

Second report to the Sixth Senedd under Standing Order 22.9

February 2022



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

An electronic copy of this document can be found on the Welsh Parliament website: **www.senedd.wales/SeneddStandards**

Copies of this document can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

Standards of Conduct Committee
Welsh Parliament
Cardiff Bay
CF99 1SN

Tel: **0300 200 6565**

Email: **SeneddStandards@senedd.wales**

© **Senedd Commission Copyright 2022**

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the Senedd Commission and the title of the document specified.

Second report to the Sixth Senedd under Standing Order 22.9

February 2022



About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddStandards

Current Committee membership:



**Committee Chair:
Vikki Howells MS**
Welsh Labour



Andrew RT Davies MS
Welsh Conservatives



Heledd Fychan MS
Plaid Cymru



John Griffiths MS
Welsh Labour

Contents

1. Introduction	5
2. Consideration of the Report	6
Annex A - Report from the Commissioner for Standards	8
1. INTRODUCTION	8
2. THE INVESTIGATION	9
3. RELEVANT PROVISIONS	9
4. FACTS ESTABLISHED	10
5. CONSIDERATION	12
6. MATTERS OF GENERAL PRINCIPLE	14
7. PROCESS	14
APPENDIX	15

1. Introduction

- 1.** The Standards of Conduct Committee (the Committee) for sixth Senedd was established on 23 June 2021.
- 2.** The terms of reference of the Committee are set out in Standing Order 22.1. In accordance with functions set out in Standing Order 22.2 the Committee must:

“...investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards.”¹
- 3.** This report is made to the Senedd under Standing Order 22.9 and paragraphs 1.7 and 8.1 of the Procedure for Dealing with Complaints against Members of the Senedd (the Procedure), in relation to a complaint made against the former member Neil McEvoy.
- 4.** The report from the Acting Commissioner for Standards (“the Commissioner”) on his investigation of the complaint is attached at Annex A. It sets out the details of the complaint and the findings of the Commissioner’s formal investigation.
- 5.** This report sets out the details of the complaint and the way in which the Committee arrived at its recommendation.

¹ [Welsh Parliament Standing Orders](#)

2. Consideration of the Report

6. The Commissioner considered 15 complaints against Neil McEvoy regarding an alleged failure to declare a relevant interest with regards two petitions relating to the Velindre Cancer Centre at the Committee meeting on 9 February 2021.

7. The Commissioner completed his report on this matter on 13 April 2021. This was after the Senedd had gone into the Easter recess and the pre-dissolution period. The previous Committee had sought advice from the Llywydd about dealing with matters during the recess/pre-dissolution period. The Llywydd advised the Committee that:

“In relation to any further reports received from the Commissioner for Standards before start of the pre-dissolution period, I have noted that investigations by the Commissioner are suspended during an election period under the Complaints Procedure. Accordingly, I have concluded that the Standards Committee should act consistently with this principle and not take any further action to progress the consideration of such reports once the Senedd has gone into recess or during the predissolution period. This approach also respects the decision of the Business Committee.”²

8. The previous Committee was therefore unable to meet to consider this report.

9. As Neil McEvoy is no longer a Member of the Senedd, the procedure sets out that the sanctions that can be applied in the case of a finding of breach are restricted and the Committee must take this into account when considering what action, if any, to take in relation to a complaint against a former Member.³

10. Having considered the Commissioner’s findings and those of the previous Committee on this matter which was subject to an earlier complaint (report O2-21), the Committee accepted the Commissioner’s finding that this constitutes a breach of Standing Order 17.24A, paragraph 9 of the Code of Conduct, and the integrity and leadership principles.

² [Record of Proceedings](#), 24 March 2021

³ [Procedure for Dealing with Complaints Against Members of the Senedd](#)

- 11.** The Committee agreed that no further action should be recommended on the Commissioner's report given the fact that Neil McEvoy was not returned as a Member of the Senedd.
- 12.** However, in the interests of transparency and to serve the public interest, and in accordance with the procedure which requires reports from the Commissioner to be published, we have annexed the Commissioner's report to this report.

Annex A -

Report from the Commissioner for Standards

Investigation of 15 complaints against Neil McEvoy MS

1. INTRODUCTION

1.1 On 9 and 10 February 2021 I received twenty one complaints against Neil McEvoy alleging that at the Petitions Committee on 9 February he failed to declare a relevant interest before participating in the proceedings on petitions P-05-1001 Hold an independent inquiry into the choice of site for the proposed new Velindre Cancer Centre and P-05-1018 Support for the current proposed plans to build a new Velindre Cancer Centre, Cardiff, in any future inquiry.¹ Six complainants did not pursue their complaint. A number of the other 15 complainants made other complaints against Mr McEvoy which they later decided not to pursue. This is my report of my investigation of the fifteen complaints of failure to declare a relevant interest.

1.2 Copies of the relevant documents are listed in the Appendix. Footnote references and bookmark links are provided where appropriate. Quotations from documents are italicised. Personal details have been redacted when they were of no evidential value.

1.3 I considered whether these complaints should be referred to the Llywydd under an informal arrangement between former Commissioners and the Llywydd in terms of which complaints made to the Commissioner about conduct in plenary or in committee were referred to the Llywydd. Having taken legal advice, I decided not to refer these complaints to the Llywydd. I took that decision because the legal basis for the informal agreement was unclear and because it appeared that the agreement was intended to cover only complaints about unruly conduct that occurred in the presence of the Llywydd or a Committee Chair. In such instances there would be no need for any investigation. These complaints are of a different nature and plainly require a full investigation of the extent and nature of the interest Mr McEvoy allegedly had in the subject matter of the two petitions. It appeared to me that with the investigatory powers to compel the attendance of witnesses and the production of documents, I was better placed to carry out such an investigation than the Llywydd or the Committee Chair.

2. THE INVESTIGATION

2.1 On 16 February I advised the complainants of my decision that the complaints in relation to failure to declare a relevant interest were admissible. On 2 March, I advised Mr McEvoy of my decision that the complaints in relation to failure to declare a relevant interest were admissible and sent him interrogatories containing questions relevant to my investigation for completion and return. In light of some of his answers I sent him further interrogatories with slightly rephrased questions. In that letter I asked him also to provide answers to Questions 17 and 18 in the original interrogatories as he had not answered them. Although he completed and returned the further interrogatories by the due date he failed to answer Question 17 or 18 in the original interrogatories. I reviewed the evidence gathered in relation to the complaints that Mr McEvoy had failed to declare the same relevant interest at the Petitions Committee on 15 September 2020. Having considered the material before me I concluded my investigation and drafted this report.

3. RELEVANT PROVISIONS

3.1 Standing Order 17.24A provides –

Before taking part in any committee proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.

3.2 Paragraph 9 of the Code of Conduct for Senedd Members provides –

At the appropriate time in any Senedd proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.

3.3 Paragraph 4 of that Code provides, 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 Senedd Commission staff or conflict with the Civil Service Code and/or the Senedd Commission Staff Code of Conduct

(g) Leadership: Holders of public office should promote and support these principles by leadership and example.

4. FACTS ESTABLISHED

4.1 I found the following facts established –

- i.** Mr McEvoy was a member of the Petitions Committee that on 9 February 2021 considered petitions P-05-1001 Hold an independent inquiry into the choice of site for the proposed new Velindre Cancer Centre and P-05-1018 Support for the current proposed plans to build a new Velindre Cancer Centre, Cardiff, in any future inquiry;
- ii.** In relation to both these petitions Mr McEvoy declared his interest in getting the best cancer care possible in South Wales. He failed to declare the relevant interest arising from his strong public opposition to the proposed development on the Northern Meadows site;
- iii.** Both petitions related to the proposed development of the Meadows site by building on it the new Velindre Cancer Centre: Petition P-05-1001 opposed the development whilst petition P-05-1018 supported it;
- iv.** The Save the Northern Meadows Facebook group and the Save the Whitchurch Meadows Facebook group were established with the principle aim of conserving the Meadows site and opposing building on it;
- v.** For several months before that Committee meeting Mr McEvoy was shown as a member on the Facebook pages of both these campaign groups;
- vi.** On 20 June 2020 Mr McEvoy attended an event organised by the Save the Northern Meadows group on the Meadows site;

- vii.** Whilst attending that event he made a video showing his presence there in which he expressed his strong opposition to the proposed building of the new Velindre Cancer Centre on that site;
- viii.** Later that day he posted a clip from that video on his Facebook account and a different clip from it on his Twitter account;
- ix.** Between 20 and 30 June 2020 Mr McEvoy wrote to the Health and Environment Ministers stating that building on that site would not constitute development, it would constitute desecration, environmental vandalism at its worst;
- x.** On 30 June 2020 he caused a copy of that letter to be posted on his Facebook account;
- xi.** On or about 17 July 2020 Mr McEvoy posted a video on his Facebook account in which he urged members of the public to sign his petition to end local development plans which he claimed would stop development on green fields sites;
- xii.** In tweets on 26 and 27 August 2020 Mr McEvoy made clear his agreement with the view expressed by some medical professionals that the Meadows site was not an appropriate site for the proposed new Velindre Cancer Centre;
- xiii.** At 0638 on 15 September 2020, less than four hours before the meeting of the Petitions Committee was due to start, Mr McEvoy posted on his Facebook account text expressing his concern about the proposed building of the Velindre Cancer Centre on the Meadows site;
- xiv.** In an email to the Acting Commissioner dated 30 September 2020 Mr McEvoy stated I did not feel I had an interest to declare, so did not declare one. That statement was made in relation to complaints that he had failed to declare a relevant interest in the same two petitions before taking part in the proceedings of the Petitions Committee on 15 September 2020;
- xv.** In September 2020 66 complaints were made to me alleging that at a meeting of the Petitions Committee on 15 September 2020 Mr McEvoy had failed to declare the same relevant interest before participating in proceedings on the same two petitions. After investigation I found that Mr McEvoy had contravened the relevant provisions specified in section 3 of this report. The final version of the report of my investigation was sent to Mr McEvoy on 17 November 2020.

5. CONSIDERATION

5.1 With the exception of the agenda and minutes of the Petitions Committee on 9 February, the tweet of 20 December 2020 and the interrogatories completed by Mr McEvoy the evidence in relation to the present complaints is the same as the evidence in relation to the previous complaints in relation to the 15 September 2020 Petitions Committee. It is in the form of the agenda and minutes of the meeting on 9 February, screenshots, videos and social media posts and Mr McEvoy email to me of 30 September and the interrogatories and further interrogatories.

5.2 In his responses to the interrogatories Mr McEvoy said that he had considered if he was required to declare a relevant interest before participating in the proceedings; denied ever being a member or supporter of the Save the Northern Meadows campaign but neither admitted nor denied having been a member or supporter of the Save the Whitchurch Meadows campaign group.²¹ He accepted that he had written to the Health and Environment Ministers and said that he had posted a copy of his letter on Facebook to show that he had written it. He accepted that he had attended an event on the Meadows site organised by the Save the Northern Meadows group but told me that he could recall making only one video whilst there and that his primary purpose in making it was to exercise his Article 10 right to freedom of expression. He said that his Facebook video about abolition of local development plans had nothing to do with the Northern Meadows.

5.3 Mr McEvoy also asserted that the complaints were party political, that I had reduced the complaints process to a farce, that I was not impartial and that I was unfit for office. These scurrilous allegations against me are denied. Mr McEvoy offered no evidence that the complaints were party political which would in any event have been irrelevant.

5.4 No one has disputed that Mr McEvoy was entitled to do or say any of the things I have found established. None of them were offensive or abusive. Article 10 has no relevance to the consideration of these complaints. The issue is not whether Mr McEvoy was entitled to act as he did but whether having done so he had a relevant interest which he should have declared before participating in the proceedings on 9 February.

5.5 It is apparent that for many months prior to 9 February Mr McEvoy was shown on the relevant Facebook pages as being a member of both the Save the Northern Meadows campaign and the Save the Whitchurch Meadows campaign group. He denies ever having been a member or supporter of the Save the

Northern Meadows campaign group but in relation to these complaints neither admitted nor denied having that relationship with the Save the Whitchurch Meadows campaign group. Whether he was a member or supporter of either of these groups is of little import. The fact that he was shown as a member of both groups might quite reasonably lead anyone viewing these pages to believe that he was a member of both campaign groups and opposed to the proposed development on the Northern Meadows site.

5.6 Mr McEvoy admits attending an event on the Northern Meadows organised by the Save the Northern Meadows campaign group and making a video whilst there. It is not disputed that the event was on 20 June 2020. His Facebook and Twitter accounts show that he posted a clip from that video on his Twitter account and a different clip from it on his Facebook account. Those who saw him at the event or who viewed either of the clips might quite reasonably form the view that he was strongly opposed to the proposed development on the Northern Meadows site.

5.7 Mr McEvoy admits that he wrote to the Health and Environment Ministers expressing his opposition to the proposed development on the Meadows site and that he posted a copy of his letter on his Facebook account. Anyone reading that letter might quite reasonably form the view that Mr McEvoy was strongly opposed to the development.

5.8 Despite being provided with a further copy of his tweets of 26 and 27 August and 15 September 2020 Mr McEvoy failed to admit or deny responsibility for them. In the absence of a denial I am satisfied that he made the postings or caused them to be made. Anyone reading these posts might quite reasonably form the view that he was strongly opposed to the proposed development on the Northern Meadows site.

5.9 Mr McEvoy accepted responsibility for the tweet on 20 December 2020 by saying in response to my question about it that he was exercising his Article 10 right to freedom of expression. Anyone reading that tweet might quite reasonably form the view that he was strongly opposed to the proposed development on the Northern Meadows site.

5.10 Having considered all the evidence I have no doubt that Mr McEvoy had an interest in the two petitions specified in paragraph 1.1 of this report which others might reasonably believe would influence his contribution to their consideration. I am satisfied that on 9 February 2021 Mr McEvoy contravened Standing Order 17.24A and paragraph 9 of the Code of Conduct.

5.11 Mr McEvoy's failure to declare a relevant interest fell well below the standard rightly expected of Members. He failed to conduct himself in a manner which tended to maintain and strengthen the public's trust and confidence in the integrity of the Senedd and brought the Senedd into disrepute. I am satisfied that Mr McEvoy breached the Integrity Principle.

5.12 The Leadership Principle requires Members to promote and support the principles set out in paragraph 4 of the Code by leadership and example. The Committee may consider that far from supporting the Leadership Principle Mr McEvoy simply ignored it. I am satisfied that Mr McEvoy breached the Leadership Principle.

5.13 The Committee may wish to consider whether contravening the same provisions within five months of his first contravention of them constitutes an aggravating factor.

6. MATTERS OF GENERAL PRINCIPLE

6.1 In my report on the previous complaints against Mr McEvoy I drew attention to the need to formalise the circumstances, if any, in which complaints made to the Commissioner, should be referred to the Llywydd. I am pleased to note that this has been addressed in the new Code of Conduct.

7. PROCESS

7.1 Mr McEvoy and all the complainants were provided with the final draft of this report and afforded an opportunity to comment on matters of factual accuracy. None of the complainants availed of that opportunity. Mr McEvoy, after having been granted three extensions to the deadline for submission of factual accuracy comments said that he doubted the accuracy of the finding at paragraph 4.1.xii.33 I am satisfied that the finding is correct. He also asserted that the description, in paragraph 5.3, of his allegations of bias were incorrect and that there was evidence of bias. I remain of the clear view that his allegations are without foundation and the description of them as 'scurrilous' is fully justified.

7.2 A copy of the final report has today been sent to all of them.

Douglas Bain CBE TD

Senedd Commissioner for Standards 13 April 2021

APPENDIX

RELEVANT DOCUMENTS

Number	Title of evidence
1	Copy of Complaints and Further Material Provided by Complainants
2	Interrogatories
3	Further interrogatories
4	Letter Acting Commissioner –Complainants 16 February 2021
5	Email McEvoy – Acting Commissioner 30 September 2020
6	Letter Acting Commissioner –McEvoy 2 March 2021
7	Transcript – Petitions Committee 9 February 2021
8	Minutes - Petitions Committee 9 February 2021
9	Agenda – Petitions Committee 9 February 2021
10	Screenshot Save the Northern Meadows Facebook page
11	Screenshot Save the Whitchurch Meadows Facebook page
12	Screenshot Save the Northern Meadows – members