfyniad, nododd y Pwyllgor, mewn amgylchiadau eraill, y gallai colli tystiolaeth o'r fath gael canlyniadau mwy pellgyrhaeddol i'r Comisiynydd o ran cynnal ymchwiliad effeithiol. Yn ogystal, yn yr achos hwn gallai cadw'r

[12] Rheol Sefydlog 22.2(ii)

[13] Mae hyn yn adlewyrchu'r safon yn adran 9 o Fesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009: https://www.legislation.gov.uk/mwa/2009/4/section/9

wybodaeth fod wedi bod o gymorth i unrhyw ymchwiliad i ddatgelu gwybodaeth i'r cyfryngau neu helpu i chwalu'n gynnar yr adroddiadau ffug am yr amgylchiadau.

32. Ysgrifennodd y Pwyllgor at y Prif Weithredwr a'r Clerc i ofyn am esboniad ynghylch y mater hwn. Roedd ymateb y Clerc yn nodi:

> *"As to CCTV footage, this is retained for 31 days and then deleted. This is in line with the Commission's practices to ensure compliance with the law of human rights and data protection. In other words, the Commission retains footage for a short period and then deletes it. We only consider keeping it for longer than 31 days where there is a lawful reason for doing so, such as where an investigation is ongoing.*
>
> *I apologise for the loss of the footage in this instance. It ought to have been retained and its loss is* attributable *to simple human error. We have learnt lessons and will ensure that CCTV footage is, in future, retained where necessary. I am separately writing to the Standards Commissioner to confirm that we are ensuring that evidence will be retained in future."*

33. Mae'r Pwyllgor yn croesawu'r sicrwydd gan y Clerc bod mesurau adfer wedi'u rhoi ar waith i atal hyn rhag digwydd eto yn y dyfodol.

Ymchwiliad i ddatgelu gwybodaeth

34. Nododd y Pwyllgor sylwadau beirniadol y Comisiynydd[14] na fu unrhyw ymdrech amlwg i ddod o hyd i'r 'Assembly Insider[15]' a ddatgelodd wybodaeth i'r cyfryngau. Roedd y digwyddiad hwn yn destun cryn dipyn o adroddiadau ffug, ac mae'n ymddangos mai'r datgeliad gwybodaeth anawdurdodedig a chamarweiniol hwn a achosodd hynny. Mae'r Pwyllgor yn cydnabod difrifoldeb y mater hwn, a'r trallod a'r niwed o ganlyniad i'r rhai sy'n gysylltiedig, yn ogystal ag i'r Senedd.

35. Yn unol â hynny, ysgrifennodd y Pwyllgor at y Clerc i ganfod pam na chynhaliwyd ymchwiliad. Dywedodd y Clerc wrth y Pwyllgor y gwnaed y penderfyniad yn dilyn trafodaeth gydag un o'r Aelodau dan sylw, a arweiniodd at y casgliad ar y pryd:

> *"Past practice would suggest it was very unlikely that a leak enquiry would uncover any useful information as to who at the Senedd (if anyone) leaked a story to the media. Additionally, the carrying out of a leak enquiry is*

[14] Paragraff 5.5
[15] Cyfeiriad a ddefnyddiwyd yn adroddiadau papur newydd y Sun. Paragraff 5.5 o adroddiad y Comisiynydd

> *unsettling for those who are questioned. Given the likely disquiet that may be caused, balanced against the very small likelihood of success, I took the view that a leak enquiry was undesirable"*[16]

36. Mae'r Pwyllgor yn nodi na ofynnwyd ar y pryd i dri o'r pedwar Aelod a oeddent am gael ymchwiliad ynghylch datgelu gwybodaeth i'r cyfryngau, ac er na aethant ati wedi hynny i ofyn am ymchwiliad o'r fath neu bwyso am un, fe wnaethant nodi, pan ofynnodd y Pwyllgor, y byddent wedi croesawu ymchwiliad o'r fath. Er nad yw'r mater hwn o fewn cylch gwaith y Pwyllgor, ac er ei fod yn gwerthfawrogi rhai o'r rhesymau dros beidio â chynnal ymchwiliad i ddatgelu gwybodaeth, mae'r Pwyllgor yn cytuno â'r farn a fynegwyd gan y Comisiynydd ac yn credu y byddai wedi bod yn gam priodol a chymesur i'w gymryd yn yr achos hwn.

Y gŵyn

37. Nododd y Pwyllgor fod y gŵyn yn ymwneud â phedwar Aelod a'r amgylchiadau ynghylch yfed alcohol (yr oedd gwerthu a chyflenwi alcohol wedi'i wahardd gan unrhyw safle trwyddedig o dan reoliad 19A(2) o'r rheoliadau ar y pryd[17]). Fodd bynnag, fel y mae adroddiad y Comisiynydd yn ei nodi, roedd dau Aelod arall hefyd yn bresennol yn yr Ystafell De ar ôl 6pm yn bwyta pryd o fwyd, ond ni wnaed cwyn yn eu cylch. Pe bai'r Comisiynydd wedi dod i gasgliad pendant nad oedd yr Ystafell De yn ffreutur yn y gweithle ac felly'n ystyried bod sail i feddwl bod yr Aelodau hyn hefyd wedi torri'r Cod, a chan gydnabod na fynegodd y Comisiynydd unrhyw farn yn hyn o beth, yn absenoldeb cŵyn, ni fyddai'r Mesur Comisiynydd Safonau fel y mae wedi'i fframio ar hyn o bryd wedi caniatáu i'r Comisiynydd gynnal ymchwiliad ar ei liwt ei hun. Mae'r Pwyllgor yn tynnu sylw at hyn fel mater arall i'w ychwanegu at rai eraill sy'n codi o ymchwiliadau blaenorol, sy'n deilwng o gael eu hystyried gyda golwg ar ddiwygio'r Mesur[18] i ystyried y profiad o'i weithrediad ers ei ddeddfu.

[16] Gohebiaeth gan y Clerc a'r Prif Weithredwr at y Pwyllgor Safonau Ymddygiad
[17] https://llyw.cymru/sites/default/files/publications/2020-12/rheoliadau-diogelu-iechyd-cyfyngiadau-coronafeirws-a-swyddogaethau-awdurdodau-lleol-diwygio-cymru-2020.pdf
[18] Mesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009

Atodiad A: Adroddiad gan Gomisiynydd Safonau y Senedd (Saesneg yn unig)

REPORT

by

THE SENEDD COMMISSIONER FOR STANDARDS

of the investigation of complaints by

[redacted] and ANOTHER

against

[redacted] MS, [redacted] MS, [redacted]
MS AND [redacted] MS

1. INTRODUCTION

1.1 On 20 January 2021 [redacted] submitted a complaint to me about alleged conduct by [redacted] MS, [redacted] MS, [redacted] MS and [redacted] MS on the evening of 8 December 2020.[1] On 21 January I told the Members of the complaint against them and afforded them an opportunity to make representations regarding its admissibility. In [redacted] response [redacted] told me that it was [redacted] intention to self-refer [redacted] to me in respect of the events of both 8 and 9 December. On 22 January [redacted] referred to me the same alleged conduct which [redacted] subsequently asked me to treat as a complaint.[2] On 5 February [redacted] provided me with supporting documentation.

1.2 The complaints were that on the evening of 8 December 2020 all four Members had consumed alcohol in the Members' Tea Room 1(also known as 'Jayne's) and that by so doing they had contravened the Integrity Principle of the Code of Conduct (''the Code'').[3] In [redacted] complaint mention was also made of alleged consumption of alcohol by [redacted] and [redacted] in the Tea Room on the evening of 9 December.

1.3 In this report and the documents at Annex A the names of individuals that are not already in the public domain and are of no evidential value have been redacted. Footnote references to the most relevant, but not all, supporting documents are provided where appropriate. Quotations from these documents and from the Code are italicised.

2. THE INVESTIGATION

2.1 In the course of my preliminary investigation of these complaints I obtained documentation from [redacted] and from Senedd security staff. I afforded all complainants an opportunity to make representations to me regarding the admissibility of the complaints.

2.2 Having considered the responses received and the other then available evidence, I decided that all the complaints were admissible. I informed the complainants and the four Members of my decision. I sent the four Members interrogatories seeking their written answers to questions relevant to my

[1] Document 1
[2] Document 2
[3] References are to the Code in force in December 2020

investigation. All four returned the completed document before the prescribed date.[4]

2.3 On 25 February 2021 the police informed me that there was no police investigation into the alleged conduct of the Members on 8 and 9 December and that they were content for me to continue with my investigation.

2.4 On 10 March 2021 I sent the final draft of my report to the parties and afforded them the opportunity to make representations regarding matters of factual accuracy. As a result of the representations received I resolved to re-open my investigation and to interview further witnesses including staff of catering contractor the licencee of the Tea Room.

2.5 However, to avoid the risk of prejudicing an ongoing criminal investigation and possible criminal proceedings against [redacted] catering contractor I was unable to resume my investigation for a period of more than six months. I then obtained further documents and interviewed further witnesses before preparing a revised draft of this report.

2.6 In view of the significant changes made to my report I wrote to the parties on 29 November 2021 affording them a further opportunity to comment on matters of factual accuracy in the revised draft. I accepted the only factual accuracy representation I received.

3. RELEVANT PROVISIONS

3.1 Paragraph 4 of the Code provided, inter alia –

Members of the Senedd should observe the seven general principles of conduct identified by the Committee on Standards in Public Life. The seven principles are:

b. Integrity: *Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.*

Members of the Senedd should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Senedd and refrain from any action which would bring the Senedd, or its Members generally, into disrepute. Members should not ask Senedd Commission or Welsh Government staff to act in any way which would compromise the political impartiality of the Civil Service and/or

[4] Documents 3 5 8 11

Senedd Commission staff or conflict with the Civil Service Code and/or the Senedd Commission Staff Code of Conduct.

3.2 By virtue of the coming into force of the Health Protection (Coronavirus Restrictions and Functions of Local Authorities)(Amendment)(Wales) Regulations 2020 (SI 2020/1409) (W.311) ("the new regulations") at 6pm on 4 December 2020 regulations 19A and 19B were inserted in Part 5 of the Health protection (coronavirus Restrictions)(No 4)(Wales) Regulations 2020 (SI 2020/1219) (W.276). The heading of section 19A was *Restrictions on food and drink businesses*. Under it the licensee of licensed premises was, subject to the exemptions specified in section 19B, prohibited from selling or supplying alcohol for consumption on the premises and from permitting the consumption of alcohol there. One of the exceptions in section 19B was for *(b) workplace canteens, where there is no practical alternative for people at that workplace to obtain food between 6.00 p.m. and 6.00 a.m.* There was no prohibition on individuals purchasing or consuming alcohol in the licenced premises.

4. FACTS ESTABLISHED

4.1 I found the following facts established –

<u>General</u>

a. Catering in Members Tea Room 1('the Tea Room or TR1') was provided by [redacted] catering contractor [redacted] [5]
b. They were the licensee of the Tea Room and as such could, subject to any restriction that may have been imposed by the new regulations, lawfully sell or supply alcohol there;[6]
c. Entry to the Tea Room was controlled by a touch pad operated system which recorded entry times. Exit from the Tea Room was not controlled by that system but was observed and recorded on CCTV on which the time was shown;[7]
d. The Tea Room comprised of a dining area and an area with lounge style seating and a TV. In addition to its use for eating Members used it for informal meetings. Some [redacted] Members, who did not live at home during the week, used it to meet for a meal and discussion after the end of plenary. From September 2020 all

[5] Documents 22 23 24 29
[6] Documents 22 23 24 29
[7] Documents 14 15

such meetings were in the Tea Room. [redacted] and [redacted] were part of that group: [redacted] was not;[8]

e. From September 2020 [redacted] staff were not normally in the Tea Room in the evening. Members who wished to eat there after plenary pre-ordered a meal which was left for them to heat in a microwave oven. There was an informal arrangement under which [redacted] left wine out on a counter for use by Members who were dining. The cost of any wine consumed was normally divided equally between those who had been present;[9]

f. The [redacted] manager was aware that on occasion Members brought their own alcohol to drink with their meals;[10]

g. [redacted] provided the service in the Tea Room under a contract with the Senedd Commission. The Commission had no legal responsibility for compliance with licencing law or regulations;[11]

h. On 4 December, by virtue of the coming into effect of the Health Restrictions (Coronavirus Restrictions)(No 4)(Amendment)(Wales) Regulations 2020 ("the new regulations"), it may have become unlawful for [redacted] to sell or supply alcohol in the Tea Room.[12] It did not become unlawful to consume alcohol there;

i. Neither the [redacted] manager nor any of Members whose conduct is the subject of the complaints were aware that the new regulations may have made it unlawful for [redacted] to supply alcohol in the Tea Room;[13]

8 December 2020

j. [redacted] agreed to meet [redacted] and [redacted] over a meal in the Tea Room on the evening of 8 December to ask them to include a commitment to [redacted] proposed [redacted] Bill in the [redacted] manifesto for the forthcoming Senedd elections. [redacted] the [redacted] was present;[14]

k. All four of them had pre-ordered a meal and two bottles of red wine were left out on a counter for them;[15]

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[8] Documents 22 24 25 26 27 30
[9] Documents22 24 25 26 27 30
[10] Document 24
[11] Document 29
[12] The uncertainty arises because it is unclear whether or not the Tea Room was within the definition of 'workplace canteen' in regulation 19B of the Health Restrictions (Coronavirus Restrictions)(No 4)(Wales) Regulations 2020 and so not caught by the prohibition on the sale or supply of alcohol set out in regulation 19B. That matter can be decided only by the courts.
[13] Documents 24 25 26 27 30 3 5 8 11
[14] Documents 25 26 27 30
[15] Documents 25 26 27 24

l. At all times relevant to the subject matters of these complaints the tables in the Tea Room were set well apart to facilitate social distancing. Only one chair was provided at each table;[16]

m. [redacted] entered the Tea Room at 18:07 and left it at 20:16 to return to [redacted] office to continue to work on a newspaper article. Whilst in the Tea Room [redacted] observed social distancing and sat at a table on [redacted] own eating [redacted] meal which, although not pre-ordered, was provided by [redacted] of [redacted] catering contractor who was off duty at the time. [redacted] drank part of one glass of red wine which was poured for [redacted]. [redacted] was not party to the discussions on the [redacted] [redacted] Bill;[17]

n. [redacted] [redacted] entered the Tea Room at 19:01. A glass of red wine was poured from one of the two bottles that had as usual been left out on a counter by [redacted] catering contractor [18]

o. [redacted] exchanged pleasantries with [redacted] [redacted] and [redacted] [redacted] of [redacted] [redacted] who although off duty assisted [redacted] [redacted] with heating [redacted] meal. In the course of these exchanges there may have been mention of wine but there was no pressure put on [redacted] by either Member regarding it: nor did [redacted] feel [redacted] was under any such pressure;[19]

p. [redacted] and [redacted] entered the Tea Room at 19:34 after [redacted] had poured the two glasses of wine and any mention of it had ended. [redacted] arrived in the Tea Room at 20:36;[20]

q. Thereafter these four had their planned discussion about the proposal for the [redacted] Bill and went on to discuss a number of other matters;[21]

r. [redacted] left the Tea Room at 00:06 9 December followed by the three Members at 00:46;[22]

s. Whilst in the Tea Room these four ate their meal and drank between them the two bottles of red wine, less the glass poured for [redacted] [redacted] that had been left on the counter for them. No other alcohol was consumed;[23]

t. [redacted] [redacted] paid [redacted] share of the cost of the wine at the till the following day but because of the criminal investigation into their supplying the wine [redacted] catering contractor decided not to bill [redacted]

[16] Documents 3 5 8 11 24 25 26 27 30
[17] Documents 3 14 23 24 25 26 27 30
[18] Documents 14 3 7 25
[19] Documents 5 25 3 22 23 24
[20] Document 14 11 27 8 26 30
[21] Documents 5 8 11 25 26 17 30
[22] Documents 14 30 25 26 27
[23] Documents 25 26 27 30 24

[redacted] or [redacted] for their share. [redacted] have written off their individual shares of £7.49;[24]

u. Throughout their period in the Tea Room these four observed social distancing and sat at separate tables;[25]

v. None of the four were 'legless' or 'plastered', they were not conducting themselves in a 'loud and raucous' manner and they were not asked to leave the premises;[26]

w. Nothing done by them in the Tea Room was contrary to the law and the police did not investigate [27]their conduct;

x. On 19 January 2020 the [redacted] reported that four politicians were under investigation for drinking wine in the Welsh Parliament on 8 December[28]. That report was fair and accurate. The same day [redacted] newspaper published on its website a story about the conduct of Members in the Tea Room on 8 December.[29] That story was allegedly based on information provided by *an Assembly insider.* The story titled *POLITICIANS got plastered at a secret party in the Welsh Parliament in breach of Covid Rules* included many false allegations about what had taken place in the Tea Room, namely, *They drank numerous bottles of wine and whisky in a seven hour drinking marathon which was broken up by security staff*; *Up to ten legless politicians were asked to leave and stumbled out at 2 am*; *They were caught red-handed helping themselves to booze from an open bar; They were absolutely legless being very loud and raucous;* and *They didn't give a hoot about social distancing.* Although that. false account of events was taken down immediately following a letter sent on behalf of [redacted] and [redacted] It was picked up by a number of other media outlets and on social media[30];

y. Many of these scurrilous allegations were repeated on social media and were exploited by some political opponents of [redacted] and [redacted] during the Senedd election campaign;[31]

z. No attempt has been made by the Senedd Commission to identify the 'Assembly insider' whom it appears provided that false and damaging information to [redacted];[32]

aa. As a result of this false reporting [redacted]

[24] Documents 30 24
[25] Documents 5 8 11 25 26 27 30
[26] Documents 18 19 20 21 25 26 27 30 and, for example 33
[27] Document 31 and, for example 33
[28] Document 16
[29] Document 17
[30] Documents 18 19 20 21 3 5 8 11 25 26 27 30 and, for example, 33
[31] Documents 25 26
[32] Document 29

[redacted]

9 December 2020

bb. At 21:17 on 9 December [redacted] and [redacted] entered the Tea Room. They were accompanied by [redacted] and another [redacted] staff member;[34]

cc. They heated a pre-ordered meal and ate it whilst discussing work topics.' [35]

dd. They each drank one or two bottles of beer which had been bought at the Co-op by [redacted];[36]

ee. They left the Tea Room together shortly before 2300;[37]

ff. Throughout the period that they were in the Tea Room they observed the social distancing and sat alone at separate tables;[38]

gg. Nothing done by them in the Tea Room was contrary to the law. No police action has been taken against them.[39]

5. CONSIDERATION

5.1 The evidence in these complaints comes from the four Members, [redacted], two of the catering contractor catering staff, four security staff on duty on the night of 8th-9th December and from documents provided by [redacted], the Senedd Commission and from the national newspaper 1 and the [redacted] newspapers.

5.2 It was plain from the evidence of [redacted], [redacted] and the catering contractor staff [redacted] and [redacted] that since September 2020 it had been common for a number of [redacted] Members, including [redacted] and [redacted] but not [redacted] to eat together in the Tea Room following plenary and for two bottles of wine to be left out for them on a sale or return basis. There was no contrary evidence.

[33] Documents 9 12 25
[34] Documents 15 8 11 26 27 30
[35] Documents 8 11 26 27 30
[36] Documents 8 11 27 28 30
[37] Documents 15 8 11 30
[38] Documents 8 11
[39] Document 31

5.3 It was also plain that on the evening of 8 December 2020 [redacted] met [redacted] in the Tea Room and over a meal discussed with [redacted] proposal to include in the [redacted] election manifesto a commitment to a [redacted] Bill and then other matters. Their discussion lasted about five hours during which time they consumed all but one glass of the two bottles of red wine that had, as usual, been left out for them. Throughout the period that they were in the Tea Room they sat at separate tables and observed social distancing. The evidence for this comes from these four persons, the two [redacted] catering contractor staff and the entry and exit records provided by the Commission. There was no contrary evidence.

5.4 The evidence relating to [redacted] is that [redacted] was in the Tea Room for less than two hours during which time [redacted] sat at a table on [redacted] own, observed social distancing, ate [redacted] meal and drank part of a glass of red wine poured for [redacted] by [redacted] account is corroborated by the entry and exit records, [redacted] and [redacted] There was no contrary evidence.

5.5 I am satisfied that allegations made in [redacted] are without any factual foundation. Such conduct could not have taken place without at least one of the security staff on duty being aware of it. When interviewed all four of these staff were clear that nothing of the kind alleged took place. That accords with the evidence of [redacted] and [redacted] and the [redacted] catering contractor Manager and with the timings shown on the entry and exit records. It explains why the web report was taken down immediately on receipt of a complaint on behalf of the Members. [redacted] told me that *at a private* [redacted] *Party meeting a few days later a Member had mentioned, in lurid terms, a* [redacted] *party' at which people had been drunk.*[40] That [redacted] Member had prior to that meeting reported the alleged misconduct to the Chief Executive and Clerk.[41] It seems highly probable that the 'Assembly insider' who gave the false and scurrilous account to [redacted] nati nal n wspaper 2 did so for party political advantage in the mistaken belief that all the Members present were [redacted]. It is, regrettably, beyond the scope of my powers to attempt to identify the 'Assembly insider'. That would be a matter for others but I have been informed by the Chief Executive and Clerk that it has not been investigated by the Commission.

5.6 I have found it established that none of the four Members were aware that the new regulations may have made it unlawful for [redacted] catering contractor to supply alcohol in the Tea Room on 8 December. Some may find it surprising that Members would not be aware of the law. However, it must be born in

[40] Document 25

[41] Document 29 [redacted] does not accept that the last five lines of the note of [redacted] meeting with the Chief Executive on 15 December 2020 are an accurate record – Document 32 refers

mind that the new regulations were the fortieth Welsh Statutory Instrument concerning Covid brought into force in the previous three months. Further, the new regulations came into force before they were debated in the Senedd. I was impressed by and believed the evidence on this matter given at interview by [redacted] and [redacted] The maximum number of persons allowed to be present at a meeting was not exceeded and the Members observed social distancing at all times. I consider it highly improbable that, having complied with these aspects of the regulations the Members would then be party to the supply of alcohol to them if they believed that the supply contravened the new regulations. I note that although their main business was hospitality [redacted] appear not to have appreciated that the new regulations had any impact on their operation of the Tea Room. They provided no guidance to their manager on that matter who understandably did not, until 9 December, change the established practice of leaving wine out for the Members. And although the new regulations were debated on 9 December the debate was focussed on the impact of the new regulations on pubs and restaurants. No one mentioned that it might apply also to the Tea Room. I do not doubt that it was the honestly held belief of the four Members that the new regulations did not impact on the established practice of wine being left out for the use of Members dining in the Tea Room.

5.7 This report covers my investigation of two complaints. [redacted] made [redacted] complaint on 20 January the day on which [redacted] published on the web the story, which I have found to be false and scurrilous, about the conduct of the four Members. In [redacted] complaint [redacted] refers to the reported conduct of the four Members. To the extent that [redacted] complaint is about the misconduct falsely alleged in the report in [redacted] complaint is based on fiction not fact and has no merit.

5.8 In [redacted] complaint [redacted] said that [redacted] was 'especially concerned that, on one occasion, a member of catering staff felt under pressure to act in a way which was contrary to the Regulations.' As [redacted] was the only catering staff member in the Tea Room on the evening of 8 December it is clear that [redacted] was referring to [redacted]. In [redacted] PACE statement [redacted] made no mention of having felt under pressure from the Members to serve them with wine. Although [redacted] stated that [redacted] asked [redacted] and [redacted] if [redacted] was allowed to serve wine [redacted] made clear that [redacted] was unaware of what was allowed under the new regulations and accepted what the Members, whom [redacted] incorrectly believed had debated the new regulations, told [redacted], namely, that as it was in a private room it was allowed. When interviewed by me [redacted] was clear that a conversation took place between [redacted], [redacted] and [redacted] about whether [redacted] could

serve wine and that the consensus was that because it was in a private room it was allowed. [redacted] said that there was nothing unpleasant about the conversation and that [redacted] had not felt intimidated at any point. [redacted] had known the Members 'a bit like friends' for many years and did not think they would ever speak to [redacted] in an intimidatory manner. [redacted] manager, [redacted] was of the view that the Members would never be unpleasant to [redacted] At interview [redacted] accepted that there could have been a short friendly conversation about wine but [redacted] had no recollection of any serious conversation about the status of the regulations or anything else. [redacted] had no recollection of any such conversation. I attach no significance to the minor differences in the recollections of what on any view was a short friendly conversation on 8 December. It would have been very surprising and somewhat suspicious if such differences had not occurred. I am satisfied that there is no evidential basis for [redacted] assertion that 'on one occasion, a member of catering staff felt under pressure to act in a way which was contrary to the Regulations.' I have taken no account of that allegation in reaching my decision on the complaints.

5.9 But that is not an end to the matter. Although [redacted] does not specify it [redacted] asserts that the Members' conduct was a contravention of the Integrity Principle of the Code. [redacted] whist not asserting that there was a breach of that Principle, said in her complaint of 22 January *the (new) Regulations imposed severe restrictions on members of the public, in particular, as regards socialising and the venues at which alcohol may (or may not) be consumed. Whatever the purpose of the gathering in the Members' Tea Room, drinking alcohol on the estate, possibly until some time* (sic) *after midnight, calls into question whether the Members demonstrated the necessary level of integrity expected in the present pandemic.* I note, however, that the new regulations did not prohibit four members of the public meeting together and talking provided they observed social distancing. Nor did these regulations prohibit any four members of the public from consuming alcohol or eating a meal provided they observed social distancing.

5.10 In their interrogatories the four Members deny that their actual conduct contravened the Integrity Principle. [redacted] said *I did not consider that I was doing anything inappropriate. If I had, then I would not have been present. I'm confident that if was not legal, then the Senedd Commission would not have made these facilities available.* [redacted] said *I don't accept that I've brought the Senedd into disrepute because I didn't believe that I was doing anything wrong at the time. If I had, I wouldn't have been doing it.* [redacted] said *At no time did it occur to me that the self-serve, takeaway style catering arrangements with an alcoholic beverage may*

have been inappropriate. If it had I would not have eaten in the Members Dining Room or consumed alcohol on either evening. Members have a reasonable expectation that the arrangements made for them are subject to regular review by the Senedd Commission to ensure compliance with regulations. It is disappointing that the Senedd Commission does not appear to have undertaken a review of the catering arrangements for Members prior to the 8th and 9th December, especially given the change in the coronavirus regulations the previous week. [redacted] said *I dispute that my consumption of alcohol in the Members Tea Room on 8 December was conduct that would tend to bring the Senedd into disrepute.* When interviewed by me [redacted] and [redacted] maintained their denial of having contravened the Integrity Principle. I did not interview [redacted] who by then was no longer a Member. I do not doubt that these statements are their honestly held beliefs about their conduct. I note that it is the view of the Commission that they had no legal responsibility for the services provided in the Tea Room and that these were a matter solely for catering contractor [redacted] as the licensee.

5.11 Members are rightly accountable for their conduct and from events that flow naturally from it. They are not responsible where the chain of events is broken as in the present complaints by extraneous factors such as scurrilous and false media reporting. In considering whether on 8 December [redacted] breached the Integrity Principle I have had particular regard to the context and to the following established facts –

- [redacted] was in the Tea Room for less than two hours during which time [redacted] ate a meal;
- [redacted] observed social distancing at all times
- [redacted] drank part of one glass of red wine which was poured for [redacted] by [redacted]
- [redacted] was unaware that the new regulations may have brought about a change on what was permitted in the Tea Room.
- [redacted] denies any breach of the Integrity Principle
- Nothing [redacted] did in the Tea Room was contrary to the new regulations or any other law.

5.12 In considering whether [redacted] and [redacted] contravened that Principle on the same day I have had particular regard to the context and to the following established facts –

- They were in the Tea Room about five hours during which time they ate a meal;
- They observed social distancing at all times;

- They each drank about two glasses of the red wine that had, as usual, been left out for them;
- They were unaware that the new regulations may have brought about a change on what was permitted in the Tea Room.
- They all deny any breach of the Integrity Principle and were clear that had they known that wine should not have been supplied to them they would not have drunk it;
- Nothing they did in the Tea Room was contrary to the new regulations or any other law.

5.13 Whether or not conduct breaches the Integrity Principle is subjective and a matter on which individuals considering the same facts may genuinely reach different conclusions. Acting in a manner that will tend to undermine the public's trust and confidential in the integrity of the Senedd or which would tend to bring the institution or its Members generally into disrepute is a very grave matter. The fact that what the Members did in the Tea Room was legal and that they were unaware that as a result of the new regulations the supplying to them of alcohol might be illegal, whilst highly relevant, is not conclusive. In deciding whether conduct is so bad that it can properly be said to breach the Principle it is necessary to consider the conduct in context and especially the restrictions that had been imposed on all people in Wales due to the pandemic. Had the conduct of the Members been as alleged by nati nal n wspaper 2 I would have had no hesitation in finding that they had breached the Principle. Whilst some have been critical of the conduct of the Members **I cannot be satisfied, having considered all the circumstances in context, that any of them contravened the Integrity Principle of the Code of Conduct or any other relevant provision on 8 or 9 December 2020.**

5.14 This investigation has been protracted largely due to the need to suspend it to avoid the risk of prejudicing ongoing criminal investigations into the conduct of catering contractor Throughout, the four Members have co-operated fully as they did during the Commission's initial investigation. They responded promptly to all my requests for information. I have no doubt that the matter has had an adverse impact of the mental well-being of the Members and those close to them and that it made the election campaign period even more stressful as a result of the abusive media posts made by some of their political opponents. [redacted]. The [redacted] resulted in further publicity and angst.

6. MATTERS OF GENERAL PRINCIPLE

6.1 There are no matters of general principle arising from my consideration of these complaints.

7. PROCESS.

7.1 A copy of this report has today been sent to the four Members and to both complainants.

DOUGLAS BAIN CBE TD

Senedd Commissioner for Standards 8 December 2021

Annex A

Document relied on

Documents can be accessed via this link

1. Complaint – [redacted]
2. Complaint – [redacted]
3. Interrogatories – [redacted]
4. Solicitors' letter [redacted] – Chief Executive
5. Interrogatories – [redacted]
6. Press statement – [redacted]
7. Letter [redacted] – Chief Executive
8. Interrogatories – [redacted]
9. Personal statement – [redacted]
10. Letter [redacted] – Chief Executive
11. Interrogatories – [redacted]
12. Personal statement – [redacted]
13. Letter [redacted] – Chief Executive
14. Analysis of entry and exit times 8 December 2020
15. Analysis of entry and exit times 9 December 2020
16. [redacted] 19 January 2021
17. [redacted] 19 January 2021
18. Note of interview - Security Staff 1
19. Note of interview – Security Staff 2
20. Note of interview - Security Staff 3
21. Note of interview – Security Staff 4
22. Note of interview – [redacted]
23. PACE statement – [redacted]
24. Note of interview – [redacted] Manager
25. Note of interview – [redacted] MS
26. Note of interview – [redacted] MS
27. Note of interview – [redacted] MS
28. Letter [redacted] – Acting Commissioner 12 March 2021
29. Note by Chief Executive 17 November 2021
30. Note of interview – [redacted]
31. Letter South Wales Police – Acting Commissioner 25 February 2021
32. Email [redacted] – Commissioner 18 November 2021
33. Head Topics UK 21 January 2021

[redacted] (Staff Comisiwn y Senedd | Senedd Commission Staff)

From: [redacted]
Sent: 20 January 2021 09:55
To: Standards Commissioner
Subject: Complaint regarding standards of conduct

Dear Standards Commissioner

I wish to make a formal complaint against:
- [redacted] MS
- [redacted] MS
- [redacted] MS
- [redacted] MS

Their reported actions, which they have admitted by apologising, have brought the Welsh Parliament into disrepute. Their conduct, while the rest of the country was working hard to observe the lockdown rules regarding drinking in licensed premises, seem to have broken the spirit and perhaps the formal regulations in place at that time.

In any case, their actions have:
- undermined the reputation of the Welsh Parliament as a legislature,
- undermined the actions of law abiding citizens
- brought negative attention to the Welsh Parliament,
- could bring additional danger to the wider public health now that people might feel less compliant with the rules
- demonstrated that 'one rule for us and one rule for you' is something they live up to.

I am absolutely disgusted at their behaviour and I hope that you will look into this with the seriousness it deserves.

Thank you for your time.

Yours faithfully

[redacted]

[redacted]

Douglas Bain
Acting Standards Commissioner
Cardiff Bay
Cardiff
CF99 1SN

22 January 2021

Dear Douglas,

Complaint relating to the conduct of Members on the Senedd Estate

I have been made aware that on 8 December 2020 four Members – [redacted] MS, [redacted] MS, [redacted] MS and [redacted] MS - consumed alcohol in the Members' Tea Room on the Senedd Estate. At the relevant time, public health legislation prohibited the sale or consumption of alcohol on licensed premises. I write to draw this to your attention.

The relevant law at the time was set out in the **Health Protection (Coronavirus Restrictions) (No 4) (Wales) Regulations 2020** ("the Regulations") which came into force on 9 November 2020.

[redacted] the Regulations imposed restrictions on the opening hours of cafes, restaurants and workplace canteens. Further, from 4 December, the Regulations were amended to prohibit licensees from selling alcohol or allowing the consumption of alcohol on their licensed premises.

[redacted] have established various facts as set out in the annex below.

It is possible that the activities breached the Regulations. [redacted] has informed the enforcing authority for licensed premises, Cardiff Council, and we await hearing further from them.

[redacted] to carry out initial enquiries in order to establish the essential facts, as set out below, so that they could advise whether or not it was appropriate to make Cardiff Council aware of these matters. Beyond this, [redacted] to investigate further would be inappropriate as that is properly a matter for Cardiff Council and, if you agree, for you (see below).

[redacted]

The Members' Code of Conduct requires Members to observe the "Seven Principles" of public life, which include the principle of "Integrity". As set out in the Code this states:

"[Senedd] Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Senedd and refrain from any action that would bring the Senedd, or its Members generally, into disrepute…."

I express no view on whether or not the Regulations were breached [redacted]. However, the Regulations imposed severe restrictions on members of the public, in particular, as regards socialising and the venues at which alcohol may (or may not) be consumed. Whatever the purpose of the gathering in the Members' Tea Room, drinking alcohol on the estate, possibly until some time after midnight, calls into question whether the Members demonstrated the necessary level of integrity expected in the present pandemic.

I also note that any potential breach of the Regulations would have been avoided if the Members had not requested food or, particularly, alcohol. I am especially concerned that, on one occasion, a member of catering staff felt under pressure to act in a way which was contrary to the Regulations.

I would, therefore, ask you to treat this as a complaint under the Code of Conduct in respect of the conduct of [redacted] MS, [redacted] MS, [redacted] MS and [redacted] MS.

Late yesterday, further details came to my attention of a separate incident on 9 December 2020. I [redacted], for completeness, the details currently known to me are also set out in the annex.

Yours sincerely

[redacted]

[redacted]

[redacted]

[redacted]

ANNEX

Background re catering on the Senedd Estate on plenary days

It has been the practice over many years for Catering Contractor, the Senedd Commission's catering contractor, to provide meals to Members after plenary ends provided the meals are pre-ordered. The usual arrangement is that Catering Contractor staff stay on duty until after plenary ends in order to serve meals to Members.

The usual practice is that pre-ordered food is cooked at lunchtime and stored in a refrigerator for service in the evening. When Members indicate to serving staff that they are ready to eat, Catering Contractor staff reheat the food in the microwave oven (in a separate room). They then bring the food into the Members' Tea Room and serve it to Members.

The Members' Tea Room, along with the remainder of the Senedd estate, is presently laid out in a Covid secure manner.

Activities on the Senedd Estate on the evening of 8 December 2020

[redacted] have established various facts as set out below.

On 4 December, [redacted] had pre-ordered from Catering Contractor meals for [redacted], [redacted] MS, [redacted] MS and [redacted] MS to be served in the Members' Tea Room on the evening of 8 December.

On 8 December, plenary ended at 17.45. Shortly thereafter, [redacted] MS and [redacted] MS entered the Members' Tea Room in Ty Hywel. They were served a pre-ordered dinner by Catering Contractor. [redacted] MS arrived at 18.07. [redacted] was also served dinner. [redacted] had not pre-ordered dinner but there was a spare meal available for [redacted].

Shortly after [redacted] arrived, [redacted] and [redacted] left the Tea Room having finished their meals. At 19.01, [redacted] MS entered the room. [redacted] MS was still in the room. Only [redacted] and [redacted] were in the room at this point, although a member of serving staff employed by [redacted] was "in and out" as [redacted] was on hand to serve Members.

Two bottles of red wine and two bottles of white wine had been made available by Catering Contractor for [redacted] Members – on a sale or return basis - in accordance with an arrangement which started in October 2020.

[redacted]

[redacted] asked the member of serving staff to pour some of the red wine. The member of serving staff was reluctant to do so and expressed doubts as to whether serving the wine was lawful. [redacted] reports that [redacted] told [redacted] that it was acceptable to do so as they were in a private room. The member of serving staff then poured some of the wine.

[redacted] MS arrived at 19.36. [redacted] MS entered the room at 19.38. [redacted] MS, [redacted] MS, [redacted] MS and [redacted] MS all drank some of the wine. [redacted] left at 20.16.

The member of serving staff does not recall the exact time but [redacted] reports that [redacted] served meals for [redacted] MS, [redacted] MS, [redacted] MS and [redacted]. [redacted] was not, however, present so the member of serving staff simply left his meal for him. She then ended [redacted] shift and left for the day.

There is a conflict of evidence on this point as some of the Members state that they served themselves.

[redacted] MS says *"We had some food – since there were no staff present we heated up some curry, which had been left over from lunch, in the microwave."* [redacted] MS says *"…we ate a pre-prepared/takeaway style meal that had been left for us by the catering staff to self-serve and reheat in the microwave."* [redacted] MS states that the food was *"…left in the fridge of the Members' Tea Room. This was heated up in the microwave"* but [redacted] does not state who did this.

[redacted] arrived at 20.36. [redacted] says that [redacted] heated [redacted] meal and served [redacted]. This accords with the account given by the member of serving staff.

The Members and [redacted] all state that the purpose of the gathering was to discuss a proposal by [redacted] MS that both the [redacted] and [redacted] manifestos for the 2021 Senedd election should commit to the same policy on a particular issue. For ease of reference, [redacted] MS belongs to the [redacted]. [redacted] MS and [redacted] MS belong to the [redacted] Group. [redacted], as noted above, is [redacted]. The gathering went on for some time. [redacted] left at 00.06. [redacted] MS, [redacted] MS and [redacted] left at 00.46.

It should be noted that the Members and [redacted] paid for the food and wine that they consumed and no claims have been made for reimbursement from the public purse. There is, therefore, no suggestion of improper use of resources by Members.

[redacted]

Activities on the Senedd Estate on the evening of 9 December 2020

It came to my attention yesterday late afternoon, that some Members were also present in the Members' Tea Room on the evening of 9 December 2020.

Given this information came to light late yesterday, [redacted] to carry out further investigations.

[redacted]

INTERROGATORIES – [redacted] MS

Q1. Swipe card records show that on 8 December 2020 you entered the Members Tea Room at 1807 and exited it at 2016. Do you accept the accuracy of these records? If not, please specify your entry and exit times.

A1. I don't accept the accuracy of these records. I left the Members Tea Room before 2000 hours (I estimate around 1945) and returned to my office to finish a piece of work which I had started earlier. Please provide the evidence that shows I left the Tea Room at 2016.

Q2. I understand that on that day the tables were set out to facilitate social distancing. Is that correct?

A2. Yes that is correct.

Q3. Did you on that date share your table with any other person? If so, please identify those who did so and the approximate period of time for which they shared your table.

A3. No one shared my table, the tables were set out for social distancing and there was only one chair at each table. I had not arranged to meet with anyone and purely wanted a meal so I could continue with my work.

Q4. There is evidence that on that date alcohol was consumed by you, [redacted]. From what you saw or heard is that evidence correct?

A4. No, this is inaccurate. [redacted] was not present during the time I was in the Tea Room. Alcohol was consumed by the other members mentioned.

Q5. What was the nature and approximate quantity of alcohol drunk in your presence by each of those you identified at Q4 above?

A5. I was given and drank a glass of red wine. I believe the other members consumed similar.

Q6. Who paid for that alcohol?

A6. I did not pay for the alcohol nor did I see any payment made. As far as I could see, the alcohol was not paid for.

Q7. Do you accept or dispute that your consumption of alcohol in the Members Tea Room on 8 December 2020 was conduct that would tend to bring the Senedd into disrepute? Please explain your answer.

A7. I dispute that my consumption of alcohol in the Members Tea Room on 8 December was conduct that would tend to bring the Senedd into disrepute. I asked permission from catering staff prior to entering the Tea Room that evening and was informed that dinner was available for either “eat-in” or “takeaway”. I accepted the invitation to eat in. I entered the Tea Room alone and was served a chicken curry. Other MSs ( ) subsequently entered the Tea Room. A glass of wine, which I did not seek, request or pay for, was placed on the table in front of me. I did not drink all of it and left the Members Tea Room, returning to my office.

Q8. Did you consider whether it was legal for alcohol to be sold for consumption on 8 December? If so, what was the outcome of that consideration? If not, why not?

A8. I did not consider whether it was legal for alcohol to be sold as I did not purchase alcohol, nor did I see it being purchased. A glass of wine, which I did not request, was placed on my table after I had been given permission to have dinner in the Members Tea Room.

Q9. Is there anything else you consider relevant to my investigation to the complaint against you?

A9. No, there is nothing else I consider relevant.

I certify that the answers I have given are true and complete to the best of my knowledge and belief.

Signature:  Date: 19 February 2021

From: [redacted]
Date: 19 January 2021 at 19:19:13 GMT
To: [redacted] (Staff Comisiwn y Senedd | Senedd Commission Staff)"
[redacted]
Subject: Response from [redacted] **MS**

Dear [redacted]

Our Client [redacted]

As you may be aware, we represent [redacted] interests. We are aware of the media storm in the national press and television. You may also be aware that our position has been [redacted] Nevertheless, regardless of the above we can assist you.

It is our position and that of [redacted] that this is media fuel with no factual or fair basis. [redacted] did attend the Tea Room on [redacted] own, without invitation after work. [redacted] had no arrangements other than that [redacted] was hungry and that [redacted] needed to finish a piece of work which was an article for the '[redacted]'. [redacted] sat on [redacted] own and was socially distanced. [redacted] never bought any alcohol nor did [redacted] invite any. [redacted] attended the Tea Room at approximately 6pm. Doing the best [redacted] can [redacted] recalls a chicken curry being ordered (which will be evidenced as a matter of public record). [redacted] recalls a conversation before sitting down with [redacted] and [redacted], which was socially distanced.

Thereafter [redacted] ate on [redacted] own after being served by a member of staff whereby it was cooked properly and presented properly. However, it is correct that [redacted], [redacted] and [redacted] attended thereafter. That needs to be analysed in a proper context as [redacted] cannot speak for them.

At no stage was there an 'arranged gathering' that [redacted] was involved with or had any knowledge of. One or two of them bought alcohol, [redacted] is not aware whom, that

question will be better directed elsewhere. Again, it is a matter of public record that [redacted] did not purchase alcohol. Again, this can be verified by the external catering company.

Moreover, one of them put alcohol in a wine glass without invitation ([redacted] cannot be sure by whom). [redacted] spoke with them at a distance, finished [redacted] food, drank a glass of wine and left to finish [redacted] article for the [redacted]. [redacted] does recall that [redacted] was the last to attend. Again, doing the best [redacted] can [redacted] left at just before 8pm, went to [redacted] office finished [redacted] article and left. [redacted] understands (via hearsay) that the others may have stayed for some time once [redacted] left. [redacted] has no knowledge of what did or did not happen thereafter.

<u>Accordingly, the answer to your questions are as follows:</u>

a) There was no purpose. [redacted] was hungry, on [redacted] own and attended in a socially distanced and responsible way with the tea room being open for service.

b) Just after 6pm, doing [redacted] best.

c) Just before or just after 8pm.

d) [redacted] was on [redacted] own. [redacted] and [redacted] attended thereafter. Just before [redacted] left [redacted] joined at a social distance.

e) Doing the best [redacted] can, yes.

[redacted] is innocent and should not form any part of any findings of alcohol purchase, [redacted] complied with the spirit of the rules, regulations and the law. [redacted] cannot assist with what happened after [redacted] left having acted properly and with dignity.

We trust this assists you and can confirm this can be supported with a statement of truth.

[redacted]

[redacted]

[redacted]

[redacted]

The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

[redacted]

[redacted]

[redacted]

[redacted]

INTERROGATORIES – [redacted] MS

Q1. Swipe card records show that on 8 December 2020 you entered the Members Tea Room at 1901 and exited it at 0046 on 9 December. Do you accept the accuracy of these records? If not, please specify your entry and exit times.

A1. My memory is that I was a little later arriving there than 19.01. I do not understand how you have an exit time for the tearoom since there is no requirement to swipe any card to leave the room. During the evening myself, and others, went back and fore on a number of occasions. My assumption is that this may have been an exit time for the building? In which case it records the time that I left the building and not time that I left the tearoom.

Q2. I understand that on that day the tables were set out to facilitate social distancing. Is that correct?

A2. This is correct. And this social distancing was observed at all times.

Q3. Did you on that date share your table with any other person? If so, please identify those who did so and the approximate period of time for which they shared your table.

A3. No. I did not share my table with any other person at any time.

Q4. There is evidence that on that date alcohol was consumed by you, [redacted]. From what you saw or heard is that evidence correct?

A4. This is correct.

Q5. What was the nature and approximate quantity of alcohol drunk in your presence by each of those you identified at Q4 above?

A5. I understand that a total of two bottles of wine was shared by all those present during that evening.

Q6. Who paid for that alcohol?

A6. I have neither received nor seen any invoice and as such I cannot answer that question.

Q7. Do you accept or dispute that your consumption of alcohol in the Members Tea Room on 8 December 2020 was conduct that would tend to bring the Senedd into disrepute? Please explain your answer.

A7. Clearly this is a matter for others to judge however I am clear that my actions were within the rules and regulations in force at that time. I have not received any indication from anyone that I have breached the regulations. The matter has been referred to South Wales Police who have indicated (on social media) that they do not regard this as a breach of regulations and that they do not even intend to investigate the matter.

You may be interested to know that this matter was first reported by national newspaper 2 newspaper. After a complaint to the editor they have now accepted that their reporting of the incident was untrue and not accurate and have agreed to remove the story from their website.

Clearly I was subjected to a great deal of personal abuse on social media when this story broke in the press and media. Mainly as a consequence of the poor journalism described above. As a public figure I have become used to receiving a high level of abuse over the years. It tends to run with the news cycles and reflects the impact of reporting different stories. This abuse was intense for two or three days and then began to dry up. Much of the abuse was from anonymous accounts and as consequence of opposition politicians seeking to incite this abuse.

In total I have received seven emails on the matter. Two expressed disappointment with my actions, two were abusive and three expressed personal sympathy for me and hoped that the incident wouldn't have a negative impact on me personally. Throughout January this is a tiny number of contacts when compared with the volume of emails and messages I received on the vaccination programme, the policy on the lockdown and its impact on different businesses and groups of people in my constituency. Even at the height of this story I received far more emails and electronic messages on other matters.

Since this became public in January I have continued to work hard for the people I represent and I have continued to receive a high number of very supportive messages on social media and electronically [redacted] This matter was not raised by anyone and nor was it raised by people commenting after the event.

Q8. Did you consider whether it was legal for alcohol to be sold for consumption on 8 December? If so, what was the outcome of that consideration? If not, why not?

A8. I was, and remain, absolutely clear in my mind that I did not break any rule or regulation. This viewpoint was confirmed by the chief executive of the Senedd Commission in her correspondence to me on this matter on 14th January in discussing a potential breach of regulations – "*the consumption of alcohol, in itself, is not."* In that same correspondence she concludes that the only area where I and others need to clarify the legal position was on the number of people present and social distancing. On both points there is no allegation that a breach occurred. My

assumption is that the Senedd Commission has access to legal advice on this matter and that this position has been confirmed by the Commission's legal department. Again I have not seen any assertion that my actions were in any way a breach of the coronavirus regulations.

Q9. Is there anything else you consider relevant to my investigation to the complaint against you?

A16.

At the time of this incident being made public I made the following statement:

[redacted]

In conclusion I would also add that I sought this meeting with the [redacted] as a consequence of my own personal experience. [redacted] I have also, always sought to live within the Covid regulations and have done so throughout this period. I have not seen very close family members and have maintained social distancing, and sometimes social isolation, whilst striving to continuing working for and serving the people who have elected me. I felt that it took place in a safe environment and one where the regulations would be observed and enforced. As such I am devastated to be accused of breaking these regulations or acting in a way which brings the institution into disrepute.

I certify that the answers I have given are true and complete to the best of my knowledge and belief.

Signature * Date

*A signature is not required if the document is returned from your Senedd or private email address

[redacted]

[redacted]

Annwyl [redacted]

Thank you for your letter dated 14 January 2021. I am grateful for your clear and comprehensive explanation of the issues involved and also your confirmation that you do not believe that I breached any of the Coronavirus regulations described in points 1 and 2 of your letter. I will therefore confine myself to answering your questions in order to clarify the matters you describe in point 3 of your letter.

(a) What was the purpose of the gathering in the Tŷ Hywel Members' Tea Room on the evening of 8 December 2020?

This was a meeting which took place at my request. [redacted]

(b) What time did you arrive at the Tea Room?

I arrived in the tearoom sometime after 7.00pm.

(c) What time did you leave?

I left the tearoom and the building sometime after midnight.

(d) Were more than four individuals (including you) present at any time? If so please indicate who they are.

No. When I arrived [redacted] was the only member in the tearoom. I understand that [redacted] and [redacted] had been in earlier but both had left by the time that I arrived.

[redacted] arrived just before 8.00pm and [redacted] arrived shortly afterwards. At this point [redacted] left the tearoom. We had some food – since there were no staff present we heated up some curry, which had been left over from lunch, in the microwave. A little while later a [redacted] staff member arrived and joined us for a period.

(e) Was social distancing observed?

Yes. At all times we sat in the chairs and individually at the tables which have been set out in the tearoom to comply with relevant social distancing guidance and regulations. The tearoom is a large area and at no time were there more than four persons present.

I trust that you will now be in a position to swiftly and urgently resolve this matter and make clear in all future inquiries that I have not breached these regulations.

Best wishes,

[redacted]

INTERROGATORIES – [redacted] MS

Q1. Swipe card records show that on 8 December 2020 you entered the Members Tea Room at 1934 and exited it at 0046 on 9 December. Do you accept the accuracy of these records? If not, please specify your entry and exit times.

A1. I had thought that I arrived a little later than 19.34 and I don't remember the exact time that I exited, but it was after midnight and before 1am. However, I'm happy to accept the times. Just for accuracy, the cards that you mention are not swipe cards, they are touchpad operated and my understanding is that there is no requirement to use these cards on leaving the Members Tea Room.

Q2. I understand that on that day the tables were set out to facilitate social distancing. Is that correct?

A2. Yes

Q3. Did you on that date share your table with any other person? If so, please identify those who did so and the approximate period of time for which they shared your table.

A3. No

Q4. There is evidence that on that date alcohol was consumed by you, [redacted]. From what you saw or heard is that evidence correct?

A4. Yes

Q5. What was the nature and approximate quantity of alcohol drunk in your presence by each of those you identified at Q4 above?

A5. I believe that I had a couple of glasses of wine but I didn't keep a record of the quantity of alcohol consumed by any individual on that evening.

Q6. Who paid for that alcohol?

A6. The usual arrangement since we were able to heat up our food from purchasing it at lunchtime and to consume any alcohol left for us with our meals was to split the cost between us and then we would be billed at a later date.

Q7. Do you accept or dispute that your consumption of alcohol in the Members Tea Room on 8 December 2020 was conduct that would tend to bring the Senedd into disrepute?

A7. I don't accept that I've brought the Senedd into disrepute because I didn't believe that I was doing anything wrong at the time. If I had, I wouldn't have been doing it.

Q8. Swipe card records show that on 9 December 2020 you entered the Members Tea Room at 2114. Do you accept the accuracy of these records? If not, please specify what you believe are the correct times. At what time on that day or early on 10 December did you exit the tea room?

A8. I don't recall the exact times I arrived and exited the Tea Room on the 9th December but I'm happy to accept the above arrival time and I believe I left around 11pm. I would note however, given that records show my departure time on the 8th December, I'm surprised therefore records don't show my departure on the 9th December, even though as mentioned in an earlier answer there is no requirement to use swipe cards on leaving the Tea Room.

Q9. I understand that on that day the tables were set out to facilitate social distancing. Is that correct?

A9. Yes

Q10. Did you on that date share your table with any other person? If so, please identify those who did so and the approximate period of time for which they shared your table.

A10. No

Q11. There is evidence that on that date alcohol was consumed by you and [redacted]. Is that evidence correct?

A11.Yes

Q12. What was the nature and approximate quantity of alcohol drunk by each of you?

A12. I believe I had a beer but again I didn't keep a record of how much alcohol was consumed that evening.

Q13. Who paid for that alcohol?

A13. We both did.

Q14. Do you accept or dispute that your consumption of alcohol in the Members Tea Room on 9 December 2020 was conduct that would tend to bring the Senedd into disrepute?

A14. I don't accept that I've brought the Senedd into disrepute because I didn't believe that I was doing anything wrong at the time. If I had, I wouldn't have been doing it. I'd like to think that since being elected [redacted], I have always tried to maintain the highest possible standards of conduct.

Q15. Did you consider whether it was legal for alcohol to be sold for consumption by you on these occasions? If so, what was the outcome of that consideration? If not, why not?

A15. I did not consider that I was doing anything inappropriate. If I had, then I would not have been present. I'm confident that if was not legal, then the Senedd Commission would not have made these facilities available.

Q16. Is there anything else you consider relevant to my investigation to the complaints against you?

A16. [redacted]

I certify that the answers I have given are true and complete to the best of my knowledge and belief.

Signature * [redacted] Date 19.02.21

*A signature is not required if the document is returned from your Senedd or private email address

[redacted]

[redacted]

[redacted]

[redacted]
Welsh Parliament
Via Email

Tuesday 19th January 2021

Annwyl [redacted]

Thank you for your email on the 14th January 2021 regarding the events of the 8th December 2020.

Below are my answers to your questions in the hope that we can bring this matter to an end.

What was the purpose of the gathering in the Tŷ Hywel Members' Tea Room on the evening of 8 December 2020?

I was meeting with [redacted] MS, [redacted] MS and a staff member to discuss the policy on possible [redacted] legislation, and other matters, that [redacted] for the Senedd elections in May.

The meeting was accompanied by a meal that was prepared by catering contractor and left in the fridge of the Members' tea room. This was heated up in the microwave. I would not describe this as a gathering.

What time did you arrive at the Tea Room?

I arrived at around 8pm.

What time did you leave?

I do not recall the exact time however, it was after midnight but before 1am.

Were more than four individuals (including you) present at any time? If so please indicate who they are.

At no point in the evening were there more than four individuals present. When I arrived [redacted] and [redacted] were in the members tea room at tables which had been spaced far apart. My staff member, [redacted] joined us a lot later, around 8.45pm but [redacted] had left long before. At no point in the evening were there more than four individuals present.

[redacted]

Was social distancing observed?

At all times social distancing was observed. As mentioned above the tables had been placed far apart to ensure that we were more than 2 metres apart.

I hope my answers are useful in your investigation of the matter.

INTERROGATORIES - [redacted] MS

Q1. Swipe card records show that on 8 December 2020 you entered the Members Tea Room at 1934 and exited it at 0046 on 9 December. Do you accept the accuracy of these records? If not, please specify your entry and exit times.

A1. There is only a need to tap Senedd passes to the security pad on entry into the Members Tea Room; there is no such requirement on exit. My recollection is that I arrived in the Members Tea Room at around 7.45pm but I am happy to accept the accuracy of the above times.

I left the building later than colleagues as I returned to my office prior to collect some personal items and lock my room.

Q2. I understand that on that day the tables were set out to facilitate social distancing. Is that correct?

A2. Yes.

Q3. Did you on that date share your table with any other person? If so, please identify those who did so and the approximate period of time for which they shared your table.

A3. No.

Q4. There is evidence that on that date alcohol was consumed by you, [redacted] From what you saw or heard is that evidence correct?

A4. Yes.

Q5. What was the nature and approximate quantity of alcohol drunk in your presence by each of those you identified at Q4 above?

A5. It is my understanding that two bottles of wine were consumed between those present.

Q6. Who paid for that alcohol?

A6. The custom and practice since the establishment of the self-serve, takeaway style catering arrangements for Members was that the costs of any alcohol left out for Members to consume with their meals would be divided equally between those present and billed to their Tea Room tabs.

Q7. Do you accept or dispute that your consumption of alcohol in the Members Tea Room on 8 December 2020 was conduct that would tend to bring the Senedd into disrepute? Please explain your answer.

A7. Given the context of the arrangements that were in place for Members with the knowledge of Senedd Commissioners, I do not believe that my conduct has brought the Senedd into disrepute.

Q8. Swipe card records show that on 9 December 2020 you entered the Members Tea Room at 2117 and exited it at 2303. Do you accept the accuracy of these records? If not, please specify your entry and exit times.

A8. There is only a need to tap Senedd passes to the security pad on entry into the Members Tea Room; there is no such requirement on exit. For this reason I am happy to accept the accuracy of the entry time into the Members Tea Room but I cannot confirm the accuracy of the exit time.

Q9. I understand that on that day the tables were set out to facilitate social distancing. Is that correct?

A9. Yes.

Q10. Did you on that date share your table with any other person? If so, please identify those who did so and the approximate period of time for which they shared your table.

A10. No.

Q11. There is evidence that on that date alcohol was consumed by you and [redacted]. Is that evidence correct?

A11. Yes.

Q12. What was the nature and approximate quantity of alcohol drunk by each of you?

A12. To the best of my recollection, two bottles of beer each.

Q13. Who paid for that alcohol?

A13. We did.

Q14. Do you accept or dispute that your consumption of alcohol in the Members Tea Room on 9 December 2020 was conduct that would tend to bring the Senedd into disrepute? Please explain your answer.

A14. Given the context of the arrangements that were in place for Members with the knowledge of Senedd Commissioners, I do not believe that my conduct has brought the Senedd into disrepute.

Q15. Did you consider whether it was legal for alcohol to be sold for consumption by you on these occasions? If so, what was the outcome of that consideration? If not, why not?

A15. At no time did it occur to me that the self-serve, takeaway style catering arrangements with an alcoholic beverage may have been inappropriate. If it had I would not have eaten in the Members Dining Room or consumed alcohol on either evening.

Members have a reasonable expectation that the arrangements made for them are subject to regular review by the Senedd Commission to ensure compliance with regulations.

It is disappointing that the Senedd Commission does not appear to have undertaken a review of the catering arrangements for Members prior to the 8th and 9th December, especially given the change in the coronavirus regulations the previous week.

Q16. Is there anything else you consider relevant to my investigation to the complaints against you?

A16. I have attached a copy of a personal statement I issued on the 23rd January for your information.

[redacted]

I certify that the answers I have given are true and complete to the best of my knowledge a

Signature * [redacted] Date **19th February 2021**

*A signature is not required if the document is returned from your Senedd or private email address

[redacted]

PRIVATE AND CONFIDENTIAL

[redacted]
[by email]

19th January 2021

Dear [redacted]

I write with reference to your letter dated 14th January 2021.

Please see the responses to your questions below:

(a) What was the purpose of the gathering in the Tŷ Hywel Members' Tea Room on the evening of 8 December 2020?

There was no 'gathering'. There was a meeting to discuss a non-partisan policy proposal from [redacted] for inclusion in the [redacted] manifesto for the forthcoming Senedd elections.

During the meeting we ate a pre-prepared/takeaway style meal that had been left for us by the catering staff to self-serve and reheat in the microwave.

(b) What time did you arrive at the Tea Room?

Around 7.45pm.

(c) What time did you leave?

Sometime after midnight. Following discussion on the policy proposal the meeting went on to discuss policy making processes more generally and the pandemic.

(d) Were more than four individuals (including you) present at any time? If so please indicate who they are.

No. Upon arriving in the Room both [redacted] and [redacted] were present. A short time later [redacted] arrived. [redacted] left shortly after, [redacted] arrival and [redacted] joined us around 20 minutes or so later.

[redacted]

[redacted]

(e) Was social distancing observed?

Yes, at all times. The room was set out to enable social distancing to take place.

I trust that the above is helpful.

Kind regards,

Yours,

[redacted]

Name	T me In	Conf med V a	Locat on	T me Out	Notes	Conf med V a	CCTV Came a	CCTV Came a
[redacted] Catering C	Va ous	Access Cont ol Repo t	e Hywel Membe s ea Room	19 55	[redacted] Leaves y Hywel ea Room & Leaves y Hywel Bu ld ng	V ewed CC V Footage	TH-1F 04 B Block Co de	[redacted]
[redacted] MS	18 07	Access Cont ol Repo t	Fe Hywel Membe s Tea Room	20 16	Leaves Ty Hywel Tea Room to go to h s off ce (20 17)	V ewed CCTV Footage	TH-1F 04 B Block Co de	[redacted]
[redacted] MS	19 01	Access Cont ol Repo t	e Hywel Membe s ea Room	00 46	Leaves w t [redacted] MS F [redacted] MS	V ewed CC V Footage	TH-1F 04 B Block Co de	[redacted]
[redacted] MS	19 34	Access Cont ol Repo t	Fe Hywel Membe s Tea Room	19 36	B/C Lobby S MS	V ewed CCTV Footage	TH-1F-05 - 18D L t Lobby B/C to lets)	[redacted]
[redacted]	19 36	Access Cont ol Repo t	e Hywel Membe s ea Room	00 46	Leaves w t [redacted] MS F [redacted] MS	V ewed CC V Footage	TH-1F 04 B Block Co de	[redacted]
[redacted] MS	19 38	Access Cont ol Repo t	Fe Hywel Membe s Tea Room	00 46	Leaves w t [redacted] MS F [redacted] MS	V ewed CCTV Footage	TH-1F 04 B Block Co de	[redacted]
[redacted]	20 36	Access Cont ol Repo t	e Hywel Membe s ea Room	00 06	[redacted] leaves tea oom	V ewed CC V Footage	TH-1F 04 B Block Co de	[redacted]
[redacted] MS	ex ts bu ld ng	[redacted]	[redacted] Leaves Ty Hywel Bu ld ng	20 36	Off S te - leaves off ces to ex t v a u/g ca pa k	Access Cont ol Repo t	No Footage v ewed sw pas n to u/g ca pa k	[redacted]
[redacted] MS	ex ts bu d ng	[redacted]	Leav ng y Hywel except on	00 48	Off S te leaves v a y Hywel ma n Ent ance	V ewed CC V Footage	Th-GF 09 - 180 Ty Hywel Ma n Ent ance	[redacted]
[redacted] MS	ex ts bu ld ng	[redacted]	Leav ng Ty Hywel except on	00 48	Off S te - leaves v a Ty Hywel ma n Ent ance	V ewed CCTV Footage	Th-GF 09 - 180 Ty Hywel Ma n Ent ance	[redacted]
[redacted] MS	ex ts bu ld ng	[redacted]	Leav ng Ty Hywel except on	00 48	Off S te - leaves v a Ty Hywel ma n Ent ance	V ewed CCTV Footage	Th-GF 09 - 180 T H I M E t	[redacted]
[redacted] MS	00 50	Access Cont ol Repo t	[redacted]	00 50	[redacted] Lea ves into Ty Hywel Tea Room	V ewed CCTV Footage	Th-GF 09 - 180 Ty Hywel Ma n Ent ance	TH-1F-04 B Block Co de (nto Tea Room)
[redacted] MS	00 51	Access Cont ol Repo t	[redacted] goes to h s off ce 3B 2	00 54	[redacted] atu ns to ecept on and leaves bu ld ng	V ewed CCTV Footage	Th-GF 09 - 180 Ty Hywel Ma n Ent ance	[redacted]

A l CCTV footage was v ewed by Secu ty ope at ons manage [redacted] fo pu poses of c eat ng a t me l ne of events - Reco d ngs we e not downloaded as at t me of enqu y footage was not equested.
All access cont ol data was comp led v a data held on the access cont ol system.

Audit trail

Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
8-12-2020 18:23:38	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	
8-12-2020 18:30:24	Door opened (key)	1 - MEMBERS TEA ROOM KITCHEN		[redacted]	
8-12-2020 19:20:36	Door opened (key)	1 - MEMBERS TEA ROOM KITCHEN		[redacted]	
8-12-2020 19:55:06	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	
8-12-2020 19:57:46	Door opened (key)	G/F FRONT FOYER TO LIFT LOBBY		[redacted]	
8-12-2020 19:58:16	Door opened (key)	G/F REAR FOYER TURNSTILE (OUT)		[redacted]	
8-12-2020 19:58:20	Door opened (key)	G/F REAR DOOR TO CAR PARK (IN)	Exit	[redacted]	

Audit trail

Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
8-12-2020 18:07:26	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	
8-12-2020 20:17:00	Door opened (key)	3 - C1		[redacted]	
8-12-2020 20:36:00	Door opened (key)	T/H L/G B/C BLOCK ENTRANCE (IN)	Exit	[redacted]	

Audit trail

Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
8-12-2020 19:00:12	Door opened (key)	SPEED STYLE 1 (SWIPE IN)		[redacted] AM	
8-12-2020 19:00:18	Door opened (key)	G/F FRONT FOYER TO LIFT LOBBY		[redacted] AM	
8-12-2020 19:01:56	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted] AM	
8-12-2020 21:00:42	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted] AM	

Audit trail

Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
8-12-2020 19:34:26	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	
8-12-2020 19:38:32	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	
9-12-2020 00:50:02	Key updated (online)	SPEED STYLE 1 (SWIPE IN)		[redacted]	
9-12-2020 00:50:02	Door opened (key)	SPEED STYLE 1 (SWIPE IN)		[redacted]	
9-12-2020 00:50:06	Door opened (key)	G/F FRONT FOYER TO LIFT LOBBY		[redacted]	
9-12-2020 00:50:58	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	
9-12-2020 00:51:52	Door opened (key)	3 - B2		[redacted]	

Audit trail

Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
8-12-2020 19:36:10	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	

Audit trail

Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
8-12-2020 18:48:14	Door opened (key)	3 - B2		[redacted]	
8-12-2020 20:34:58	Door opened (key)	3 - B2		[redacted]	
8-12-2020 20:36:36	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	

Name	Time In	Confirmed Via	Location	Left building	Location	Confirmed Via
[redacted]	19 13	Access Control Report	Ty Hywel Members Tea Room	20 43	T/H L/G A/B BLOCK ENTRANCE (IN)	Access Control Report
[redacted]	21 06	Access Control Report	Ty Hywel Members Tea Room	[redacted]		
[redacted]	21 14	Access Control Report	Ty Hywel Members Tea Room			
[redacted]	21 17	Access Control Report	Ty Hywel Members Tea Room			
[redacted]	21 17	Access Control Report	Ty Hywel Members Tea Room	23 03	T/H L/G B/C BLOCK ENTRANCE (IN)	Access Control Report

Audit trail

Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
9-12-2020 19:13:48	Door opened (key)	1 - MEMBERS TEA ROOM KITCHEN		[redacted]	
9-12-2020 19:49:52	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	
9-12-2020 20:38:58	Door opened (key)	1 - MEMBERS TEA ROOM KITCHEN		[redacted]	
9-12-2020 20:42:50	Door opened (key)	G/F FRONT FOYER TO LIFT LOBBY		[redacted]	
9-12-2020 20:43:22	Door opened (key)	T/H L/G A/B BLOCK ENTRANCE (IN)	Exit	[redacted]	

Audit trail

Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
9-12-2020 21:06:10	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	

Audit trail

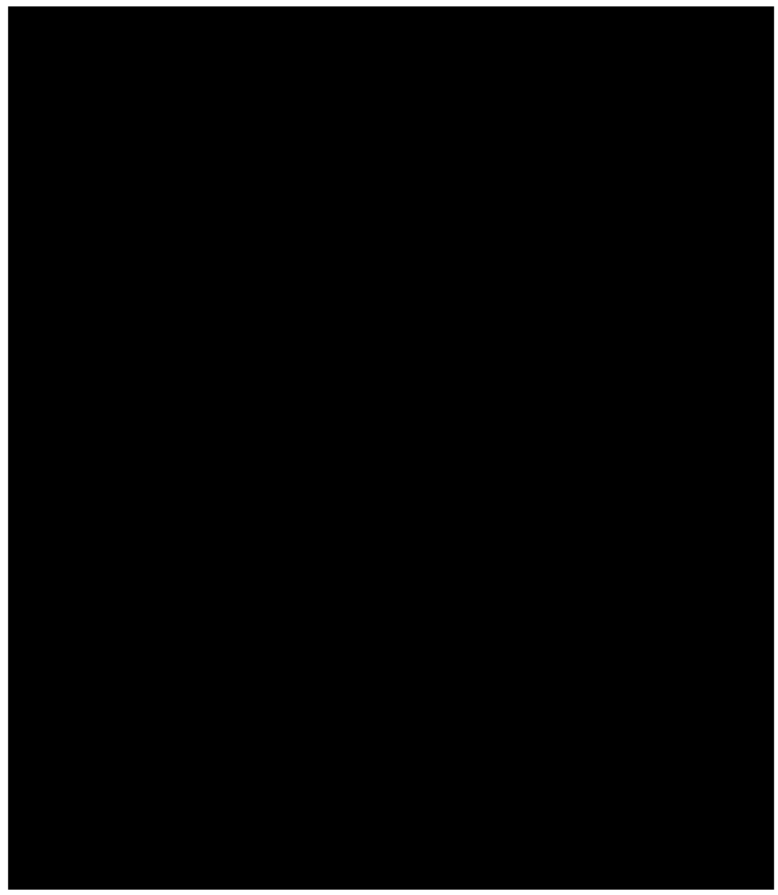
Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
9-12-2020 21:14:34	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	
9-12-2020 21:17:00	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	

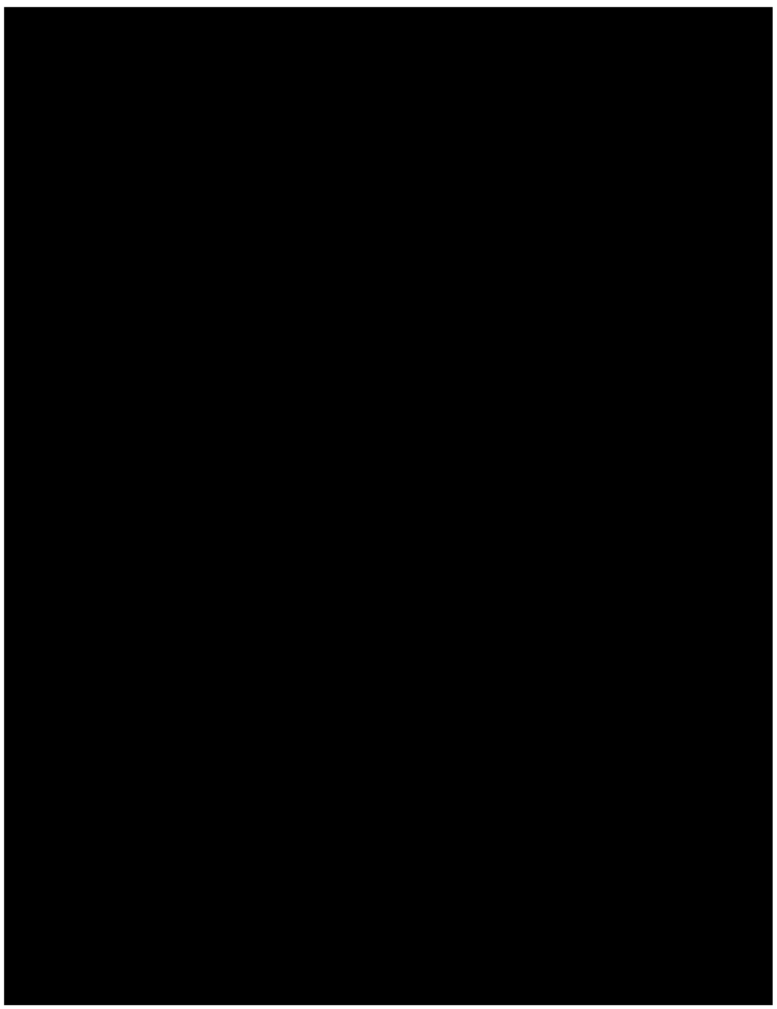
Audit trail

Date/time	Operation	Source	Entry/Exit	Cardholder/Operator	Copy
9-12-2020 21:17:56	Door opened (key)	1- MEMBERS TEA ROOM LOUNGE		[redacted]	
9-12-2020 23:03:48	Door opened (key)	T/H L/G B/C BLOCK ENTRANCE (IN)	Exit	[redacted]	

[redacted]

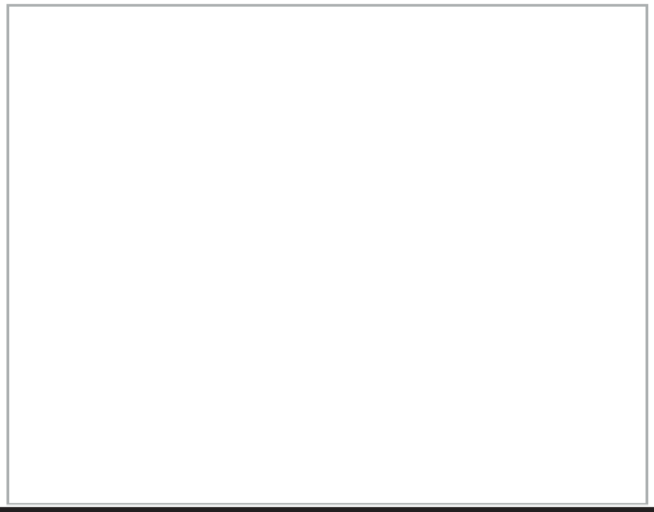
[redacted]





[redacted]

[redacted]



[redacted]



[redacted]

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] – Senedd Commission Security - in relation to 'Tea Room' complaint against Members

Date - 2 Nov 2021

Start Time -14-00

End time - 14:08

Location – Parent & Child Room – Senedd

In attendance

[redacted] – Senedd Security

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) briefly outlined the process and background as to the reasons [redacted] was requested to interview and reassured [redacted] that it was not [redacted] conduct at the relevant time that was of interest to him – his task was to obtain further information which would enable him to consider the conduct of the Members concerned;

2. DB confirmed that the proceedings would be recorded. [redacted] was content with this;

3. [redacted] recalled that [redacted] was not due to work on the evening of the 8 December but was asked to work at short notice due to a Covid issue with another team;

4. DB asked if [redacted] noticed anything of note, or unusual on the night of the 8 December. [redacted] advised that in the event of anything unusual taking place on the estate, a log is maintained to make a record but confirmed that nothing unusual had happened that evening from [redacted] perspective. [redacted]

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We welcome correspondence in both English and Welsh

had taken part in the lockdown, sweep exercise of the building at around 10pm. [redacted] recalled seeing people in TR1, but did not enter at that point as it was difficult to carry out an effective search if the room was occupied. The room can be viewed by Security staff through the kitchen door, so ordinarily you do not need to enter the room to establish whether it is occupied. On this occasion [redacted] saw it was occupied, so did not enter at that point.

5. DB checked with [redacted] whether [redacted] was referring to the night of the 8 or 9 December. [redacted] could not be totally sure about this because both nights were fairly routine with nothing out of the ordinary taking place.

6. DB asked [redacted] about the allegation that some Members were 'legless' on the evening of the 8 December and some Members had to be 'escorted' from the building. [redacted] advised that [redacted] had not seen any evidence of this type of behaviour. [redacted] confirmed that [redacted] had never been in a situation where [redacted] had to ask any Member to leave the estate due to this type of behaviour. [redacted] said he would have definitely remembered any incident on this evening relating to 'legless' behaviour or 'escorting' Members from the estate. [redacted] recalled seeing the group of Members together, but nothing in the way of noteworthy or unusual behaviour;

7. DB advised that a note would be drafted and [redacted] would be asked to agree it, or suggest corrections. DB thanked [redacted] for attending.

8. **Note was agreed by [redacted] by email on 5 November 2021**

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] – Senedd Commission Security - in relation to 'Tea Room' complaint against Members

Date 2 Nov 2021

Start Time 13-00

End time 13:10

Location – Parent & Child Room – Senedd

In attendance

[redacted] – Senedd Security

[redacted] – attending [redacted] – [redacted]

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) briefly outlined the process and background as to the reasons [redacted] was requested to interview and reassured [redacted] that it was not [redacted] conduct at the relevant time that was of interest to him – his task was to obtain further information which would enable him to consider the conduct of the Members concerned;

2. [redacted] from [redacted] attended to provide support to [redacted]. DB confirmed that the proceedings would be recorded. [redacted] was content with this;

3. [redacted] gave a brief outline of [redacted] role with Security at the time of the so called 'incident' and informed DB that [redacted] had been asked to work this particular night shift at relatively late notice due to the absence of other colleagues due to some positive Covid cases;

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4. DB asked SS how [redacted] became aware that there were some Members in TR1 on the evening of 8 December 2020. ss2 informed DB that it was usual practice for catering contractor staff to drop some keys off at Security on their way out when they had finished their shift. On this occasion, at around 7pm, [redacted] dropped the keys off and mentioned that there were some Members still in TR1;

5. ss2 advised that [redacted] checked TR1 at around 1.30am on 9 December and found it empty. [redacted] finished work at around 7am that morning;

6. DB asked ss2 about some reports in the press which had indicated the Members had been 'legless'. ss2 said that [redacted] did not see any of the Members that evening and that [redacted] had seen no evidence of this. It was highly unlikely because such behaviour would likely have been reported to [redacted], or at least [redacted] would have heard about it informally, which [redacted] had not.

7. DB said some reports had mentioned 'raucous' behaviour. DB asked ss2 whether [redacted] had seen any reports of this. ss2 confirmed that there were no reports of any 'raucous' behaviour that evening;

8. DB asked if anyone had mentioned anything about a so-called incident on the evening of 8 December. ss2 confirmed that [redacted] had not heard anything. The first [redacted] had heard about any 'incident' was when the Head of Security contacted [redacted] several weeks later to ask similar questions to the one being asked at this discussion;

9. DB advised that a note would be drafted and ss2 would be asked to agree it, or suggest corrections. DB thanked ss2 for attending.

10. This note was agreed by ss2 by email on 11 November 2021

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] – Senedd Commission Security - in relation to 'Tea Room' complaint against Members

Date - 2 Nov 2021

Start Time -14-30

End time – 14:42

Location – Parent & Child Room – Senedd

In attendance

[redacted] – Senedd Security

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) briefly outlined the process and background as to the reasons [redacted] was requested to interview and reassured [redacted] that it was not [redacted] conduct at the relevant time that was of interest to him – his task was to obtain further information which would enable him to consider the conduct of the Members concerned;

2. DB confirmed that the proceedings would be recorded. [redacted] was content with this;

3. [redacted] recalled that [redacted] was not due to work on the evening of the 8 December but was asked to work at short notice due to a Covid issue with another team. [redacted] recalled that there were four security staff on duty that evening;

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4. DB asked if ss3 if [redacted] noticed anything of note, or unusual on the night of the 8 December. ss3 advised that nothing unusual had taken place that evening. The Members in question were the same Members that ss3 recalls used TR regularly on a Tuesday and Wednesday.

5. ss3 then outlined how the 10pm 'lockdown' procedure was undertaken, starting on the 5th floor and working down from there. On occasions when Members were still in TR1, Security staff may give a courtesy wave and then carry on with their duties as usual;

6. DB asked ss3 about the allegation that some Members were 'legless' on the evening of the 8 December and some Members had to be asked to leave the building. ss3 confirmed that [redacted] had never asked any Member to leave the building and had never seen a Member being asked to leave on any occasion. In ss3's view if such an incident had occurred a report would have been completed, or a note taken. ss3 suggested that if anything noteworthy had taken place rumours would almost certainly have circulated the security team, but ss3 confirmed that [redacted] had not heard anything along these lines;

7. ss3 recalled that there was nothing unusual in seeing these particular Members in TR1. The only observation in this case was that in [redacted] experience, [redacted] was not one of the regular group and it was less common to see [redacted] in TR1 with this group;

8. DB advised that a note would be drafted and ss3 would be asked to agree it, or suggest corrections. DB thanked ss3 for attending.

9. **This note was agreed by ss3 by email on 18 November 2021.**

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] – Senedd Commission Security - in relation to 'Tea Room' complaint against Members

Date - 2 Nov 2021

Start Time -18:00

End time – 18:08

Location – Parent & Child Room – Senedd

In attendance

[redacted] – Senedd Security

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) briefly outlined the process and background as to the reasons [redacted] was requested to interview and reassured [redacted] that it was not [redacted] conduct at the relevant time that was of interest to him – his task was to obtain further information which would enable him to consider the conduct of the Members concerned;

2. DB confirmed that the proceedings would be recorded. [redacted] was content with this;

3. [redacted] described generally what [redacted] duties were on the evening of 8 December. [redacted] stated that any unusual occurrence would be written in a log as a record. DB asked whether anything noteworthy or unusual took place on the evening of the 8th. [redacted] advised that nothing unusual had taken place and it was usual to see some Members occupying TR1;

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4. DB asked [redacted] about the allegation that some Members were 'legless' on the evening of the 8 December. [redacted] advised that [redacted] had not seen any evidence of this type of behaviour. [redacted] recalled that [redacted] had looked through the window of TR1, from the kitchen area and had seen some Members were in the room but not anymore detail than that;

5. DB asked whether [redacted] had seen any behaviour which could be classed as unacceptable that evening. [redacted] confirmed that [redacted] hadn't and there was nothing unusual or anything out of the ordinary from a behaviour perspective.

6. DB advised that a note would be drafted and [redacted] would be asked to agree it, or suggest corrections. DB thanked [redacted] for attending.

7. **This note was agreed by [redacted] by email on 17 November 2021.**

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] – catering contractor - in relation to 'Tea Room' complaint against Members

Date 2 Nov 2021

Start time 11:00

End time 11:21

Location – Parent & Child Room – Senedd

In attendance

[redacted] – catering contractor

[redacted] – attending with [redacted] – catering contractor

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) briefly outlined the process and background as to the reasons [redacted] was requested to interview and reassured [redacted] that it was not [redacted] conduct at the relevant time that was of interest to him – his task was to obtain further information which would enable him to consider the conduct of the Members concerned;

2. [redacted] from catering contractor attended to provide support to [redacted] DB confirmed that the proceedings would be recorded. [redacted] was content with this;

3. [redacted] confirmed that the tea room in question, Tea Room 1 (TR1), had been closed from the first coronavirus lockdown until Sep 2020, when it was reopened, as Members returned to the estate;

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4. A microwave had been installed to make it easier to reheat meals that had been pre-prepared for Members;
5. [redacted] was aware of the 'informal' arrangement of leaving some wine for Member to drink with their meals. In more 'normal' times (pre-Covid), [redacted] would leave around 9.30pm but left much earlier during the limited service period that started in September 2020..

6. On 8th December 2020, [redacted] was scheduled to leave work at 5.30pm. [redacted] asked if any spare meals were available. [redacted] confirmed there were. [redacted] assisted [redacted] with reheating the meal. [redacted] confirmed that [redacted] had also helped [redacted] with the heating [redacted] meal;

7. [redacted] said that [redacted] entered TR1 after finishing in the Siambr and asked if there was any wine. [redacted] recalls that [redacted] either retrieved the bottles of red wine from the cupboard, or they may have been left out on the counter. [redacted] was not 100% certain of their location at that point in time.

8. [redacted] recalled that [redacted] asked [redacted] if [redacted] like a glass of wine. [redacted] went behind the counter to get the wine and when [redacted] arrived at the table queried whether they should do this. A conversation took place and between the 3 of them the consensus was that it was a private room and it was acceptable to drink wine. [redacted] was reassured because of the Members being present for the debates on the legislation;

9. DB said some reports had suggested that this was an 'unpleasant' conversation. [redacted] confirmed that it was not. DB asked [redacted] if [redacted] felt intimidated at any point. [redacted] said [redacted] had not, [redacted] had known the Members a bit like friends and [redacted] did not think they would ever speak to [redacted] like that;

10. [redacted] confirmed that at that point [redacted] and [redacted] entered the room. [redacted] recalled that [redacted] helped them heat their dinners and poured a glass of wine for them. [redacted] then left the wine and went home;

11. On the morning of 9 Nov, [redacted] recalled that [redacted] manager informed [redacted] not to serve anymore alcohol. There were no bottles or evidence of any drinking of beer on the tables in TR1 from the previous night;

12. DB asked about the allegation of drinking whisky. [redacted] advised that [redacted] had never served whisky to any Member;

13. On morning of 10 Nov, there were some beer bottles on the tables in TR1, possibly 10 to 12 bottles. These must have brought into TR1 by a Member. The dirty plates and glasses were left on the tables because there was no trolley that night for the Members to put the plates away.

14. DB asked about the 'open bar' allegation on 8 December. [redacted] advised that this was not the case – Members could not access the locked away drink and the keys were dropped at Security on [redacted] way out. The only drink provided that night was the bottles of wine. At that time it had been normal to leave two bottles of wine out for the Members

15. DB advised [redacted] that a note would be drafted and [redacted] would be asked to agree it, or suggest corrections. DB thanked [redacted] for attending.

16. Note was agreed by [redacted] by email on 23 November 2021

PREPARED STATEMENT

1. I am [redacted]

2 I am providing this prepared statement consisting of 7 pages and 42 paragraphs, in relation to the service of food and alcohol in Tea Room 1 of the Senedd on the evening of the 8 December 2020.

3 I understand that this statement is provided under caution and that I do not have to say anything to the investigators. I also understand that if the case were to proceed to court that it may harm my defence if I do not mention when questioned something that I later rely upon in my defence and that this prepared statement can be produced as evidence in such proceedings.

4 I would like to assist the investigators with their investigation, however, I am very nervous about being interviewed. I am of good character and I have no previous criminal convictions, cautions, warnings or reprimands. Therefore, having spoken to my solicitor and taken his advice, I have decided to put forward my account by way of this detailed prepared statement. In doing so, I have read the letter addressed to me from [redacted] of 9 April 2021 agreeing to a written response to [redacted] questions. I have also read the list of 19 questions, which accompanied that letter.

Employment

5 catering contractor employ me as a [redacted] at the Welsh Assembly. I have been in this role for 17 years. I cannot recall exactly how long I have worked for catering contractor as I was previously in the role and then transferred over to them under TUPE, when they took over the contract.

6. I duly make [illegible].

7 catering contractor are contracted to do the catering at the Senedd and employ around 30 people at the Senedd.

8 My line manager is [redacted] I have no managerial responsibility for anyone.

9 There are two tea rooms at the Senedd. These are known as Tea Rooms 1 and 2. My role is to serve the food and drink in those tea rooms.

10. I only work when the Senedd is sitting and I have a term time contract. The Senedd does not sit during school holidays.

11. [redacted]

12. [redacted]

Health Protection (Corona Virus Restrictions) Wales Regulations 2020

13. Since the Covid-19 pandemic commenced, the regulations have kept changing, often with little notice. I cannot say now what the regulations were prior to the 4 December 2020. My knowledge at the time was based on what I heard on the news and government publicity. Like most people, I did my very best to comply with what I believed I was required to do, in what is an ongoing public health issue. I did my best to protect myself and anyone else I would ordinarily come into contact with, from catching the virus.

14. Likewise, I cannot say now what the changes were that came into force post 4 December 2020. All I can say is that throughout the pandemic I

have done my very best to do what I was advised to do on the news and through the UK government's publicity. I exercised common sense and I did my very best to protect others and myself.

15. Like most members of the public, I have never read any of the numerous Health Protection (Corona Virus) Wales Regulations 2020.

16. I do not recall receiving any training from catering contractor on the numerous Regulations and what I should or shou d not do

17. I also do not recall receiving any written instructions from catering contractor catering contractor on the Regulations.

18. I have set out below what I recall doing on the 8 December 2020. However, due to the length of time that has elapsed, I cannot now recall exactly what I was told by catering contractor nor who told me what to do and when I was told this.

19. As explained in more detail below, I know that on the 8 December 2020, I asked members of the Senedd whether I could do what they asked me to do. I trusted what they told me as they were members of the Senedd and they had debated and passed the legislation. I thought that they would know what was required and that I could trust them. I did not think that they would either be ignorant of the legislation they had just debated or that they would decide to take advantage of me so that they could have a drink of alcohol.

Tea Rooms and Duties

20. Tea Room 2 is used during the daytime on Tuesday and Wednesday's, when the Members of the Senedd are sitting in the chamber. I stock Tea Room 2 with hot and cold drinks as well as hot and cold food, which I prepare myself for the Members. [redacted] I serve the Members their orders and they pay at that point or it goes onto their tabs to settle later

21. During the day I am in Tea Room 2. When the plenary session finishes for the day I then go to Tea Room 1 and open that up for service. This will be from 6pm onwards.

22. Tea Room 1 is open during the day but another member of staff works in there then. That member of staff shuts it up when they leave at about 4pm. I then reopen it from 6pm.

23. Tea Room 1 serves alcohol and is a licensed premise. I am not the licensee for Tea Room 1. Typically there is also a chef on duty who cooks hot food to order and I then serve that. However, due to the Covid-19 pandemic they were not actually working at the time of this incident.

24. Tea Room 1 is only open to Members of the Senedd and it is not open to members of the public.

25. In response to the Covid-19 regulations, my manager [redacted] placed a microwave in Tea Room 1. There was also no longer a chef on duty and the microwave was there for Members to heat up their own food.

26. During the day, Members were able to order food for the evening. The chefs would cook that food and then place it in the fridge in Tea Room 1, for the Assembly Members to self serve and heat up themselves in the microwave in the evening. I cannot say now exactly when these changes were made. This system meant that the Members collected their own pre-cooked meals and re-heated the meals themselves, when they wanted them. No food was prepared after 6pm as it was all done to order earlier in the day.

27. Due to the Covid-19 pandemic, I had been told by the company that when the plenary session finished at 6pm I could go home and I had

been doing that. Therefore, after 6pm, I was "off the clock" and not working. I wear a uniform for work and I was wearing it on the 8 December 2020 whilst I was at the Senedd.

Tuesday 8 December 2020

28. On 8 December 2020 I finished in Tea Room 2 early and prior to 5pm. I was speaking to [redacted] who is a member of the [redacted] in the Senedd. [redacted] said that [redacted] had ordered food but did not know how to warm it up. As I had finished work, I offered to help [redacted] with the microwave. I went over to Tea Room 1 and opened it up. I would have done this in any event before leaving for the day. However, on this occasion I helped [redacted] use the microwave and I then sat with [redacted] to keep [redacted] company as [redacted] was the only person there. I would only have come home to an empty house as I live on my own. Living on my own the various lockdowns have been hard on my mental health. It was therefore nice to stay and talk to someone and I believe [redacted] appreciated it as well.

29. [redacted] and I were sat together socially distanced two metres apart.

30. This was all at around 5pm, as I believe the computers had gone down, limiting the work that could be done that day. I could have gone home at that point if I had wanted to.

31. At around 5:30pm, [redacted] came in. [redacted] is a [redacted] member of the Senedd. [redacted] asked me if there was any food available, as [redacted] had not booked anything with the chefs beforehand. I phoned my boss, [redacted] on [redacted] mobile and asked [redacted] if there was any spare food out the back. [redacted] told me that there was an extra meal that had been prepared in the fridge in the main kitchen. I went and got this and gave it to [redacted] This was the only time that I spoke to [redacted] that evening and it was only in relation to whether there was an extra meal.

32. I then went back to talking to [redacted] and [redacted] was then sat in a separate part of the tea room.

33. [redacted] left shortly after and before 6pm. I would have then gone home at that point, however, [redacted], a [redacted] member of the Assembly then came in shortly after [redacted] had left. [redacted] went and sat with [redacted], but socially distanced from [redacted]

34. [redacted] then said to me to get [redacted] some red wine. I asked both [redacted] and [redacted] if they were allowed to drink wine? I didn't know the position, as Tea Room 1 wasn't going to be staffed at that time and I had only come up earlier to help [redacted] with the microwave and to keep [redacted] company. The wine is kept in a locked cupboard, which the Members don't have access to. I would therefore have to open the cupboard for them.

35. [redacted] and [redacted] then had a conversation between themselves about whether they could have alcohol. They then agreed and said to me that it was fine as this was a 'private room' and members of the public did not come in. I accepted what they said as being correct, as they had just debated and passed the legislation. They would have read the legislation and therefore knew what was in it. I had not read the legislation. I relied on these Members of the Senedd to be honest and correctly tell me what I could do. I thought that I could trust what they said to me and I didn't think that they would take advantage of me.

36. [redacted] then made a call to [redacted] and then told me that [redacted] and another person, were also on their way down to Tea Room 1.

37. To be helpful and as I would only have gone home to be on my own, I then got the meals out for these additional people and warmed them up for them in the microwave. I then passed them their food when they

arrived. I left the wine on the side and [redacted] and [redacted] then poured the wine for themselves.

38. [redacted] party in the Senedd. I would have expected [redacted] to have told me if they shouldn't have been having the wine or food.

39. [redacted] then said to me to go home. I told them that there was extra wine that I had placed by the till and I then went home. I left at about 7:30pm.

40. Nobody paid for the wine and I did not charge them for it.

Wednesday 9 December 2020

41. On Wednesday 9 December 2020, I went into work for about 8am as normal. I went to Tea Room 1 and cleaned up the mess that they had left there. I don't know what time they had left that evening. There were glasses, empty bottles and plates everywhere. Whilst I was clearing that up, [redacted] came in and told me that I wasn't allowed to serve any more alcohol or food myself. This conversation with [redacted] was a pleasant one. [redacted] hadn't mentioned this to me when I spoke to [redacted] on the phone the night before. [redacted] then told me that [redacted] understood that they had been in Tea Room 1, drinking alcohol until 2am.

42. I don't know if they were charged for the alcohol they had consumed as I didn't charge them. Normally the bottles that were drunk would be counted up the next day and added to their tabs. [redacted] would have dealt with this and I don't know what [redacted] did with regard to this.

[redacted]

Date: 14/04/21

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] Manager – [redacted] catering contractor - in relation to 'Tea Room' complaint against Members

Date 2 Nov 2021

Start time 10:00

End time 10:21

Location – Parent & Child Room – Senedd

In attendance

[redacted] Manager _ [redacted] catering contractor

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) briefly outlined the process and background as to the reasons [redacted] Manager was requested to interview and reassured [redacted] that it was not [redacted] conduct at the relevant time that was of interest to him – his task was to obtain further information which would enable him to consider the conduct of the Members concerned;

2. DB confirmed that the proceedings would be recorded. [redacted] was content with this;

3. [redacted] confirmed that the tea room in question, Tea Room 1 (TR1) had been closed from the first coronavirus lockdown until Sep 2020, when it was reopened, as Members returned to the estate;

4. It was a place and space that Members could use to sit and eat in when attending the estate for business;

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5. Some Members, in particular some [redacted] Members, whose main residence was further afield used the tea room as a place to spend some time in and eat, after official Senedd business, on a Tuesday and Wednesday evening;

6. There was an informal "arrangement", on Tuesday and Wednesday evenings, to leave some wine on the counter for consumption by these Members because very often the room was not staffed. A 'tab' system was in operation for payment;

7. [redacted] was aware that on some occasions Members did bring their own drink to consume in TR1. The room is slightly different from a standard 'licenced' premises as it is not owned by [redacted] and it is there and available for the use of the Members;

8. [redacted] was not on site during week commencing 30 November. [redacted] returned to Ty Hywel on Monday 7 December and the Coronavirus regulations had been amended on the previous Friday;

9. On the 8 November 2020 [redacted] became aware that the 'usual' Members would be eating that evening. Accordingly, food was pre-prepared in the usual way and refrigerated and two bottles of red wine were left on the back counter adjacent to the till where it was somewhat out of view. ;

10. On 9 November [redacted] became aware that there may have been some issue with the wine being supplied the previous evening. No wine was left out on the Wednesday evening;

11. DB confirmed that [redacted] was not present on the evening of 8 Nov;

12. [redacted] understanding was that [redacted] was not usually working at this time but had no need to rush home so was content to stay on for a short while in TR1. There was no obligation on [redacted] to be working at that time but [redacted] was happy to assist.

13. DB referenced some accounts that had suggested that this had been an unpleasant conversation between [redacted] and Members and asked whether [redacted] had said anything to [redacted] about this. [redacted] said no and was adamant that this could not have been the case. The Members and [redacted] knew each other well and had known each other for [redacted] years and there would never have been an 'unpleasant' exchange.

14. DB said that some reports indicated that [redacted] was 'bullied' into serving the wine. [redacted] advised that in [redacted] view this was absolute nonsense.

15. DB asked [redacted] about the morning of the 9 Dec and the state of TR1. [redacted] confirmed it was in a clean state. The Members were good with either putting plates on the trolley and clearing tables;

16. DB asked about the morning of the 10 Dec. [redacted] said that [redacted] had informed [redacted] that there were some beer bottles in TR1 and asked what [redacted] should do with them. [redacted] asked [redacted] to put them in the 'glass' bins. [redacted] was not sure of the number (maybe 8-12 bottles) but assumed they had been purchased from either Tescos or the CoOp by a member of the group. [redacted] confirmed there was no 'mess' of note in TR1;

17. DB asked about press reports of whisky being drunk by Members. [redacted] confirmed that [redacted] have not supplied whisky, and do not have whisky glasses. No spirits had been sold in the last 5 or 6 years. DB also asked about the allegation of an 'open bar'. [redacted] stated this was 'nonsense';

18. DB asked if anything to add. [redacted] stated that [redacted] and the staff had an excellent relationship with [redacted] and [redacted] over the years and never any issues with any of them.

19. Later on 2 November [redacted] was asked about the quantity of wine supplied on 8 December. [redacted] confirmed that the only alcohol supplied that night was two bottles of red wine. [redacted] had paid [redacted] share of the cost (£6.98) through the till the next day. Normally Members would be billed for wine consumed but because of the particular circumstances of 8 December it had been decided that [redacted], [redacted] and [redacted] would not be billed for their one quarter share.

20. This note was agreed by [redacted] by email on 15 November 2021

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] MS - in relation to 'Tea Room' complaint against Members

Date 3 Nov 2021

Start time 13:00

End time 13:40

Location – Parent & Child Room – Senedd

In attendance

[redacted] MS

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) welcomed [redacted] ([redacted] and confirmed that the proceedings would be recorded. A note would be produced and [redacted] would be provided with an opportunity to confirm its accuracy. [redacted] was content with this. DB went on to explain that because he already had a great deal of information about the subject of the complaint he would be asking only about matters on which he believed [redacted] might be able to provide clarity;

2. DB asked [redacted] what [redacted] understanding was of the regulations regarding the supply of alcohol on the 8 December and TR1. [redacted] confirmed that [redacted] understanding of the regulations in general was very good but the issue here was the status of TR1 and the implication for that area. [redacted] advised that [redacted] assumption was that the way matters were managed on the Senedd estate would have been within the regulations. [redacted] did not recall any discussion amongst Members about how the amended regulations would impact on facilities on the Senedd estate. [redacted] said that [redacted] probably did think of TR1 as similar to a workplace canteen for which exceptions had been made in the regulations.

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3. DB asked [redacted] whether [redacted] thought any restrictions applied to TR1 at the time. [redacted] advised that [redacted] viewed the space as a workplace facility and assumed that it was being managed within the rules and regulations in force at the time;

4. DB asked about arrangements on the 8 December. [redacted] advised that [redacted] met with some of the [redacted] Members to discuss the [redacted] Bill. When [redacted] entered TR1 [redacted] was already there sitting at a table on [redacted] own. Two bottles of red wine had been left out on the corner of the counter for the Members. [redacted] said that [redacted] thought [redacted] had a glass and that [redacted] had a glass before [redacted] and [redacted] arrived. [redacted] left shortly after they arrived. All Members sat at separate tables throughout. [redacted] confirmed that [redacted] was not aware of any informal arrangement to provide wine as it was the only time [redacted] had visited TR1 at that time of day. [redacted] confirmed that [redacted] usually drove home after finishing work as [redacted] had a house in [redacted]. [redacted] advised that naturally some of the Members from further afield spent more time in TR1 than [redacted] did;

5. DB questioned [redacted] as to whether [redacted] had any recollection of a conversation with the catering contractor member of staff, [redacted] regarding the appropriateness of supplying wine on 8 December. [redacted] advised that [redacted] saw [redacted] in TR1 most weeks when the Senedd was sitting but that this was the first and only occasion that [redacted] had been there during the Covid period. When in the TR1 [redacted] often exchanged pleasantries and had brief friendly conversations with [redacted]. [redacted] had a passing memory of a short, relaxed conversation with [redacted] and [redacted] on the evening of 8 December but this was no different to previous conversations with [redacted] and [redacted] had no clear recollection of what was said. There was no serious conversation with [redacted] and [redacted] about the status of the regulations or anything else.

6. DB advised [redacted] that [redacted] had some recollection of a conversation about the provision of wine. [redacted] recalled that at the time it was [redacted] and [redacted] in TR1. There may have been a very short friendly discussion. [redacted] recalled speaking to [redacted] about the newspaper article [redacted] was writing but did not recall a more formal conversation regarding rules and regulations on alcohol;

7. [redacted] recalled that the layout of TR1 was that the tables were spaced out, in line with Covid rules, and [redacted] recalled that the tables seem to be fixed in place at the time;

8. DB asked about length of time in TR1 and the fairly late finish. [redacted] provided some background to the reasons for the meeting and that [redacted]

[redacted] The reason for the meeting was to try to obtain a commitment to include the Bill [redacted]. [redacted] recalled that this matter was discussed at length during the evening and also other linked matters. Throughout the discussions we all sat at separate tables and observed social distancing;

9. DB asked when [redacted] had first become aware of allegations that anything improper may have taken place on 8 December. [redacted] advised that at a private [redacted] Party meeting a few days later a Member had mentioned, in lurid terms, a [redacted] party' at which people had been drunk. A t the time [redacted] had wondered what was being talked about: [redacted] did not associate it with the informal meeting on 8 December at which was not a party and at which no one was drunk. A few days later [redacted] received a letter from the Clerk about events on 8 December.

10. DB asked about the allegations on [redacted] website. [redacted] view was that the article was a total fabrication. It was [redacted] belief that the story was never published in the printed press as that I would possibly have exposed [redacted] to legal action, with potentially greater damages, than just a website publication;

11. [redacted] confirmed that [redacted] had removed the allegations immediately, after receiving communication from [redacted] sent on behalf of the Members, which refuted the allegations and story. [redacted] suspects that [redacted] withdrew it because they had no supporting evidence;

12. DB asked [redacted] about the allegation that this 'incident' brought the Senedd into disrepute and undermined public confidence. [redacted] responded that [redacted] didn't think [redacted] cared about undermining public confidence - they had a good story and published it. Following the web publication it felt as if [redacted] was at the centre of an enormous storm and was subjected to abuse on social media. [redacted] found that very difficult.

13. With regards to whether the Senedd was brought into disrepute, [redacted] said that the alleged misconduct was repeatedly raised during the election period by some of [redacted] political opponents. [redacted] had found that upsetting. [redacted] said that it was for others to decide whether or not [redacted] conduct on 8 December had tended to bring the Senedd into disrepute. Whilst some people had criticised [redacted] most had been sympathetic whilst others regarded it as a storm in a teacup. [redacted]

[redacted]. [redacted] commented about the need to consider the support available to Members who were the subject of a complaint.

14. DB thanked [redacted] for attending and advised [redacted] that a summary note would be prepared as soon as possible and sent to [redacted] for comment.

15. This note was agreed by [redacted] by email on 26 November 2021

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] MS - in relation to 'Tea Room' complaint against Members

Date 3 Nov 2021

Start time 11:00

End time 11:20

Location – Parent & Child Room – Senedd

In attendance

[redacted] MS

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) welcomed [redacted] and confirmed that the proceedings would be recorded. A note would be produced and [redacted] would be provided with an opportunity to confirm the accuracy of the note. [redacted] was content with this;

2. DB asked [redacted] what [redacted] understanding was of the regulations regarding the supply of alcohol on the 8 December. [redacted] said that [redacted] was aware that the legislation had recently changed, but that [redacted] assumption was that TR1 was a workplace canteen and that the change to the regulations did not apply to such premises;

3. DB said that the amended regulations on the supply of alcohol did apply to such premises. [redacted] responded that it just did not occur to [redacted] that they applied to TR1. [redacted] said that [redacted] had always been someone who complied with the rules. There was no intention to avoid the rules in this

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case. If it had occurred to [redacted] that there was a potential for a breach, [redacted] would not have consumed alcohol and would definitely not have returned to TR1 the following evening ;

4. DB asked [redacted] about the arrangements regarding alcohol on the 8 December. [redacted] replied that regularly on a Tuesday evening some [redacted] Members would see each other over a meal after Plenary and there was an informal arrangement in place with the caterers to leave two bottles of red wine on the counter in TR1: Members could serve themselves and pay via a 'tab' arrangement. [redacted] confirmed that on this occasion two bottles of red wine were left out as usual;

5. DB asked about the allegation of whisky being consumed. [redacted] was definite that no whisky was consumed;

6. DB asked about the situation in TR1 around 7.30pm when [redacted] arrived. [redacted] said that [redacted] and [redacted] were already in TR1 and that each possibly as a glass of wine on their table. DB asked [redacted] whether [redacted] was aware of any conversation involving the catering contractor member of staff, [redacted] regarding the appropriateness of serving alcohol during this time. [redacted] said that [redacted] did not recall any such conversation;

7. DB asked about length of time the Members were in TR1 and the fairly late finish. [redacted] responded that the conversation had initially been about the proposed [redacted] Bill, but had moved on to other matters. The conversation did go on a bit longer than was usual on Tuesday evenings but that the only alcohol consumed had been two bottles of red wine;

8. Regarding the 9 December, DB asked [redacted] how much alcohol had been consumed. [redacted] recalled that [redacted] had purchased some bottles of beer from the COOP. [redacted] recalled that [redacted] consumed probably one bottle of beer;

9. DB asked about the effect the matter had had on [redacted] indicated that the issue had taken a significant toll on [redacted] as a result of the inaccurate media coverage which resulted in abuse on social media. [redacted] said that [redacted] had been told recently that for a period following the web publication of the false allegations [redacted] had appeared quiet and withdrawn and that others had been worried about [redacted]. The false allegations had been used against [redacted] by some of [redacted] political opponents during the election campaign and [redacted] ongoing concern as a result of having the complaint hanging over [redacted] had disadvantaged [redacted] when compared to other candidates. [redacted] believed that consideration should be given to how such disadvantage might be avoided in future.

10. DB advised that one of the allegations was that the actions of the Members had brought the Senedd into disrepute. [redacted] view was that the Members actions had not brought the Senedd into disrepute but that the wildly inaccurate headlines had done so;

11. DB raised the potential for the public to think that the Members were making the law so they should know what the rules were and that by drinking wine in TR1 they were perhaps 'sending the wrong message'. [redacted] agreed to an extent but explained that the Covid regulations were changing quite rapidly at this time. [redacted] was clear now that TR1 was a licensed premises to which the amended regulations applied but wondered what the position would have been if [redacted] had had a glass of wine in [redacted] office rather than in TR1. It certainly did not occur to [redacted] at the time that [redacted] was doing anything wrong.

12. DB thanked [redacted] for attending and advised [redacted] that a summary note covering the main points would be prepared. DB confirmed that [redacted] would have an opportunity to see a draft and make any comments on its accuracy.

13. Note was agreed by [redacted] by email on 16 November 2021

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] MS - in relation to 'Tea Room' complaint against Members

Date 3 Nov 2021

Start time 10:00

End time 10:51

Location – Parent & Child Room – Senedd

In attendance

[redacted] MS

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) welcomed [redacted] and confirmed that the proceedings would be recorded. A note would be produced and [redacted] would be provided with an opportunity to confirm the accuracy of the note. [redacted] was content with this;

2. DB asked [redacted] what [redacted] understanding of the law in relation to COVID regulations was at the time of the alleged incident on 8 December. [redacted] advised that [redacted] was aware that the rules had changed for pubs and restaurants and the wider hospitality industry, but that [redacted] was not aware of any implications for workplace canteens such as TR1. [redacted] was not aware of any discussion amongst Members about whether the new regulations applied to such canteens – the whole focus had been on the impact of the new regulations on pubs and restaurants.

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3. DB informed [redacted] that [redacted] understanding was that the supply of alcohol in workplace canteens had also been prohibited, by the new regulations. [redacted] responded that [redacted] had not been aware of that and if [redacted] had been there was no way [redacted] would have consumed alcohol in TR1;

4. [redacted] continued that when [redacted] first became aware that the ban on the supply of alcohol applied to TR1 [redacted] was "gobsmacked" and [redacted] first thought had been "why on earth had the Commission or the catering people not changed the arrangements." The Commission had been very good at making the various adaptations to the workplace in order to comply with the regulations and keeping people safe, so [redacted] was very surprised that this particular area had not been addressed;

5. DB asked about the arrangements on the 8 December. [redacted] advised that since September Members could order a pre-prepared meal and that wine was left out on the counter on a sale or return basis for those who had ordered a meal. The cost of any alcohol consumed was then split between the Members who drank it and billed to them in the usual way. That established arrangement was in place on 8 December. [redacted] had been helpful in trying to cater for and look after those Members that were living away from their permanent residences/family homes during the week. [redacted] agreed with the proposition that those who did not know the building might be misled by the name Tea Room as the room had a dining area, a counter and area with lounge style seating and a TV;

6. DB asked if [redacted] recollected how many bottles of wine were available that evening. [redacted] was clear that it was two bottles of red wine;

7. DB asked [redacted] about the situation when [redacted] arrived in TR1 and whether [redacted] recalled any wine being on tables. [redacted] thought, but was not 100% certain, that [redacted] and [redacted] had a glass of wine on their own tables. [redacted] was not one of the group of [redacted] Members who regularly ate in the room during the pandemic;

8. DB mentioned that reports indicated the [redacted] member of staff [redacted] was in TR1 at this time. [redacted] confirmed that [redacted] recalled this but that it was not usual for [redacted] to be there at that time. In previous weeks no member of the catering staff had been present. [redacted] said that [redacted] was surprised that [redacted] was present that [redacted] suggested to [redacted] that those present could look after themselves and that [redacted] should go home, which [redacted] did. [redacted] explained that at that time TR1 was like a take-away – you heated the meal you had pre-ordered, served yourself with the wine that was left out and collected your own cutlery. [redacted] continued that it had never occurred to

[redacted] or to anyone else that this established arrangement was, on 8 December, no longer appropriate;

9. DB asked whether there had been any other alcohol consumed on the 8th and in particular the press headline regarding whisky. [redacted] confirmed that there was no other alcohol and [redacted] had never consumed whisky in TR1. [redacted] informed DB that [redacted] was astonished by that report because [redacted] had never seen anyone drinking whisky in TR1;

10. DB asked about the length of time that the Members were in TR1. [redacted] advised that [redacted] had met [redacted] that evening to discuss the [redacted] Bill. [redacted] did not normally eat an evening meal in TR1. Discussion had focused on the Bill and then moved on to other matters including the general Covid picture in Wales and the challenges of engaging with constituents. [redacted] confirmed that no tea or coffee was consumed but that water was available in jugs and could be refilled as and when required;

11. DB asked [redacted] about the allegation that some Members were 'legless'. [redacted] responded that this was "absolute nonsense" and noted that [redacted] newspaper had withdrawn its initial story when challenged. [redacted] said that there were actually two online articles by [redacted] the first one had been taken down after challenge, but no story had ever appeared in print;

12. DB asked [redacted] about the allegation that some Members were asked to leave by Security. [redacted] advised that this was also "nonsense";

13. DB asked [redacted] whether [redacted] recollected a conversation taking place about the appropriateness of alcohol on the 8 Dec. [redacted] did not recall such a conversation and if [redacted] had heard it would have stopped to check the position;

14. DB asked about the evening of the 9 Dec. [redacted] advised that no wine was requested, provided or consumed. [redacted] recalled that [redacted] had pre-ordered a fish pie and that [redacted] purchased some bottles of beer. [redacted] had consumed one bottle, or possibly two and that none of the others present were heavy drinkers. [redacted] had been in TR1 for about two hours that night;

15. DB mentioned that it could be seen as a slightly surprising that earlier in the day [redacted] to provide support to those impacted by the new regulations but did not realise that the regulations applied to TR1. [redacted] responded that [redacted] concern had been about the impact of the new regulations on pubs and restaurants and that [redacted]

did not realise that they applied also to TR1. If [redacted] had realised that they applied to TR1 [redacted] would never have gone into TR1. As soon as [redacted] did become aware that they applied to TR1 [redacted] stopped going there. Throughout [redacted] public life [redacted] had always tried to uphold the highest of standards;

16. DB asked about the impact on [redacted] and family. [redacted] advised that it had been a very distressing period for [redacted]. [redacted] friends and [redacted] had helped [redacted] significantly during this lengthy period. The fact that it was in the run up to the election added to the strain. [redacted] had found it difficult to sleep and the matter had had an adverse impact on [redacted] mental well-being. The distress had lessened over time but was increased each time [redacted] received correspondence about the complaint or it was mentioned in the media. That was why [redacted] was keen to have a line drawn under the matter and for people to be given an accurate account of what took place;

17. DB queried how [redacted] thought the events had impacted on [redacted] reputation. [redacted] described the difficulties of quantifying such impact but that [redacted] had been the elected representative for several terms and although [redacted] majority had reduced slightly, most of the people had known [redacted] for many years and were certain that [redacted] would never involve [redacted] in behaviour of the kind alleged. Many constituents had actually written to [redacted] in support;

18. DB asked whether [redacted] thought the press reports harmed the reputation of Members in general. [redacted] suggested that such wild allegations would be believed by some and undoubtedly did harm to the reputation of Members;

19. When asked if there was anything else [redacted] wished to say [redacted] outlined some of [redacted] concerns regarding the matter. [redacted] was concerned about the way in which the Commission had dealt with the matter. [redacted] expected services provided to Members to be lawful and not contrary to the Covid regulations. [redacted] was also concerned by the significant delay between 9 December and the making by [redacted] of [redacted] complaint. In the week following 8 and 9 December the Clerk had a private word with [redacted] about an alleged [redacted] party in TR1 that might have breached the regulations. That was the first [redacted] knew of any possible breach and [redacted] immediately decided to stop going to TR1. [redacted] did not resume going there until after the Senedd election. Another concern was that when [redacted] contacted [redacted] office to say they were going to publish a story about events on 8 December they appeared to know of a letter from the Clerk to [redacted] but which [redacted] received only shortly after the call. A further concerning matter was that [redacted], a member of the Commission, was present in TR1 on the evening of 8 December and would have seen that wine had been left out in accordance with the established practice. Further [redacted] found it astonishing that the Commission had not considered whether any changes to the services

provided to Members were required as a result of the changes to the regulations as on all other occasions they had been very quick to introduce whatever changes were required. [redacted] was also concerned about who had had given the media the wildly inaccurate account of what took place on 8 December. These concerns had undermined [redacted] trust and confidence in parts of the Commission;

20. DB thanked [redacted] for attending and advised that a note would be prepared of the interview and made available to [redacted] for comment.

21. This note was agreed by [redacted] by email on 13 November 2021

[redacted]

Douglas Bain CBE TD
Acting Standards Commissioner

12 March 2021

Dear Douglas,

Complaints against [redacted] MS, [redacted] MS, [redacted] MS and [redacted] MS

Thank you for your letter of 8 March enclosing a copy of your draft report. I offer the following comments concerning matters of fact raised in the complaint that do not appear in the draft report.

The complaint concerned whether or not the conduct of the Members had brought the Senedd into disrepute, contrary to the principle of "integrity" per the Code of Conduct for Members of the Senedd. You note that their conduct was not unlawful and conclude that "[i]f the Senedd was brought into disrepute I am satisfied that the causes were the illegal sale of alcohol and the sensational and inaccurate media reports". I will address these issues in turn.

Consumption of alcohol

On my reading of your draft report, you appear to have addressed the question of "integrity" by reference to breaches of the law and, on that basis alone. The Code of Conduct however, describes "integrity" in far broader terms. The Code states, among other things, that-

"[Senedd] Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Senedd and refrain from any action that would bring the Senedd, or its Members generally, into disrepute…."

[redacted]

"Integrity" as described by the Code requires Members to exercise appropriate judgement in their actions, which may mean doing more than simply complying with the law. Members have a duty to the public to set an example. On the basis of the facts presented to me, I considered that the conduct of the Members concerned may have fallen below this standard at a time when considerable restrictions were imposed on the public at large. As I said in my letter of complaint, I referred the matter to you regardless of whether or the law was breached. I note that you accepted my complaint as admissible.

In my letter of complaint, I noted that "any potential breach of the Regulations would have been avoided if the Members had not requested food or, particularly, alcohol. I am especially concerned that, on one occasion, a member of catering staff felt under pressure to act in a way which was contrary to the Regulations". There is no reference to this matter in the draft report. This matter was also raised, publicly, by the First Minister who expressed concern that the individual concerned should not suffer any detriment as a result of the actions of Members. I note your comment that "[t]he evidence in these complaints comes almost exclusively from what was said by the Members concerned in letters they sent to the Chief Executive and Clerk to the Senedd, in public statements that some of them issued and in the interrogatories". The catering staff member does not appear to have provided evidence to you on this matter.

Media reports

For the avoidance of doubt, my complaint was not motivated by, or based upon, media reports. The complaint was based on facts established by an initial investigation [redacted], I concluded that the matter should be referred to the relevant investigatory authorities. In relation to the activities of the Members, I referred the matter to you as the person with appropriate powers to investigate the conduct of Members.

With regard to your reference to "sensational and inaccurate media reports", I am aware of the erroneous reporting by elements of the London-based press, notably Newspaper 1 and Newspaper 2 For completeness, you may also wish to consider referencing in the final report the largely measured and accurate reporting by Welsh-based press, [redacted].

[redacted]

[redacted]

[redacted]

Yours sincerely,

[redacted]

[redacted]

[redacted]

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English

[redacted]

NOVEMBER 2021
SENEDD RESTRICTED
[redacted] REPLIES TO QUESTIONS FROM STANDARDS COMMISSIONER

1	When did you first become aware of alleged conduct in that room on that date which might constitute a contravention of the Covid regulations?	On 15 December 2020, name redacted MS, approached me in person on the Senedd estate.
2	What were you told?	When name redacted MS approached me on the Senedd Estate I was told by [redacted] that [redacted] had been told that at least two, and possibly three, Members, with their staff, had been in the Members' Tea Room on the evening of 8 December 2020 "until 1.30am the following morning". [redacted] further stated to me that [redacted] had been told that Members had been "helping themselves" to wine from the chiller cabinet. name redacte did not tell me who had reported these matters to [redacted].
3	Who was the source of that information?	See above.
4	What action did you take as a result of receiving that information?	My immediate actions were as follows. I spoke with the Director [redacted] and asked [redacted] (i) for an investigation into the essential facts to be conducted, (ii) to ensure the licensee was made aware of the alleged events, and (iii) to seek assurances from the licensee that they would take steps to ensure compliance with the law in their activities on the Senedd estate.
5	Prior to the letters you sent to the Members concerned on 14 December 2020 had you spoken to any of them about the alleged conduct? If so, please provide details.	The letters were sent on 14 January 2021. As noted above, name redacted MS spoke with me on 15 December 2020. I met [redacted] [redacted] MS on 15 December 2020. I have a contemporaneous note as follows-

		"[redacted] *says it was normal for late dinners to occur with out-of-Cardiff MS's. Would order drinks in advance. Not just one party last week – [redacted] too and it did go on later than usual (12.30). Apologises and says [redacted] already decided these should discontinue because of compromising position forced on [redacted], security staff etc.*" On 13 January 2021, I had an exchange of text messages with [redacted] AM as follows: [redacted] "*Usual apologies for bothering [redacted], but could you ring me when business allows? Won't take long – update on our last conversation before Christmas*". [redacted]: "*Hi [redacted] will give you a buzz after plenary*". We spoke. The purpose was to tell [redacted] that the letters were on their way. [redacted] [redacted] MS subsequently telephoned me the same day. My contemporaneous note says "*they speculate that the informant was* [redacted] *and inquire about process. I explain and say an email will follow*".
5	At any time prior to the website publication on 20 January 2021 of [redacted] report of the alleged events had you considered that there might have been a breach of the Code of Conduct other than by contravention of the regulations? If so, why had	In order for me to be satisfied that it was appropriate for me to take the serious step of making a complaint in relation to the conduct of Members [redacted] I had be sure there was a basis for doing so. I also had to be satisfied there was at least some corroboration

	you not referred the matter to me for investigation?	of the information given to me by name redacted MS. Equally, I wanted to avoid the Commission straying into conducting its own investigation which was a matter for you. The question of whether or not the Regulations (in force at the material time) could have been breached was integral to this initial fact finding. This required me to take legal advice before deciding on my next course of action. Throughout 2020, staff had been under considerable pressure due to the pandemic. As a result of this, the Commission's Executive Board took a decision to encourage staff, so far as possible, to take two weeks' leave over the Christmas and new year period. This timing meant that, between mid-December and early January, there was a delay to gathering information and taking advice. [redacted]
7	What action, if any, was taken by or on behalf of the Commission to check that the licensee knew of the amendments to the regulations that came into force on 4 December 2020?	None. The Commission is under no duty to give legal advice to the contractor. It is the responsibility of the contractor, as licensee, to ensure that it acts in compliance with the law. My letter to you of 15 April 2021 gives further detail as to the contract.
8	Was it your view that compliance with these amendments was the sole responsibility of the licensee?	As noted above, the contractor, as licensee, is responsible for the lawful operation of the Members' Tea Room.

		That position appears to have been adopted by the enforcement authority, Cardiff Council, which has taken no action against the Commission.
9	Given that national newspaper 2 report of events appears to have been based, in part at least, on information given by "an assembly (sic) insider" what action, if any, has been taken to identify that person?	None. It is not the practice of the Commission to investigate every assertion made about it in the media.

COMISIYNYDD SAFONAU
STANDARDS COMMISSIONER

Note of interview with [redacted] -
in relation to 'Tea Room' complaint against Members

Date 3 Nov 2021

Start time 9:00

End time 9:11

Location – Parent & Child Room – Senedd

In attendance

[redacted] – [redacted] – [redacted]

Douglas Bain – Commissioner for Standards

[redacted] – Investigator assisting the Commissioner for Standards

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1. Douglas Bain (DB) briefly outlined the process and background as to the reasons [redacted] was requested to interview. DB informed [redacted] that a note would be made of the interview and [redacted] would be given the opportunity to check the accuracy of the note and suggest any amendments;

2. DB confirmed that the proceedings would be recorded. [redacted] was content with this;

3. DB asked about the practice of some Members meeting on a Tuesday evening. [redacted] informed that some of the [redacted] Members, pre-pandemic, would have dinner together after Plenary on a Tuesday evening, whether in TR1 or another restaurant. When the restrictions were brought in, plans had to be revised and TR1 was a place that Members could use when permitted.

4. DB asked about arrangements for alcohol at TR1. [redacted] advised that in some instances wine was made available and sometimes [redacted] paid in advance, sometimes a tab arrangement was used;

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Caerdydd
CF99 1NA
Ffôn: 0300 200 6539
E-bost: Comisiynydd.Safonau@senedd.cymru

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Pierhead
Cardiff Bay
Cardiff
CF99 1NA
Tel: 0300 200 6539
E-mail: Standards.Commissioner@senedd.wales

We welcome correspondence in both English and Welsh

5. DB asked about the alcohol on the evening of 8 December. [redacted] confirmed that 2 bottles of red wine were made available;

6. [redacted] recalled that [redacted] was present on 8 December. [redacted] was not part of the regular group that met on a Tuesday, but [redacted] was present on this occasion to discuss the [redacted] Bill with some [redacted] Members. [redacted] confirmed that [redacted] was slightly late entering TR1, approximately 8:45 to 9.00pm, and [redacted] were sat down eating on separate tables, socially distanced. The tables had been arranged at least 2m apart by Charlton House to comply with the 2m rule;

7. DB asked [redacted] whether wine was served. [redacted] thought there was some wine in glasses already on tables. DB asked [redacted] if [redacted] recalled any conversation about the appropriateness of wine being provided. [redacted] confirmed that [redacted] did not hear any such conversation. [redacted] recalled that the catering manager came to see [redacted] approximately 2 days later to raise the possibility that there was an issue with the fact that wine had been available on the 8 Dec.

8. DB asked about the time period of the evening, the fact that the group did not leave the building until late, and the conclusion some people may draw regarding how much drink was consumed. [redacted] confirmed that there was no other alcohol, apart from the two bottles of red. There was much discussion regarding the [redacted] Bill and lots of linked discussion thereafter, which can often be the case with Member discussions;

9. DB asked whether any whisky had been consumed. [redacted] confirmed that there had been no whisky consumed;

10. DB asked about [redacted] recollection of the Wednesday evening, the 9 December. [redacted] recollection was that [redacted] purchased eight bottles of beer from the COOP, for consumption with their Wednesday evening meal but that not all bottles were consumed.

11. DB asked about the situation when media reports appeared in [redacted] on 20 January 2021. [redacted] informed that there were obviously discussions amongst the relevant Members and the concern was that [redacted] report was completely inaccurate with an allegation that a Christmas party had taken place. [redacted] advised that this was not the case at all.

12. DB asked about [redacted] Covid discussions at Plenary on the 9 December. [redacted] it seems a little surprising to not make any link between that, and then drink being available/consumed in TR1. [redacted] recalled that a link was not made and a discussion did not take place because the service was being 'offered' by the Commission. There was certainly no discussion or motivation to try to circumvent any rules;

13. DB thanked [redacted] for attending and advised that a note of the meeting would be provided.

14. This note was agreed by email by [redacted] on 18 November 2021

Pencadlys Heddlu
Heol y Bont-faen
Penybont
CF31 3SU

Mewn argyfwng ffoniwch **999**
fel arall, ffoniwch **101**
Gwefan: **www.heddlu-de-cymru.police.uk**

Police Headquarters
Cowbridge Road
Bridgend
CF31 3SU

In an emergency always dial **999**
for non-emergencies dial **101**
Website: **www.south-wales.police.uk**

Douglas Bain CBE TD
Y Comisiynydd Safonau Dros Dro
Acting Standards Commissioner

By email: Standards Commissioner Standards.Commissioner@senedd.wales

25th February 2021

Dear Commissioner Bain

Complaints against [redacted] MS, [redacted] MS, [redacted] MS and [redacted] MS

Thank you for your emailed correspondence dated 24th February 2021 regarding the above persons.

I can confirm that South Wales Police have no ongoing investigations into any criminal matters in relation to the above named Members and that I have no objections to you continuing your internal investigations.

We are in the process of drafting a formal response to the Senedd regarding the initial referral to confirm our position which should be received early next week.

Please do not hesitate to contact me if I can be of any further assistance.

Yours sincerely

[redacted]

[redacted]

Email from [redacted] **to Commissioner for Standards**
Sent: 18 November 2021 10:39
Subject: RE: STANDARDS CONFIDENTIAL - 8/9 December complaint

Dear Commissioner,

I am pleased that [redacted] has confirmed that a short meeting took place in the week following the 8th and 9th of December; as I indicated in my interview with you, I was surprised that such relevant information was not shared with you previously.

I do not recall notes being taken during my meeting with [redacted] so I am surprised to see that these have only now been made available to you. My recollection of the conversation in the meeting is as follows:

> [redacted] *advised that* [name redacted] *had alleged that a* [redacted] *drinks party had taken place in TR1. I informed the* [redacted] *that this was absolutely not the case and advised* [redacted] *that* [redacted] *and I had eaten dinner together with a* [redacted] *and* [redacted]*. Social distancing had been maintained throughout the evening.*
>
> *I explained that it had been practice during the pandemic for some of the* [redacted] *MSs staying overnight in Cardiff to eat dinner in TR1 and order meals in advance from the catering team. On this occasion we left the building somewhat later than would usually be the case, around 12.30am, because the discussion over dinner had gone on.*
>
> [redacted] *suggested that the consumption of alcohol with our meals may have constituted a breach of coronavirus regulations. I offered an unreserved apology if that had been the case but made it clear that I did not believe that we had broken the rules and that we would not have used the facilities if we had been aware that the arrangements may have been inappropriate.*
>
> *I remarked that I hoped that this would not have any consequences for the catering staff, who were simply trying their best to provide meals for members with ever changing rules within which they were expected to work, and indicated that I would have expected the Commission to have reviewed arrangements following any changes in regulations given that they were ultimately responsible for the facilities available to Members.*
>
> *I advised* [redacted] *that given questions had been raised regarding whether the catering arrangements were appropriate we would not use the facility for the foreseeable future.*
>
> [redacted]

I share your confusion about the phrase "because of compromising position forced on [redacted], security staff etc." I do not recall a phrase of that nature being used and at no time was there any suggestion that any member of the catering team or security staff had been (or felt) "forced" into a "compromising position".

I trust that this response is helpful.

Yours,

[redacted]

[redacted]

[redacted]