

Y Pwyllgor Safonau Ymddygiad

**Adroddiad 01-17 i'r Cynulliad o
dan Reol Sefydlog 22.9**

Awst 2017



Cynulliad Cenedlaethol Cymru
Y Pwyllgor Safonau Ymddygiad

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Ceir atgynhyrchu testun y ddogfen hon am ddim mewn unrhyw fformat neu gyfrwng cyn belled ag y caiff ei atgynhyrchu'n gywir ac na chaiff ei ddefnyddio mewn cyd-destun camarweiniol na difriol. Rhaid cydnabod mai Comisiwn Cynulliad Cenedlaethol Cymru sy'n berchen ar hawlfraint y deunydd a rhaid nodi teitl y ddogfen.

Y Pwyllgor Safonau Ymddygiad

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Sefydlwyd y Pwyllgor Safonau Ymddygiad ar 29 Mehefin 2016 i gyflawni swyddogaethau'r pwyllgor cyfrifol fel y'u nodir yn Rheol Sefydlog 22. Roedd y rhain yn cynnwys:

- ymchwilio i gwynion a gyfeiriwyd ato gan y Comisiynydd Safonau;
 - ystyried unrhyw faterion o egwyddor yn ymwneud ag ymddygiad Aelodau;
 - sefydlu gweithdrefnau ar gyfer ymchwilio i gwynion;
 - a threfnu Cofrestr Buddiannau'r Aelodau a chofnodion cyhoeddus perthnasol eraill a oedd yn ofynnol o dan y Rheolau Sefydlog.
-

Aelodau cyfredol y Pwyllgor:



Jayne Bryant AC (Cadeirydd)
Llafur Cymru
Gorllewin Casnewydd



Gareth Bennett AC
UKIP Cymru
Canol De Cymru



Paul Davies AC
Ceidwadwyr Cymreig
Preseli Sir Benfro



Llyr Gruffydd AC
Plaid Cymru
Gogledd Cymru

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01. 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, argymhell camau mewn perthynas â hi.”²

2. Paratowyd yr adroddiad hwn ar gyfer y Cynulliad yn unol â Rheol Sefydlog 22.9 a pharagraff 8.1 o'r Weithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau'r Cynulliad³ (y Weithdrefn) ac mae'n ymwneud â chŵyn yn erbyn Neil McEvoy AC.

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

4. Mae'r adroddiad hwn yn nodi manylion am y gŵyn a'r hyn a ystyriodd y Pwyllgor wrth lunio ei argymhelliad.

¹ Rheolau sefydlog

² Rheol Sefydlog 22.2(i)

³ Gweithdrefn Cynulliad Cenedlaethol Cymru ar gyfer Ymdrin â Chwynion yn erbyn Aelodau'r Cynulliad

02. Ystyried y gŵyn

5. Roedd y gŵyn yn honni bod yr Aelodau dan sylw wedi methu â chydymffurfio â pharagraff 10 o'r Cod Ymddygiad ar gyfer Aelodau'r Cynulliad, sy'n dweud:

“Gofynnir i Aelodau gydymffurfio â'r Rheolau a Chanllawiau ar Ddefnyddio Adnoddau'r Cynulliad, ac unrhyw ganllawiau ar y defnydd o adnoddau'r Cynulliad sy'n ymwneud yn benodol ag ymgyrchoedd etholiadol.”⁴

6. Yn yr achos hwn, ni wnaeth yr Aelod gyfyngu ei ddefnydd o Ystafell Briffio'r Cyfryngau ar 14 Mawrth 2017 i'w weithgareddau fel Aelod Cynulliad. Yn hytrach, fe'i defnyddiodd ar gyfer gweithgareddau plaid wleidyddol ac ymgyrchu. Mae hyn yn groes i Reol 12 o'r Rheolau a Chanllawiau ar Ddefnyddio Adnoddau'r Cynulliad sy'n nodi:

“Mae'n rhaid i Aelodau'r Cynulliad ddefnyddio adnoddau'r Cynulliad ar gyfer eu gweithgareddau fel Aelodau yn unig, ac nid at unrhyw un o'r dibenion isod, sydd wedi'u gwahardd:

cyfathrebu personol, busnes neu fasnachol;

gweithgarwch plaid wleidyddol o unrhyw fath, er enghraifft codi arian i blaid wleidyddol, recriwtio aelodau plaid a threfnu a rhoi cyhoeddusrwydd i gyfarfodydd plaid wleidyddol; ac

ymgyrchu ar gyfer ethol neu ail-ethol ymgeiswyr penodol ar gyfer unrhyw rôl gyhoeddus (gan gynnwys yr Aelod dan sylw).”⁵

7. Mewn datganiad ysgrifenedig dywedodd yr Aelod dan sylw ei fod wedi neilltuo'r ystafell i gynnal cynhadledd i'r wasg i esbonio ei sefyllfa ar ôl cael ei atal dros dro gan grŵp Plaid Cymru yn y Cynulliad. Dywedodd ei fod wedi dosbarthu copiâu o ddogfen yn cynnwys saith o bolisiâu a oedd yn berthnasol i'r etholiadau lleol [a oedd yn cael eu cynnal ar 4 Mai 2017] ac yr oedd Plaid Cymru yn mynd i gynnal ymgyngoriad yn eu cylch oherwydd:

“These policies were relevant to my suspension as the first of the proposed pledges was to restructure Cardiff Council's senior management. I was suspended as a Councillor after being overheard saying to an Eviction Officer that I couldn't wait to restructure Cardiff Council, which was judged by an Adjudication Panel to be bullying behaviour. This led to my suspension from the Plaid Cymru group in the National Assembly. By showing the proposed 7 pledges at the press conference, I was demonstrating that I had the full backing of my party in Cardiff, who had agreed to make the restructure pledge number one on the list of pledges. However, I was asked questions about these pledges, in particular the restructure pledge relevant to my suspension.”⁶

⁴ Cod Ymddygiad

⁵ Rheolau a chanllawiau ar ddefnyddio adnoddau'r Cynulliad

⁶ Datganiad gan Neil McEvoy AC, 9 Mai 2017

8. Cydnabu'r Aelod dan sylw y gallai hyn fod wedi rhoi'r argraff bod y gynhadledd i'r wasg yn lansio ymgynghoriad Plaid Cymru ar yr addewidion hynny.⁷

9. Roedd yn derbyn hefyd:

“This was not appropriate. I accept that it was in breach of the Code of Conduct and in particular in breach of Paragraph 12 of the Rules and Guidance on the Use of Assembly Resources referred to in paragraph 2 above. However, I wish to emphasise that it was never my intention to contravene the Code of Conduct and I wholeheartedly and sincerely apologise, without reservation, for having done so.”⁸

10. Cyfarfu'r Pwyllgor ddydd Mawrth 11 Gorffennaf 2017 i drafod adroddiad y Comisiynydd. Roedd y Pwyllgor yn fodlon bod adroddiad y Comisiynydd yn cynnwys digon o wybodaeth i fod yn sail i'w drafodaethau, ac nad oedd angen ceisio rhagor o dystiolaeth ysgrifenedig neu lafar.

11. Cyfarfu'r Pwyllgor unwaith eto ddydd Mawrth 18 Gorffennaf 2017 er mwyn cytuno ar ei adroddiad ynghylch y gŵyn hon.

Y broses o drafod penderfyniad y Pwyllgor

12. Bu'r Pwyllgor yn trafod a oedd yr Aelod wedi torri Rheol Sefydlog 22.2(i).⁹

13. Wrth ystyried p'un a dorwyd y rheol ai peidio, adolygodd y Pwyllgor y wybodaeth yn adroddiad y Comisiynydd, gan nodi barn y Comisiynydd fod rheol wedi'i thorri.

14. Nododd y Pwyllgor fod yr Aelod dan sylw yn llwyr gydnabod bod ei weithredoedd yn torri'r cod ymddygiad a'i fod wedi cydweithredu'n llawn ag ymchwiliad y Comisiynydd.

Ar ôl adolygu adroddiad y Comisiynydd Safonau, mae'r Pwyllgor o'r farn bod amodau'r Cod Ymddygiad wedi'u torri gan Neil McEvoy AC, mewn cysylltiad â defnyddio adnoddau'r Cynulliad mewn modd amhriodol.

Argymhelliad y Pwyllgor - Cosbau posibl

15. Mae achos o dorri rheolau gan unrhyw Aelod Cynulliad yn fater difrifol ym marn y Pwyllgor. Mae enw da Cynulliad Cenedlaethol Cymru, a ffydd a hyder y cyhoedd yn y sefydliad, yn dibynnu ar allu'r Aelodau i ddangos gonestrwydd ac arweiniad yn eu gweithredoedd.

16. Mae'r Pwyllgor yn nodi bod yr Aelod wedi ymddiheuro'n llawn yn ei ddatganiad ysgrifenedig i'r Comisiynydd, ac wedi ymddiheuro eto i'r Pwyllgor ar ôl cael adroddiad y Comisiynydd.

Argymhelliad 1. Penderfyniad unfrydol y Pwyllgor yw y dylid argymell i'r Cynulliad, yn unol â pharagraff 7.12(iv) o'r Weithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau'r Cynulliad, fod methiant i gydymffurfio wedi'i ganfod ac y dylid ceryddu'r Aelod o dan Reol Sefydlog 22.10.

⁷ Datganiad gan Neil McEvoy AC, 9 Mai 2017

⁸ Datganiad gan Neil McEvoy AC, 9 Mai 2017

⁹ Rheol Sefydlog 22.2(i)

- 17.** Darparwyd copi o'r adroddiad hwn i'r Aelod dan sylw, a chafodd wybod hefyd am ei hawl i apelio o dan adran 8 o'r Weithdrefn.¹⁰
- 18.** Mae Cadeirydd y Pwyllgor wedi cyflwyno cynnig (yn unol â Rheol Sefydlog 22.11 a pharagraff 9.1 o'r Weithdrefn) yn galw ar y Cynulliad i gymeradwyo argymhelliad y Pwyllgor.

¹⁰ Gweithdrefn Cynulliad Cenedlaethol Cymru ar gyfer Ymdrin â Chwynion yn erbyn Aelodau'r Cynulliad

From: Sir Roderick Evans, Commissioner for Standards

To: Standards of Conduct Committee

FORMAL INVESTIGATION REPORT

Neil McEvoy AM

The Complaint

1. By letter dated 15th March 2017 the then Chief Executive and Clerk to the Assembly, Claire Clancy, referred to me pursuant to S9 of the National Assembly for Wales Commissioner for Standards Measure 2009 a matter which related to the booking and use of a room on the Assembly estate which she suspected was in breach of the Rules and Guidance on the Use of Assembly Resources.
2. In accordance with the provisions of S9 I have treated this reference as a complaint to which S6(1)(a) of the Measure applies.
3. On preliminary investigation, it appeared that on Monday 13th March 2017 the Media Briefing room had been booked on behalf of Neil McEvoy AM to hold a press conference the following day and at that press conference he had discussed the then forthcoming local elections and elements of Plaid Cymru's election campaign.
4. Therefore, I was satisfied that the complaint was admissible as it appeared that the press conference related to party political campaigning and activities rather than only to the activities of Mr McEvoy as an Assembly Member. I was also satisfied that the requirements of paragraph 3.1(i)-(vi) of the Procedure for Dealing with Complaints against Assembly Members had been fulfilled and that the complaint was admissible. Accordingly, I moved to the formal investigation stage.

The Investigation

5. On 16th March I wrote to Mr McEvoy to inform him that his use of the Media Briefing Room had been referred to me by the Clerk to the Assembly and I met him on the 4th April to discuss the matter. He wrote to me on 5th April confirming the content of our conversation and on 9th May he supplied me with a signed statement in which he confirmed that:
 - (a) following his suspension on Friday 3rd March from the Plaid Cymru Group in the Assembly he decided to hold a press conference to explain that despite that suspension he was still an active member of the Assembly and of Plaid Cymru

- (b) in order to illustrate this point he took with him with a view to distribution at the Press Conference a document which contained a list of seven policies relevant to the local elections upon which Plaid Cymru was going to hold a consultation
- (c) he distributed the documented as planned and stated that he would be campaigning on these policies
- (d) he was asked questions about these policies and accepts that the impression might have been given that the Press Conference was the launch of Plaid Cymru's consultation on these pledges.
- (e) he accepts that the manner in which this Press Conference was conducted was in breach of the Code of Conduct, emphasises that he never intended to breach the Code and unreservedly apologises for having done so.

Facts Found by the Commissioner

6. The relevant facts which I find to be established are as follows:

- (a) the use of the Media Briefing Room was booked on Mr McEvoy's behalf by his AMSS. This is normal practice. When the booking was made the member of the Commission's staff who took the booking asked the necessary questions and received appropriate answers for her to create the booking.
- (b) The press conference of 14th March dealt with matters outside the scope of Mr McEvoy's activities as an Assembly Member and extended to his party political activities and Plaid Cymru's local election campaign.

Conclusion

7. I am satisfied that there has been a breach of paragraph 10 of the Code of Conduct by Neil McEvoy AM in that he failed to comply with the Rules and Guidance on the Use of Assembly Resources by not restricting his use of the Media Briefing Room on 14th March to his activities as an Assembly Member and by using it for party political and campaigning activities contrary to Rule 12.
8. In my view this complaint does not raise any new issue of general principle.

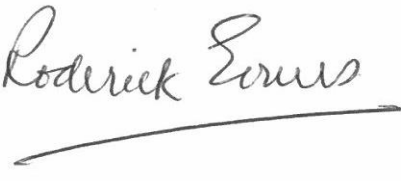
Requirements under the procedure for dealing with Complaints

9. I confirm that the Member concerned and the present Chief Executive and Clerk to the Assembly, Manon Antoniazzi, have been provided with a draft of my report and wished to raise no factual inaccuracy.

Attachments

10.I append to this report:

- (i) the original letter of complaint dated 15th March 2017
- (ii) the signed statement of Neil McEvoy AM dated 9th May 2017

A handwritten signature in black ink that reads "Roderick Evans". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Sir Roderick Evans

Commissioner for Standards

10th June 2017

Claire Clancy

Prif Weithredwr a Chlerc y Cynulliad
Chief Executive and Clerk of the Assembly

Assembly Restricted

Sir Roderick Evans
Commissioner for Standards
National Assembly for Wales
Cardiff Bay
CF99 1NA

15 March 2017

Dear Rod

IN CONFIDENCE - Neil McEvoy AM

I am writing to refer to you a matter relating to Neil McEvoy AM. I do so under section 9 of the National Assembly for Wales Commissioner for Standards Measure 2009 which, as you know, provides that:

*“If the Clerk has reasonable grounds for suspecting—
(a) that the conduct of an Assembly Member has, at a relevant time, failed to comply with a requirement of a relevant provision, and
(b) that the conduct in question is relevant to the Clerk's functions under section 138 of the Act (Clerk to be the principal accounting officer for the Commission),
the Clerk must communicate those grounds in writing to the Commissioner and the Commissioner must treat the communication as a complaint to which section 6(1)(a) applies.”*

The grounds for my concern relate to the booking and use of Assembly facilities for a press conference yesterday. The purpose of the press conference appears to be in breach of paragraph 12 of the Rules and Guidance on the Use of Assembly Resources: http://www.assembly.wales/en/memhome/code-conduct-mem/Documents/Standards%20Compendium_draft_October%202015_v2-FINAL.pdf and the guidance on the use of meeting rooms and public



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areas in the Senedd, Ty Hywel, Pierhead and North Wales office:

<http://members/efm/room->

[bookings/guidance%20for%20booking%20rooms.v3%20english%202015\[8\].pdf](http://members/efm/room-bookings/guidance%20for%20booking%20rooms.v3%20english%202015[8].pdf)

I am attaching a note setting out the relevant facts as I understand them. Given the circumstances, I believe that I have reasonable grounds for suspecting that the circumstances raise concerns relevant to my functions as principal accounting officer for the Commission.

Although each case must clearly be judged on its own merits, you are aware that a similar case was considered during the Fourth Assembly. The Standards of Conduct Committee's Report is at

<http://www.assembly.wales/laid%20documents/cr-ld10508/cr-ld10508-e.pdf>

As Neil McEvoy emailed me asking for my comments, I have made him aware that I have written to refer the matter for your consideration. I am attaching a copy of his email and my two responses.

Commission staff will be available to provide any further information that you might require.

Yours sincerely



Claire Clancy

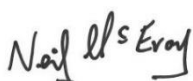
Prif Weithredwr a Chlerc/Chief Executive and Clerk
Cynulliad Cenedlaethol Cymru/National Assembly for Wales



Statement of Neil McEvoy AM.

1. Since the Assembly elections on 6th May 2016 I have been an Assembly Member for the South Wales Central Region.
2. I acknowledge that I am aware of the Code of Conduct for Assembly Members and in particular, in relation to this complaint, of the requirement to comply with the “Rules and Guidance on the Use of Assembly Resources” contained in paragraph 10 of the Code.
3. On Friday 3rd March 2017 I was suspended from the Plaid Cymru group in the Assembly and for the period of the suspension became an independent Member of the Assembly. This attracted a lot of press attention and caused considerable confusion among people who had voted for me. A number of people asked me questions such as whether I was still a member of the Assembly and whether I would still be able to assist them in issues which I was pursuing on their behalf.
4. I wanted to assure people that I was still an Assembly Member, that I could still deal with matters on behalf of constituents and that I would be continuing to work as usual. Accordingly, I decided to hold a press conference in a room in the Senedd at 11.00am on Tuesday 14th March at which I intended to make it clear that, despite my suspension, my work as a campaigning Assembly Member and member of Plaid Cymru would carry on as before and in order to illustrate this I took with me copies of a document which contained a seven policies relevant to the forthcoming local elections upon which Plaid Cymru was going to hold a consultation. That consultation commenced on the Friday of that week.
5. I distributed copies of this document at the press conference, said that the policies would be going out for consultation and that I would be campaigning on these policies. These policies were relevant to my suspension as the first of the proposed pledges was to restructure Cardiff Council’s senior management. I was suspended as a Councillor after being overheard saying to an Eviction Officer that I couldn’t wait to restructure Cardiff Council, which was judged by an Adjudication Panel to be bullying behaviour. This led to my suspension from the Plaid Cymru group in the National Assembly. By showing the proposed 7 pledges at the press conference, I was demonstrating that I had the full backing of my party in Cardiff, who had agreed to make the restructure pledge number one on the list of pledges. However, I was asked questions about these pledges, in particular the restructure pledge relevant to my suspension, and I accept this may have given the impression that the press conference was a launch of Plaid Cymru’s consultation on these pledges.
6. This was not appropriate. I accept that it was in breach of the Code of Conduct and in particular in breach of Paragraph 12 of the Rules and Guidance on the Use of Assembly Resources referred to in paragraph 2 above. However, I wish to emphasise that it was never my intention to contravene the Code of Conduct and I wholeheartedly and sincerely apologise, without reservation, for having done so.

Signed:



Neil McEvoy AM/AC South Wales Central/Cymru De Canol

Dated: 9th May 2017.