

Report 03-20 by the Committee on Standards of Conduct to the Senedd under Standing Order 22.9

December 2020



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 2020

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.

Report 03-20 by the Committee on Standards of Conduct to the Senedd under Standing Order 22.9

December 2020



About the Committee

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

Committee Chair:



Jayne Bryant MS
Welsh Labour

Current Committee membership:



Rhun ap Iorwerth MS
Plaid Cymru



Andrew RT Davies MS
Welsh Conservatives



David J Rowlands MS
Independent Alliance for Reform*

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

The following Member was also a member of the Committee during this inquiry.



Helen Mary Jones MS
Plaid Cymru**

**Helen Mary Jones MS considered this report as the Member of the Committee representing the Plaid Cymru Group. She ceased to be a member of the committee on 28 January 2020 when Rhun ap Iorwerth MS was elected as the new member of the committee representing the Plaid Cymru Group.

Contents

Recommendations	5
1. Introduction	6
2. Consideration of the Complaint.....	8
Committee’s Consideration of its Decision.....	9
Committee’s Recommendation – Sanctions available.....	11
Annex A: Report from the Commissioner for Standards	13
Annex B: Committee Correspondence	46

Recommendations

Recommendation 1. The Committee recommends to the Senedd, in accordance with paragraph 7.12(vii) of the Procedure, that a breach has been found and that Neil McEvoy MS should be excluded from Senedd proceedings for 21 calendar days. The Committee also recommends that Neil McEvoy MS has the right of access to Ty Hywel and the Senedd removed during this 21 day period.Page 12

1. Introduction

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

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

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

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

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

5. Prior to considering the complaint, Helen Mary Jones MS informed the Committee that previously, in an official capacity within Plaid Cymru, she had had involvement in matters relating to Neil McEvoy MS. She assured the Committee that this would not impact on her ability to act impartially in this matter. The Committee noted that the circumstances in question were not directly connected with this complaint and agreed that they did not impact on the Member’s ability to act impartially in relation to this complaint.

6. At the start of the evidence session, Neil McEvoy MS requested that Helen Mary Jones MS recuse herself from the proceedings, as he did not consider her to be impartial. The reasons given were not directly connected with the complaint.

7. Standing Order 22.5 sets out that (emphasis added):

“Where a member of the responsible committee is subject to, or otherwise directly connected with, a complaint under Standing Order 22.2(i), he or she may take no part in any consideration of the complaint by the responsible committee. In such circumstances and in relation

¹ Standing Orders

² Standing Order 22.2(i)

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

solely to the consideration of the complaint concerned, that member may be replaced by his or her alternate member elected in accordance with Standing Order 22.4A. The alternate member may participate in the meetings of the responsible committee to consider the complaint as if he or she were a member of it.” (Emphasis added)

8. As the Standing Order sets out, there is no provision for Members to substitute themselves unless directly related to the complaint. The Committee agreed that, as Helen Mary Jones MS was not directly connected with the complaint, there was no requirement for her to be replaced by her alternate member.

2. Consideration of the Complaint

9. The complaint alleged that the Member, Neil McEvoy MS, breached the Code of Conduct for Members by being physically and verbally aggressive towards another Member (Mick Antoniw MS).

10. The Commissioner considered whether the Member concerned failed to comply with paragraphs 4(b) and 4(g) of the Code of Conduct, which state:

“Paragraph 4(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.”

“Paragraph 4(g) – Leadership: Holders of public office should promote and support these principles by leadership and example.”⁴

11. The Commissioner also considered the complaint in the light of the Senedd’s Dignity and Respect Policy, which was agreed on 16 May 2018. This requires everyone who works in the Welsh Parliament to have a high degree of respect for the dignity of others.

12. The Committee received oral evidence from Neil McEvoy MS on 8 October 2019 in accordance with the provision in the Procedure.

13. During the evidence session, Neil McEvoy MS accepted that during the incident in question, he had lost his temper and that his behaviour was aggressive. He said that he regretted his behaviour, which would not be repeated.

⁴ Code of Conduct

He outlined to the Committee a range of mitigating factors which he said had led to his behaviour.

14. The Committee met on Tuesday 24 September (to consider the report from the Commissioner), Tuesday 8 October (to take evidence from Neil McEvoy MS), Tuesday 15 October and Wednesday 23 October 2019 to consider and reach its conclusion in respect of this complaint.

Committee's Consideration of its Decision

15. The Committee undertook its consideration in line with its responsibility set out under Standing Order 22.2(i).⁵

16. In considering whether a breach took place, the Committee reviewed the information within the Commissioner's report and the Commissioner's opinion that a breach had taken place; correspondence from the Member concerned; correspondence from the Commissioner; and the oral evidence provided by the Member.

17. In written correspondence to the Committee, Neil McEvoy MS raised concerns that he had not had opportunity to question the accuracy of the Commissioner's report. The Committee raised this concern with the Commissioner, who said:

"The Member alleges that he was unable to challenge the accuracy of my report. Paragraph 24 of my report sets out the opportunities Mr McEvoy was afforded to challenge the accuracy of my report. In short, I wrote to the Member on 5th, 9th and 11th September asking him to either confirm the factual accuracy of the report or point out any factual inaccuracies. My emails and the Member's responses are contained within the annexes of my report. No factual inaccuracies were identified by the Member."⁶

18. Neil McEvoy MS also suggested that there were a number of witnesses he would have liked to have provided evidence to the Commissioner in relation to this inquiry. The Committee asked the Commissioner whether the Member would have been able to identify any suitable witnesses. The Commissioner replied:

⁵ Standing order 22.2(i)

⁶ Correspondence from the Commissioner, 9 October 2019

“The Member suggests that there are a number of witnesses he believes to be relevant to the case. Paragraphs 7, 8 and 9 of my report refer to my attempts to engage Mr McEvoy in the investigation of this complaint. I wrote to Mr McEvoy on 11th June to inform him of the complaint and seek his comments. Mr McEvoy responded on 4th July saying I ‘...have all the facts’. On 18th July, I wrote to Mr McEvoy again to inform him of my decision that the complaint was admissible and to give him the opportunity to comment. On 5th August I wrote to him again asking for any comments he wished to make to assist with my deliberations. The Members response stated ‘you now have the facts that you are mandated to investigate...I see no point in wasting more of my time on this.’ The correspondence between the Member and my office is included in the annexes to my report. Had Mr McEvoy identified any further relevant witnesses at any point during my investigation, I would have taken evidence from them.”⁷

19. The Committee noted that in his oral evidence to the Committee, Neil McEvoy MS disputed the accounts of the complainant and some witnesses (referenced in the Commissioner’s report) that state he got up “two or three times” in the Siambr. However, he did not dispute that he had gone to the desk of Mick Antoniw MS. The Committee concluded in this instance that the number of visits was immaterial.

20. Neil McEvoy MS stated in correspondence with the Commissioner:

“Furthermore, what are the identities of those submitting evidence? It is more than probable that there are interests to declare.”

21. The anonymity of witnesses was an issue raised again during the oral evidence session. Neil McEvoy MS also told the Committee that it was unfair that the witness statements were anonymous. The Committee notes that the Commissioner set out in his report that he had interviewed seven witnesses, none of whom were Members of the Senedd: “each is employed in one capacity or another at the Assembly”. He also highlighted that the relevant parts of the witnesses statements had been included, but that all the witnesses indicated that they did not wish for their names or identities to be known as to avoid any “...future relationships coloured by this incident”.

⁷ Correspondence from the Commissioner, 9 October 2019

22. There is CCTV footage of Neil McEvoy MS and Mick Antoniw MS outside the Siambr, but there is no CCTV footage within the Siambr. Neil McEvoy MS told the Committee that this footage calls into question some of the statements of the complainant and witnesses. The Committee notes that the Commissioner found sufficient evidence to support the complaint without needing to rely on the CCTV footage of events that occurred outside the Siambr. The Committee was persuaded also by the balance of evidence and did not feel it necessary, or appropriate on data protection grounds, and to preserve the important principle of confidentiality inherent in the procedure, to view the footage in this instance. The Committee notes Neil McEvoy MS's representations in this regard.

23. The Committee further notes that in the evidence session, Neil McEvoy MS accepted that during the incident in question, he had lost his temper and that his behaviour towards Mick Antoniw MS was aggressive.

Having reviewed the report from the Commissioner for Standards and the evidence provided, the Committee finds that a breach of the Code of Conduct has taken place by Neil McEvoy MS in relation to paragraphs 4(b) and 4(g) of the Code of Conduct and the Dignity and Respect Policy.

Committee's Recommendation – Sanctions available.

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

25. The Committee consider this to be a severe breach of the Code of Conduct. To be physically and verbally aggressive to another individual is not acceptable in any walk of life, but particularly not by those who are meant to lead by example. Of particular concern to the Committee was the evident distress this incident had caused to a number of members of staff. Everybody is entitled to feel safe in their workplace and in this instance that did not happen.

26. Although this complaint was dealing with an isolated incident and could not be described as "persistent conduct"⁸, it clearly demonstrated contempt for Senedd colleagues – both in the political sphere and for those who are employed on the Senedd estate.

⁸ The Procedure paragraph 7.13

27. We are satisfied that this was not an intentional breach of the Code of Conduct, and we also note the mitigating factors outlined by the Member.

28. The Committee has taken the mitigatory evidence provided by Neil McEvoy MS into account in reaching its decision.

29. In coming to its conclusion, the Committee noted that this was the second time the Member had been subject to a complaint report under Standing Order 22.2, but agreed that the first complaint was of little relevance in this instance and should not form part of the consideration of the present complaint.

30. The Committee concluded that this was a severe breach of the code of conduct and, therefore, that a sanction should be recommended. In agreeing the sanction, the Committee considered the mitigating factors cited in paragraph 7.13 of the Procedure and reached a unanimous decision.

Recommendation 1. The Committee recommends to the Senedd, in accordance with paragraph 7.12(vii) of the Procedure, that a breach has been found and that Neil McEvoy MS should be excluded from Senedd proceedings for 21 calendar days. The Committee also recommends that Neil McEvoy MS has the right of access to Ty Hywel and the Senedd removed during this 21 day period.

31. A copy of this report has been provided to the Member concerned, who was also notified of his right to appeal under section 8 of the Procedure. The Member concerned appealed on 23 October 2019. In accordance with the procedure, the Llywydd appointed an independent legally qualified person (Sir John Griffith Williams QC) to consider the appeal. Sir John Griffith Williams QC dismissed the appeal on 29 April 2020, and a copy of his report, setting out his reasons, was laid on 2 December 2020.

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

Annex A: Report from the Commissioner for Standards

From: Sir Roderick Evans, Commissioner for Standards

To: Standards of Conduct Committee

FORMAL INVESTIGATION REPORT:

Neil McEvoy AM

The Complaint

1. On 22nd May 2019 I received a complaint from Mick Antoniw AM about the conduct of Neil McEvoy AM. I attach as Attachment 1 the letter from Mr. Antoniw in which he made his complaint. The third page of the letter has been redacted to remove the name of the witness referred to as the witness does not want to be identified publicly.
2. In short the complaint is that on Tuesday 21st May 2019, while on his way through the Cwrt to the Siambr, Mr. Antoniw was approached by Mr. McEvoy who was both physically and verbally aggressive towards him. This conduct continued when the two men were inside the Siambr and the whole incident took place in front of a number of witnesses.

The Investigation

3. Following receipt of the complaint, [REDACTED], Investigator and Project Manager in my office, made enquiries to identify the incident which is referred to in the third paragraph of Mr. Antoniw's letter and which he believed might have been the trigger for what occurred on 21st May.
4. The incident was traced to a debate in Plenary on the previous Wednesday, 15th May, in which there was discussion of a report involving the Sustainability Commissioner. Mr. Antoniw contributed to the debate and when he sat down the Minister, Jane Hutt AM responded. As she did so Mr. McEvoy can be seen and heard making comments although what he was saying is not discernible. When I interviewed Mr. Antoniw about this incident on 18th July he told me that his recollection was that Mr. McEvoy's comments were to the effect that the Sustainability Commissioner was "just another corrupt Labour placeman". Whatever Mr. McEvoy was saying, the Minister appears to be disconcerted by them. As Mr. McEvoy was commenting in this fashion Mr. Antoniw said to him;

"You are just a convicted bully, aren't you?"

The recording of the incident can be viewed at:

I make no comment on the appropriateness of the sedentary comments of either Member as what happens in Plenary is not a matter for me.

5. As to the incident itself, Mr. Antoniwi has told me that the threat “I will get you” has caused him considerable concern.
6. [REDACTED] also interviewed and took initial accounts from a number of witnesses who were present during the incident about which complaint is made. Witnesses saw different parts of the incident; some saw what happened in the Cwrt, others what happened in the Siambr. Some saw less or more than others and the detail witnesses were able to give varied. However, no account was inconsistent with the account given by Mr. Antoniwi in his letter of 22nd May.
7. On 11th June 2019, I wrote to Mr. McEvoy informing him of the complaint and seeking his comments. At that point, I had not sought the consent of David Melding AM to disclose those parts of the letter which contained the emails to and from him. Later, a copy of the letter with those parts unredacted was sent to Mr. McEvoy. I attach a copy of that letter as Attachment 2.
8. Attachment 3 is Mr. McEvoy’s response dated 4th July. In it he says that I “...have all the facts” which I took to mean that he did not dispute the account contained in Mr. Antoniwi’s letter of 22nd May; he refers to the incident of 15th May in which Mr. Antoniwi called him a “convicted bully” and said that he would be making no further comments.
9. On 18th July I wrote to Mr. McEvoy to inform him that I had decided that the complaint was admissible and, despite his earlier statement that he would make no further comment, to give him the opportunity to do so. That letter is Attachment 4. There then followed an exchange of emails between my office and Mr. McEvoy which is set out in Attachment 5. On 5th August I wrote to Mr. McEvoy (Attachment 6) setting out in accordance with his request the “...rules I may have contravened” and he replied on 7th August. His reply is Attachment 7.
10. During the course of my investigation of this complaint I interviewed seven of the witnesses earlier interviewed by [REDACTED]. One witness described the incident in Plenary of 15th May; the other six described the incident of 21st May. These are witnesses whose initial accounts were the most detailed and none of them is an Assembly Member; each is employed in one capacity or another at the Assembly estate. These witnesses have provided me with signed statements in which each sets out his or her recollection of the incident about which Mr. Antoniwi complains. Each, however, has indicated that they do not want their names made public or made known

to Mr. McEvoy as the nature of their employment will inevitably bring them into contact with him in the future and they do not want future relationships coloured by this incident.

11. The statements given to me by these witnesses, in addition to containing their names, also contain a description of the tasks or role each was carrying out at the time of the incident. The witnesses might be identifiable from these descriptions and accordingly I do not, therefore, attach any of these statements to this report. However, all statements are available for members of the committee to read if they wish. I set out below parts of the statements of these witnesses to whom I shall refer by numbers.
12. The incident of 21st may occurred shortly after 1.15 pm as Members and staff were preparing for Plenary. Witness 1 was in the Cwrt and saw Mr. Antoniwi and Mr. McEvoy approach the Siambr. He says:

“Neil McEvoy was walking very closely behind Mick Antoniwi, keeping up with him. Neil McEvoy was talking loudly and aggressively and pointing his finger at Mick Antoniwi saying “What are you going to do about it?” Neil McEvoy then said “You are tough in the group but you’re spineless on your own.”

All Mick Antoniwi said was “Don’t talk to me or I will report you to standards.” He repeated this twice, perhaps three times, and he was not aggressive. He was trying to avoid the confrontation but Neil McEvoy was in Mick Antoniwi’s face.

NM then continued to call MA “spineless” and MA answered the same as before, “Don’t talk to me or I will report you to standards.”

I was surprised and shocked at Neil McEvoy’s behaviour as you don’t see that behaviour in the Assembly. I have worked in the Assembly for eleven years and never seen a Member behave like that before. Had I seen that behaviour outside the Assembly, in a pub for example, I would have expected violence from Neil McEvoy.

The two then walked into the chamber.”

13. Witness 2 was in the Public Gallery and observed the following in the Siambr below:

“Mr Antoniwi was seated while Mr McEvoy was pacing in an animated fashion between Mr Antoniwi’s seat and his own. Mr McEvoy’s voice was raised but I do not recall Mr Antoniwi raising his voice. Mr McEvoy then sat by his desk and said words to the effect of “You can apologise for that, that was disgusting behaviour!” while pointing rather aggressively at Mr Antoniwi. Mr McEvoy then approached Mr Antoniwi’s seated position, saying words to the same effect. Mr Antoniwi seemed to wince slightly in his chair when Mr McEvoy came quite close to him. At this, Mr McEvoy muttered something I could not hear and then returned to his seat.

This incident could not have been very pleasant for Mr Antoniwi. He was not aggressive but Mr McEvoy was. He appeared to be struggling to retain his composure. I did not know what he would do next. It appeared to me that the incident could be the prelude to something worse. I stayed around until Mr McEvoy sat down because I was not sure where the incident was going.”

14. Witness 3 was in the Siambur and saw both men enter.

“Neil McEvoy was behaving in a very threatening manner towards Mick Antoniwi. Mick Antoniwi went to his seat. At first Neil McEvoy stood shouting at Mick Antoniwi. Then Neil sat down but he was up and down from his chair and went over to Mick.

Neil McEvoy was extremely irate and was calling Mick Antoniwi a bully and referred to him as “sick” a few times. I saw Neil out of his seat and pointing in Mick’s face and he seemed not to care where he was or who was around him. Being sat opposite Mick after the incident, it was obvious to me that he was quite shaken by what happened.

Mick was not aggressive and did not antagonise the situation at all. I heard him say to Neil “Leave me alone.”

I have to be honest and say it was an intimidating outburst to witness. Neil McEvoy could not control his anger. He was very threatening, loud and was name-calling.”

15. Witness 4 was also in the Siambur and saw the two men enter:

“Mick Antoniwi was in front, and Neil McEvoy was very, very close behind him. Neil was much closer to Mick than normal. Neil was very angry and aggressive and I heard him saying to Mick ‘I’ve heard about you, bullying people when they are on their own’ and also ‘You can’t say things like that about me on the floor’.

Mick appeared calm but very uncomfortable with Neil’s behaviour. He remained polite and firmly but politely asked Neil to leave him alone. I heard Mick say on more than one occasion to Neil ‘Kindly move away’. Mick remained calm and did not raise his voice during the incident.

Both members then took their seats (Neil to the left, and Mick to the right), but Neil rose from his seat on two or three occasions and went over to where Mick was sitting to stand above him speaking in a very threatening tone of voice and pointing his finger aggressively at Mick whilst accusing Mick of being a bully. I am not sure if he made physical contact with Mick, but he was very close. Mick was not aggressive.

.....

I was in two minds about whether to ask Security to enter the Chamber, as it looked as if things would escalate.

Mick remained calm, but I could see that he was upset and shaken by the whole thing. Neil was fuming. In a social context Neil's conduct would not be acceptable but in the Senedd it was way out of order. It crossed the line at so many levels."

16. Witness 5 was in the Siambr and, before Messrs. Antoniwi and McEvoy entered, had commented on how many people were in the public gallery.

"It soon became apparent that this was a very heated one-sided argument. Neil was very vocal; he was quite loud and threatening. He was incensed and very, very angry. Neil was accusing Mick of being a bully and saying he had heard about him and how he bullies people when they are on their own. Mick was asking Neil to leave him alone and said this on a few occasions as he sat down in his chamber seat. At this point Neil went and sat in his own chamber seat.

A few moments later Neil got back up and went back over to Mick to carry on with his heated argument. He again called Mick a bully and said he was sick and, although I am not too sure exactly what he said, he mentioned something about what had been said in a previous meeting. He was jabbing his finger very close to Mick's shoulder but due to the angle I was standing I couldn't see if he physically made contact, but it would have been very close if not.

Mick did not react to Neil's aggression. If he had, things could have been a lot worse. It looked as though Neil was going to punch Mick. I have never seen anyone so angry. The incident ended because Neil seemed to run out of steam.

.....

I felt very uncomfortable whilst this was going on as it was an outburst that I have never witnessed before anywhere across the Assembly, but especially in the very public chamber. As this was an issue between Members nobody felt they could step in and help Mick. Potentially doing this would have escalated the incident.

I feel something needs to be done as this was quite a vicious incident of physical and verbal aggression.

As soon as the plenary meeting had started, I went out and spoke to the guards in the Cwrt to warn them about what had happened. I was also able to catch [REDACTED] to advise him.

The incident played on my mind all that day and I and team kept referring to the incident. It was unpleasant to witness."

17. The sixth and final witness was in the Siambr and saw that

"Neil McEvoy AM walked into the Chamber with Mick Antoniwi AM. Neil was extremely angry; he was absolutely furious and he was shouting at Mick. He was very loud. It was full on.

Mick was trying to sit down and he told Neil to calm down. This appeared to make Neil worse. Neil was shouting at Mick. I wasn't sure what they

were discussing but I heard Neil call Mick ‘sick’ and ‘a bully’ and he said ‘that he couldn’t say that about someone’. Neil was so cross that he didn’t care he was in the Chamber and the public gallery was open and also our Chief Executive was also in the room.

Mick and Neil sat down in their places but Neil got up again and went over to Mick and was leaning over him. He shouted again at Mick. Neil went back to his seat but then got up and did the same thing again. In all, Neil did this about three times.

This was all one sided. Mick appeared to be upset and embarrassed by the incident and repeated “Enough. Enough.” He was trying to play the situation down and tried to ignore Neil by speaking to David Rees who was sitting in front of him. Throughout, Neil was really aggressive and loud.

.....

I felt extremely uncomfortable during this conversation and in 15 years of working in the Assembly, this is the first time I have been in a situation like this. I did feel sorry for Mick as I felt he was embarrassed and also looked worried during this incident with Neil.

I could not believe what had happened. It was incredible. I have never seen a member behave like this before. It was like watching something kicking off in a pub. Neil needs to understand that he cannot behave like that.

I thought that the row had started outside the Siambur that day as Neil was so cross. I have been told that the row may have originated from something said in Plenary the previous week. If that is the case, it makes it even more scary as it is surprising that Neil was still so angry.

[Witness5] and I were so concerned about the incident that we both spoke to the Head of Security about it afterwards.”

Facts found by the Commissioner

18. I find:

- (i) That the 21st May incident occurred as described by Mick Antoniwi and the six witnesses whose accounts are quoted above;
- (ii) That during that incident Neil McEvoy behaved in a threatening and intimidatory way to Mick Antoniwi and employed physical and verbal aggression to do so;
- (iii) That the incident of 21st May arose from the sedentary comments made by both men in Plenary on 15th May.

Conclusions

19. In any institution in which people work, inter-personal tensions are probably inevitable and this may be particularly so in an institution, such as the National Assembly, in which opposing views are deeply and passionately held. However, I am satisfied that the behaviour of Mr McEvoy on 21st May went well beyond what is an acceptable manifestation of inter-personal tension. Descriptions of his conduct reveal a level of aggression that would not be acceptable in licensed premises let alone in the National Assembly in front of members of staff and members of the public. I acknowledge that Mr McEvoy’s anger arose from Mr Antoniwi’s comment in Plenary

on 15th May but that comment would not have justified Mr McEvoy's conduct had it occurred on the day of the comment, let alone a week later.

20. The seven general principles of conduct in public life set out in paragraph 4 of the Code of Conduct for Assembly Members require Members to conduct themselves at all times in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and to refrain from any action which would bring the Assembly.... into disrepute. (para. 4b) Members should promote and support these principles by leadership and example. (para 4g) By his conduct towards Mr Antoniwi on 21st May, Mr McEvoy failed to conduct himself in a way which would maintain and strengthen the public's trust and confidence in the integrity of the Assembly and behaved in a way which would bring the Assembly into disrepute. He also failed to promote and support, by way of leadership and example, the principles of how those in public life should behave.
21. The Dignity and Respect Policy adopted by the National Assembly requires everyone who works at the National Assembly for Wales to show a high degree of respect for the dignity of others. Mr McEvoy's intimidatory and threatening conduct breaches this policy.
22. I, therefore, conclude that Mr McEvoy is in breach of the Code of Conduct and of the Assembly's Dignity and Respect Policy and that he falls to be dealt with by the Committee on Standards of Conduct under Standing Order 22.2.

Requirements under the Procedure for Dealing with Complaints

23. This complaint raises no issue of general principle.
24. I confirm that the complainant and the Member complained about have been provided with a draft of this report and given an opportunity to comment on its factual accuracy. The complainant did not identify any factual inaccuracy. I sent the draft to Mr. McEvoy on 5th September 2019. My covering letter is Attachment 8. Mr. McEvoy replied by email the following day requesting to see CCTV footage. His email is Attachment 9. I replied on the 9th September explaining the position in relation to CCTV footage and repeating my request that he considers the factual accuracy of the draft report I had sent him and I asked him to either confirm its factual accuracy or point out any factual inaccuracies he identified. My letter is Attachment 10. Mr. McEvoy replied on 11th September by email. His email is Attachment 11. I replied on 13th September and my reply is Attachment 12. Material has been redacted from Mr McEvoy's email of 11th September and my reply of 13th September to remove immaterial data.
Mr. McEvoy has not identified any factual inaccuracy in the report and I, therefore, submit it to the Committee.

Attachments

25. I attach to this report the following documents:

- (i) Letter of Complaint from Mick Antoniw AM dated 22nd May 2019
- (ii) Letter dated 11th June 2019 from me to Neil McEvoy AM
- (iii) Email dated 4th July 2019 from Neil McEvoy AM to me
- (iv) Letter dated 18th July 2019 from me to Neil McEvoy AM
- (v) Email thread between Neil McEvoy AM and my office
- (vi) Letter dated 5th August 2019 from me to Neil McEvoy AM
- (vii) Email dated 7th August 2019 from Neil McEvoy AM to me
- (viii) Covering letter dated 5th September 2019 from me to Neil McEvoy AM
- (ix) Email dated 6th September 2019 from Neil McEvoy AM to me
- (x) Letter dated 9th September 2019 from me to Neil McEvoy AM
- (xi) Email dated 11th September 2019 from Neil McEvoy AM to me
- (xii) Letter dated 13th September 2019 from me to Neil McEvoy AM
- (xiii) Email dated 13th September 2019 from Neil McEvoy AM to me

Sir Roderick Evans

16 September 2019



Commissioner for Standards
National Assembly for Wales
Cardiff Bay
CF99 1NA

22 May 2019

Dear Commissioner

I wish to report an incident which occurred on 21st May 2019 at approximately 1.20 pm

I came from Ty Hywel from the canteen and walked to the lift chatting to David Melding AM. We went down the lift together and towards the security door heading towards the Siambr. Neil McEvoy AM was ahead of us, turned round and came towards me in an aggressive manner and raised voice insulting me and saying something about how dare I call him a bully.

I believe that this was likely to be a follow on from the previous week in the Siambr when he was being offensive and abusive to the First Minister and I commented then to him he was a convicted bully. (He was found guilty of bullying by the Ombudsman in the past and suspended from sitting as a Cardiff Councillor.) I had not had any contact at all with him until this incident.

I told him I did not want to speak to him. I said this several times. He continued ranting at me. I told him not to speak to me and I did not want to speak to him. I walked off and he followed me chasing me shouting at me and physically blocking my path. I told him two more times to leave me alone as I did not want to speak to him. He continued rounding on me in a very intimidatory manner. I told him not to speak to me or I would report him to the Standards Commissioner. He said 'go on then. I know all about you, you red Tory, you are just a bully, I know all about you. You're a coward in your big group. I will get you'.



David Melding will have witnessed part of this. It occurred in front of others including security staff outside the entrance to the Siambr. There were others around.

His manner was physically and vocally threatening in a public place in front of others. It was initiated by him. I made efforts to avoid him several times and go away from him but was pursued by him.

I believe his objective was to intimidate me. I felt threatened. This is why I am reporting it to you.

In the current climate and with the training in the Assembly to promote the respect agenda I am concerned that if I do not report his conduct it will become normalised and acceptable and quite possibly increase.

I sent the above details to David Melding and he emailed me the following reply.

Date: 21 May 2019 at 14:46:09 GMT+1

To: "Antoniw, Mick (Aelod Cynulliad | Assembly Member)" <Mick.Antoniw@assembly.wales>

Subject: RE: your opinion please

Mick,

If called upon I would be able to confirm that NM approached you and acted aggressively because he said you called him a bully, that he insulted you by calling you a red Tory, that you asked him to stop but he persisted even when you reached the Chamber. I did not however hear the whole exchange.

Needless to say I hope things might be resolved with an apology but I would confirm the above if necessary.

David

From: Antoniow, Mick (Aelod Cynulliad | Assembly Member) <Mick.Antoniw@assembly.wales>

Sent: 21 May 2019 14:20

To: Melding, David (Aelod Cynulliad | Assembly Member) <David.Melding@assembly.wales>

Subject: your opinion please

David, I am quite angry about the incident today with McEvoy. I am considering reporting it especially as a result of the last threat he made.

I am not sure how much you witnessed. I am sorry if it was embarrassing.

Is this an accurate account of the incident. I am not sure how much you witnessed.



I understand that [REDACTED] one of the ushers witnessed part of this. I informed him that I would be reporting this to you. I have not asked him for full details, but he did tell me that he heard Neil McEvoy calling me spineless and 'being in my face'.

I know passions in the Siambur can get high and this is part of the politics of this place. However this was in public, in front of others, on the way to my carrying out my duties in the Assembly and went significantly beyond normal conversation and even banter to the extent that I was threatened.

Please accept this letter as a formal report of breach of standards and I await your response.

A handwritten signature in black ink, appearing to read "Mick Antoniw". The signature is fluid and cursive, with a horizontal line underneath it.

Mick Antoniw

Assembly Member for Pontypridd

Neil McEvoy AM
Tŷ Hywel
National Assembly for Wales
Cardiff
CF99 1NA

11th June 2019

Dear Mr McEvoy,

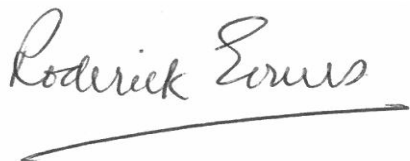
I have received a complaint from Mick Antoniw AM about your conduct. In short, he complains that you acted abusively and aggressively towards him on 21st May 2019. I enclose a copy of his complaint. The letter has been redacted to remove references to, and information supplied by, others whose consent I do not have at present to release their identities.

At present I am making preliminary enquiries into the complaint and should be grateful if you would provide me with your comments upon it at your earliest convenience.

It would be helpful if you would consider your response in the context of the Code of Conduct for Assembly Members, in particular the requirement in paragraphs 4b that Members refrain from any action which would bring the Assembly, or its Members generally, into disrepute and paragraph 4g that Members should promote and support the principles of conduct in public life by leadership and example together with the provisions of the Dignity and Respect Policy adopted by the Assembly.

I look forward to hearing from you,

Yours sincerely,



Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner

Y Pierhead
Bae Caerdydd
Caerdydd
CF99 1NA
—
Ffôn: 0300 200 6539
E-bost: Comisiynydd.Safonau@cynulliad.cymru
—
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Pierhead
Cardiff Bay
Cardiff
CF99 1NA
—
Tel: 0300 200 6539
Email: Standards.Commissioner@assembly.wales
—
We welcome correspondence in both English and Welsh



Mick Antoniw
Aelod Cynulliad dros Bontypridd
Assembly Member for Pontypridd

Commissioner for Standards
National Assembly for Wales
Cardiff Bay
CF99 1NA

22 May 2019

Dear Commissioner

I wish to report an incident which occurred on 21st May 2019 at approximately 1.20 pm

I came from Ty Hywel from the canteen and walked to the lift chatting to David Melding AM. We went down the lift together and towards the security door heading towards the Siambr. Neil McEvoy AM was ahead of us, turned round and came towards me in an aggressive manner and raised voice insulting me and saying something about how dare I call him a bully.

I believe that this was likely to be a follow on from the previous week in the Siambr when he was being offensive and abusive to the First Minister and I commented then to him he was a convicted bully. (He was found guilty of bullying by the Ombudsman in the past and suspended from sitting as a Cardiff Councillor.) I had not had any contact at all with him until this incident.

I told him I did not want to speak to him. I said this several times. He continued ranting at me. I told him not to speak to me and I did not want to speak to him. I walked off and he followed me chasing me shouting at me and physically blocking my path. I told him two more times to leave me alone as I did not want to speak to him. He continued rounding on me in a very intimidatory manner. I told him not to speak to me or I would report him to the Standards Commissioner. He said 'go on then. I know all about you, you red Tory, you are just a bully, I know all about you. You're a coward in your big group. I will get you'.

Cynulliad Cenedlaethol Cymru

10 Stryd Farchnad
Pontypridd. CF37 2ST
Mick.Antoniw@cynulliad.cymru
www.cynulliad.cymru
01443 406 400

National Assembly for Wales

10 Market Street
Pontypridd. CF37 2ST
Mick.Antoniw@assembly.wales
www.assembly.wales
01443 406 400

Labour  Llafur

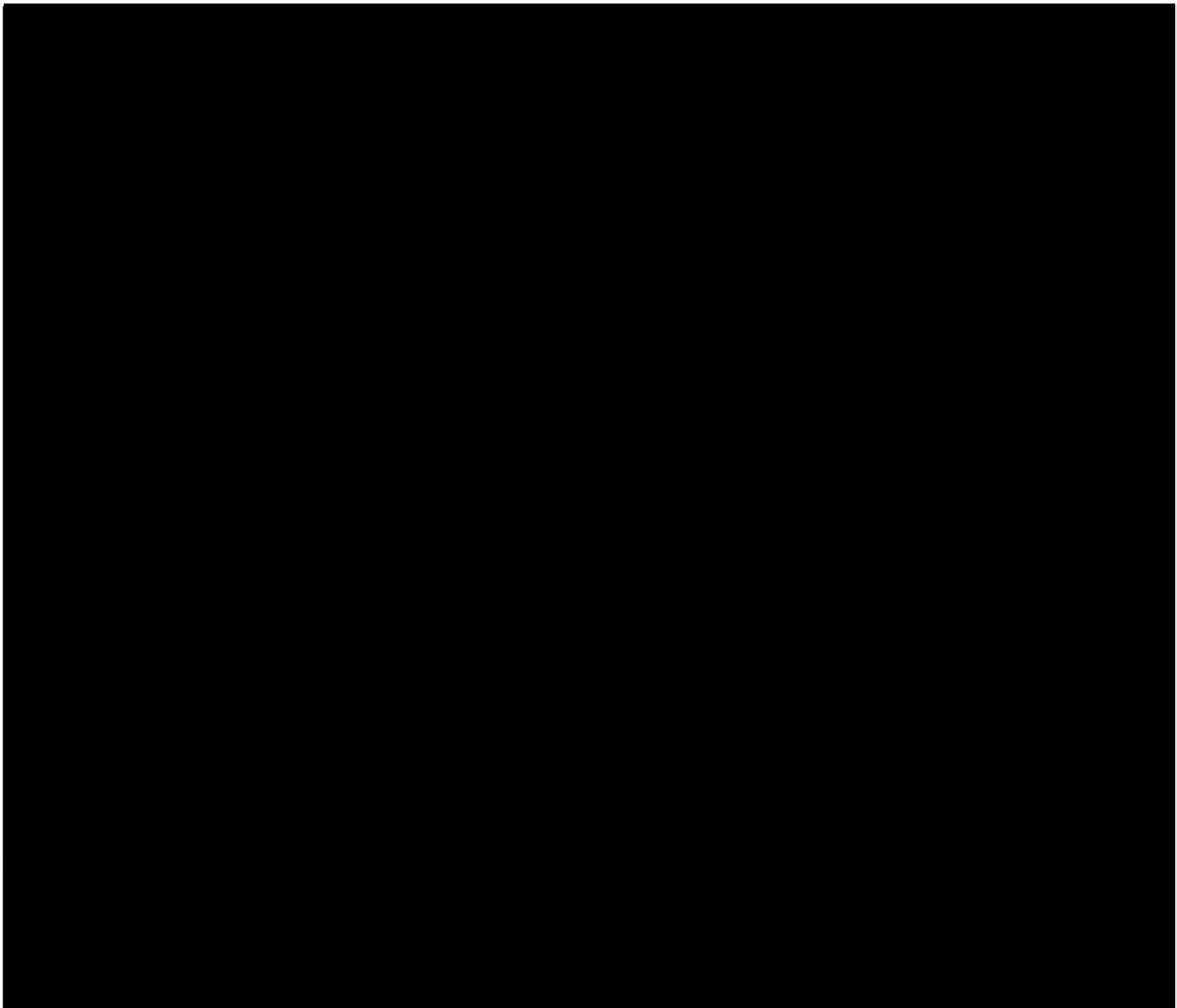


[REDACTED] It occurred in front of others including security staff outside the entrance to the Siambur. There were others around.

His manner was physically and vocally threatening in a public place in front of others. It was initiated by him. I made efforts to avoid him several times and go away from him but was pursued by him.

I believe his objective was to intimidate me. I felt threatened. This is why I am reporting it to you.

In the current climate and with the training in the Assembly to promote the respect agenda I am concerned that if I do not report his conduct it will become normalised and acceptable and quite possibly increase.





I understand that [REDACTED] one of the ushers witnessed part of this. I informed him that I would be reporting this to you. I have not asked him for full details, but he did tell me that he heard Neil McEvoy calling me spineless and 'being in my face'.

I know passions in the Siambur can get high and this is part of the politics of this place. However this was in public, in front of others, on the way to my carrying out my duties in the Assembly and went significantly beyond normal conversation and even banter to the extent that I was threatened.

Please accept this letter as a formal report of breach of standards and I await your response.

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with large loops. Below the signature is a horizontal line.

Mick Antoniw

Assembly Member for Pontypridd

From: McEvoy, Neil (Aelod Cynulliad | Assembly Member)
<Neil.McEvoy@assembly.wales>
Sent: 04 July 2019 15:00
To: Standards Commissioner <Standards.Commissioner@assembly.wales>
Subject: RE: Correspondence from Standards Commissioner

Here's my response.

You have all the facts.

He publicly called me a “convicted bully”, which was reported to the Llywydd but no action was taken, despite it being clearly audible on the microphones and in the Chamber (Antoniw admits this). I therefore privately called him a spineless red tory. As a result, he has gone running off to a practicing High Court judge and tried to get his Tory mate involved. I'm embarrassed for him and will make no apology.

If the Standards Commissioner wants to further bring his office into disrepute then he should investigate this.

I will be providing no further comments.

Neil McEvoy

From: Standards Commissioner
Sent: 04 July 2019 14:25
To: McEvoy, Neil (Aelod Cynulliad | Assembly Member) <Neil.McEvoy@assembly.wales>; Standards Commissioner <Standards.Commissioner@assembly.wales>
Subject: RE: Correspondence from Standards Commissioner

Dear Neil,

We have now had permission to share the letter without redaction, as attached.

Could you let me know when the Commissioner should expect a response, please?

Many thanks,



[REDACTED]

[REDACTED], Office of the Standards Commissioner

[REDACTED], Swyddfa'r Comisiynydd Safonau

[REDACTED]

From: McEvoy, Neil (Aelod Cynulliad | Assembly Member)

<Neil.McEvoy@assembly.wales>

Sent: 02 July 2019 17:00

To: Standards Commissioner <Standards.Commissioner@assembly.wales>

Subject: RE: Correspondence from Standards Commissioner

The letter was so redacted. Why was this? I would like to reply when I can see what is said about me.

Yours sincerely,

Neil

From: Standards Commissioner <Standards.Commissioner@assembly.wales>

Sent: 02 July 2019 13:57

To: Standards Commissioner <Standards.Commissioner@assembly.wales>; McEvoy, Neil (Aelod Cynulliad | Assembly Member) <Neil.McEvoy@assembly.wales>

Subject: RE: Correspondence from Standards Commissioner

Importance: High

Dear Neil,

I will be updating the Standards Commissioner on this issue shortly. Will you be responding to the Commissioner's letter this week, please?

Many thanks,

■

■

■, Office of the Standards Commissioner

■, Swyddfa'r Comisiynydd Safonau

■

From: Standards Commissioner <Standards.Commissioner@assembly.wales>

Sent: 25 June 2019 10:39

To: McEvoy, Neil (Aelod Cynulliad | Assembly Member) <Neil.McEvoy@assembly.wales>

Subject: FW: Correspondence from Standards Commissioner

Dear Neil,

The Standards Commissioner wrote to you on 11 June (letter attached for ease of reference). Could you let me know when he should expect your response, please?

Many thanks,

█

█ █

█, Office of the Standards Commissioner

█, Swyddfa'r Comisiynydd Safonau

█

From: Standards Commissioner <Standards.Commissioner@assembly.wales>

Sent: 11 June 2019 15:41

To: McEvoy, Neil (Aelod Cynulliad | Assembly Member) <Neil.McEvoy@assembly.wales>

Subject: Correspondence from Standards Commissioner

Dear Neil,

Please find attached correspondence from the Standards Commissioner.

Regards,

█

█

█, Office of the Standards Commissioner

█, Swyddfa'r Comisiynydd Safonau

█

Neil McEvoy AM
Tŷ Hywel
National Assembly for Wales
Cardiff
CF99 1NA

18th July 2019

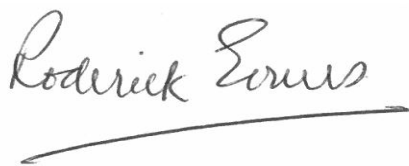
Dear Mr McEvoy,

I write further to my letter to you of 11th June 2019 and your email of 4th July.

I have now completed my preliminary investigations into the complaint made against you by Mick Antoniw AM and have concluded that the complaint is admissible.

In your email of 4th July you said that you would provide no further comments. However, as the complaint has now been declared admissible I thought that in fairness to you, you should be given the opportunity to reconsider and to provide any further comment you wish.

Yours sincerely,



Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner

Y Pierhead
Bae Caerdydd
Caerdydd
CF99 1NA
—
Ffôn: 0300 200 6539
E-bost: Comisiynydd.Safonau@cynulliad.cymru
—
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Pierhead
Cardiff Bay
Cardiff
CF99 1NA
—
Tel: 0300 200 6539
Email: Standards.Commissioner@assembly.wales
—
We welcome correspondence in both English and Welsh

From: Standards Commissioner <Standards.Commissioner@assembly.wales>
Sent: Thursday, July 18, 2019 3:00:45 PM
To: McEvoy, Neil (Aelod Cynulliad | Assembly Member)
<Neil.McEvoy@assembly.wales>
Subject: Correspondence from the Standards Commissioner

Dear Neil,

Please find attached correspondence from the Standards Commissioner.

Best wishes,

■

■, Office of the Standards Commissioner
■, Swyddfa'r Comisiynydd Safonau

From: McEvoy, Neil (Aelod Cynulliad | Assembly Member)
<Neil.McEvoy@assembly.wales>
Sent: 24 July 2019 13:09
To: Standards Commissioner <Standards.Commissioner@assembly.wales>
Subject: Re: Correspondence from the Standards Commissioner

Thanks for the letter. On what basis is Sir Roderick proceeding? What us the deadline for replying? I want to reply.

Thanks,
Neil McEvoy

■

From: Standards Commissioner
Sent: Wednesday 24 July, 16:21
Subject: Correspondence from the Standards Commissioner
To: McEvoy, Neil (Aelod Cynulliad | Assembly Member)

Dear Neil,

I have spoken with the Commissioner and he has asked me to inform you that he notes that you intend to reply and looks forward to hearing from you at your earliest convenience.

With regards to the basis for proceeding, the Commissioner has judged the complaint to be admissible based on the following criteria, as laid out in the Complaints Procedure;

[i.it](#) is in writing, where the complainant is unable to make a complaint in writing, facilities will be made available through the Commissioner's office so that he or she can agree the terms of a written statement.

- ii. it is about the conduct of an Assembly Member;
- iii. it is not anonymous and clearly identifies the complainant in a way which provides for further communication with him/her;
- iv. it clearly identifies the Assembly Member complained of;
- v. it is made within one year from the date when the complainant could reasonably have become aware of the conduct complained about; and
- vi. it appears that there is enough substance to justify further investigation (i.e. there is enough evidence to suggest that the conduct complained about may have taken place, and if proved might amount to a breach of any of the matters encompassed within Standing Order 22.2(i)).

If you have any queries, please do not hesitate to contact me.

Kind regards,

[REDACTED]

For Commissioner for Standards

From: McEvoy, Neil (Aelod Cynulliad | Assembly Member)

<Neil.McEvoy@assembly.wales>

Sent: 24 July 2019 22:02

To: Standards Commissioner <Standards.Commissioner@assembly.wales>

Subject: Re: Correspondence from the Standards Commissioner

Sensitivity: Confidential

Thanks. My question hasn't really been answered. What am I potentially in breach of?

What is the deadline for me replying? I would prefer a date. I am juggling priorities.

Thanks,
Neil McEvoy

From: Standards Commissioner <Standards.Commissioner@assembly.wales>

Sent: Thursday, August 1, 2019 2:10:37 PM

To: McEvoy, Neil (Aelod Cynulliad | Assembly Member)

<Neil.McEvoy@assembly.wales>

Subject: RE: Correspondence from the Standards Commissioner

Dear Neil,

Sir Roderick is aware that you will have a number of other priorities and is content for you to suggest a reasonable deadline for your response.

Many thanks,



From: McEvoy, Neil (Aelod Cynulliad | Assembly Member)

<Neil.McEvoy@assembly.wales>

Sent: 01 August 2019 22:59

To: Standards Commissioner <Standards.Commissioner@assembly.wales>

Subject: Re: Correspondence from the Standards Commissioner

Sensitivity: Confidential

I cannot reply until I know which rules I may have contravened. I have read to code and can't see any issue.

Can you point out what part of the code I may or may not have broken?

Re: SAR I stand corrected. It will be 28 days tomorrow however.

Yours sincerely,
Neil McEvoy

Neil McEvoy AM
Tŷ Hywel
National Assembly for Wales
Cardiff
CF99 1NA

5th August 2019

Dear Mr McEvoy,

Thank you for your email of 1st August 2019.

When I write to Members seeking their comments on a complaint I have received about them, there are two areas on which I anticipate a Member might like to comment.

The first is the behaviour complained about. A Member might wish to admit the conduct which is the subject of the complaint, admit it but give an explanation or justification for his/her conduct or deny it and give an alternative account. In your email of 4th July you said that I "have all the facts" and that you would be providing no further comments. From this, I understand that you admit the conduct about which Mick Antoniw AM complained. Nevertheless, as I moved to the formal investigation stage I thought, as a matter of fairness to you, that you should be given the opportunity of providing any further comments you wish to provide over and above the content of the third paragraph of the 4th July email. If, at this stage, you have any further comments to make I am, of course, prepared to consider them.

The second area on which I anticipate a Member might wish to comment is whether any alleged or admitted conduct constitutes a breach of a "relevant provision" which in effect means a breach of the Code of Conduct for Assembly Members or of the Assembly's [Dignity and Respect Policy](#) which should be read in conjunction with the Code of Conduct. I would draw your attention, in particular, to the following provisions:

1. Code of Conduct, Para 3

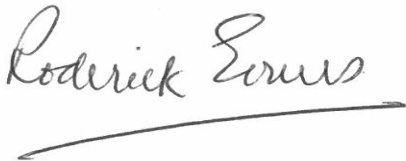
Y Pierhead
Bae Caerdydd
Caerdydd
CF99 1NA
—
Ffôn: 0300 200 6539
E-bost: Comisiynydd.Safonau@cynulliad.cymru
—
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Pierhead
Cardiff Bay
Cardiff
CF99 1NA
—
Tel: 0300 200 6539
Email: Standards.Commissioner@assembly.wales
—
We welcome correspondence in both English and Welsh

- Members should act always on their personal honour
- 2. Code of Conduct, Para 4b
Assembly 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 Assembly and refrain from any action which would bring the Assembly, or its Members generally into disrepute;
- 3. Code of Conduct, Para 4g
Holders of public office should promote and support the principles of conduct identified the Committee on Standards in Public Life by leadership and example.
- 4. The Assembly's Dignity and Respect Policy and in particular those sections which set out the aims of the policy, explain who can complain under the policy and the kind of conduct which would amount to a breach of the policy

You will understand, I am sure, that as yet I have not come to any conclusion on this complaint or whether any provision has been breached, save, of course, that the complaint is admissible. Any comments you wish to make will assist my deliberations.

Yours sincerely,

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

Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner

(Staff Comisiwn y Cynulliad | Assembly Commission Staff)

From: McEvoy, Neil (Aelod Cynulliad | Assembly Member)
Sent: 07 August 2019 16:26
To: Standards Commissioner
Subject: RE: Letter from Standards Committee

Dear Sir Roderick,

You should not take from my previous email that I admit to any 'conduct'.

The facts that you have are that Mick Antoniw publicly called me a "convicted bully" in plenary (which is clearly picked up on the television recording, should you wish to listen to it. Although he has already admitted it to you).

And the fact is that Mick Antoniw is a spineless red tory, which I informed him of privately, after he had so publicly defamed me.

You now have the facts that you are mandated to investigate and anything else would be interpretation and conjecture.

And the other fact is that I am sure you have already come to a biased conclusion against me so I see no point in wasting more of my time on this.

Good luck with your investigation.

Neil

From: Standards Commissioner
Sent: 05 August 2019 12:45
To: McEvoy, Neil (Aelod Cynulliad | Assembly Member) <Neil.McEvoy@assembly.wales>
Subject: Letter from Standards Committee

Dear Neil,

Please find attached letter from the Standards Commissioner.

Best wishes,

■

■, Office of the Standards Commissioner
■, Swyddfa'r Comisiynydd Safonau

■

████████████████████
Neil McEvoy AM
Tŷ Hywel
National Assembly for Wales
Cardiff
CF99 1NA

5 September 2019

Dear Mr McEvoy,

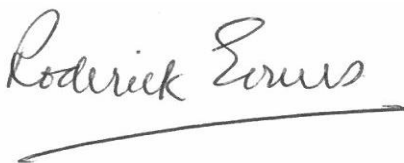
In accordance with the prescribed complaints procedure I attach a draft copy of my report into the recent complaint regarding yourself. The procedure for dealing with complaints provides you with an opportunity to comment on the factual accuracy of the report in advance of consideration by the Committee on Standards.

I would be therefore be grateful if you would consider the report for factual accuracy and let me know whether you have any comments you wish me to consider.

Please could you let me have your comments by close of business on Wednesday 11 September 2019.

If you have any queries, please do not hesitate to contact me

Yours sincerely,



Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner

ix Email dated 6th September 2019 from Neil McEvoy AM to me

From: McEvoy, Neil (Aelod Cynulliad | Assembly Member)

<Neil.McEvoy@assembly.wales>

Sent: 06 September 2019 08:20

To: Standards Commissioner <Standards.Commissioner@assembly.wales>

Cc: [REDACTED]

Subject: Re: Commissioner for Standards - Draft Formal Investigation report - Strictly

Dear Sir Roderick,

I request to see the CCTV of the whole incident. The areas in which it happened are all covered.

Yours sincerely,

Neil McEvoy

Neil McEvoy AM
Tŷ Hywel
National Assembly for Wales
Cardiff
CF99 1NA

9 September 2019

Dear Mr McEvoy,

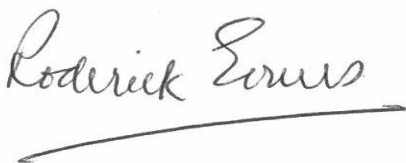
Thank you for your email.

CCTV footage is available of you and Mr Antoni making your way through the Cwrt to the Siambr on Tuesday 21st May 2019. The Commission staff who deal with the CCTV have informed me that they are content to make arrangements for you to view the footage. Please let [REDACTED] know when you would like to do so and he will ensure the arrangements are in place.

There is no CCTV footage available of events which took place inside the Siambr. It is my understanding that although there is equipment in the Siambr for broadcasting purposes, the equipment records only formal proceedings in the Siambr.

I should be grateful if you would now consider the factual accuracy of the draft report I sent you and either confirm its factual accuracy or point out any factual inaccuracies you identify.

Yours sincerely,



Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner

Y Pierhead
Bae Caerdydd
Caerdydd
CF99 1NA
—
Ffôn: 0300 200 6539
E-bost: Comisiynydd.Safonau@cynulliad.cymru
—
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Pierhead
Cardiff Bay
Cardiff
CF99 1NA
—
Tel: 0300 200 6539
Email: Standards.Commissioner@assembly.wales
—
We welcome correspondence in both English and Welsh

From: McEvoy, Neil (Aelod Cynulliad | Assembly Member)

<Neil.McEvoy@assembly.wales>

Sent: 11 September 2019 15:06

To: Standards Commissioner <Standards.Commissioner@assembly.wales>

Subject: RE: Commissioner for Standards - Letter regarding your email -

Sensitivity:

Dear Commissioner,

There are issues I wish to dispute. Had I been provided with all the information submitted prior to your report, I could have asked witnesses. I will not be seeing them until next week.

I do have observations on the whole report, which I want a full opportunity to present.

I would like a copy of the cctv sent to me digitally. I am content to view it also. When would be convenient?

Also, how many complaints have been submitted by Mick Antoniow to your office and about how many other Assembly Members. Please accept this request as a Freedom of Information Request, should you feel the need to do so.

Furthermore, what are the identities of those submitting evidence? It is more than probable that there are interests to declare. This is once again a highly political complaint, which you do not have the integrity to deal with impartially.

[REDACTED]

Yours sincerely,

Neil McEvoy

Neil McEvoy AM
Tŷ Hywel
National Assembly for Wales
Cardiff
CF99 1NA

13 September 2019

Dear Mr McEvoy,

I write in response to your email of 11th September. You raise a number of points; I shall try to deal with them all.

I have given you ample opportunity to engage with the investigation into this complaint: see my letters to you of the 11th June and 18th July 2019 (Attachments 2 and 4 to the report). Your response to the first was that I had all the facts and that you would be providing no further comments. Your response to the second was that you saw no point in wasting more of your time on this matter. (Attachments 3 and 6 to the report)

Under the procedure for the consideration of complaints you will have an opportunity to make observations, present evidence or representations to the committee. (See paragraphs 7.1-7.9 of the procedure)

As far as the CCTV is concerned, I understand that my office has already contacted you to arrange for you to view the footage. Please can you let my office know a suitable time. You are able to view the footage in its original, unedited state. However, before the footage can be released to you I am advised that it will be necessary, for data protection purposes, to pixilate out the faces of third parties who appear on the film. If, having seen the footage, you still want a digital copy of it, there will be a short delay while the pixilation exercise is carried out.

The Freedom of Information Act does not apply to my office and I am not able to comment either way as to whether complaints have been received or not. To do so would compromise the confidential nature of the complaints procedure and my function. I, therefore, refuse your request in this area.

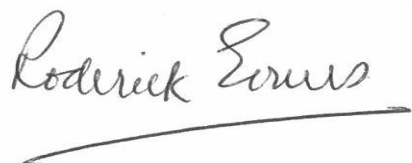
Y Pierhead
Bae Caerdydd
Caerdydd
CF99 1NA
—
Ffôn: 0300 200 6539
E-bost: Comisiynydd.Safonau@cynulliad.cymru
—
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Pierhead
Cardiff Bay
Cardiff
CF99 1NA
—
Tel: 0300 200 6539
Email: Standards.Commissioner@assembly.wales
—
We welcome correspondence in both English and Welsh

For the reasons set out in paragraph 10 of the report, I am not able to disclose the names of the witnesses whose accounts I quote in the report.

You have not identified any factual inaccuracy in my report. I shall, therefore, submit the report to the Committee. I shall, however, attach to the report our recent correspondence so that that the committee is aware that you wish to make observations and that there are issues you wish to dispute. I shall send you a copy of the final version of the report when I submit it to the committee.

Yours sincerely,

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

Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner

From: McEvoy, Neil (Aelod Cynulliad | Assembly Member)
Sent: 13 September 2019 18:16
To: Standards Commissioner
Subject: Re: Letter from Commissioner for Standards - Strictly Private and Confidential

Sensitivity:

I did want to contest the accuracy of the report. It seems you have not afforded me the opportunity.



Yours sincerely,
Neil McEvoy

Get [Outlook for Android](#)

From: Standards Commissioner <Standards.Commissioner@assembly.wales>
Sent: Friday, September 13, 2019 1:10:33 PM
To: McEvoy, Neil (Aelod Cynulliad | Assembly Member) <Neil.McEvoy@assembly.wales>
Subject: Letter from Commissioner for Standards -
Dear Neil McEvoy AM,

I attach a letter from the Commissioner for Standards, Sir Roderick Evans, regarding your recent email.

Yours sincerely,


For Commissioner for Standards


Annex B: Committee Correspondence

Sir Roderick Evans
Commissioner for Standards

8 October 2019

ASSEMBLY RESTRICTED

Formal Investigation Report: Neil McEvoy AM

Dear Commissioner,

Thank you for submitting the formal investigation report relating to the conduct of Neil McEvoy AM. The Standards of Conduct Committee has begun its consideration of the Complaint, and we would welcome written clarification with regards to the following points raised by the Member in e-mail correspondence:

- The Member alleges that he was unable to challenge the accuracy of the report – can you confirm that you provided the Member with opportunity to respond to the accuracy of the report?
- The Member suggests there are a number of witnesses he believes to be relevant to the case – can you confirm that you would have taken evidence from any relevant witness had they been identified to you?

I would be grateful for a response on these points to help the Committee in its consideration of the report.

Yours Sincerely,



Jayne Bryant
Chair



Jayne Bryant AM
Chair, Standards of Conduct Committee

9th October 2019

Dear Jayne,

Thank you for your letter dated 8th October 2019 in which you request written clarification on two points raised by Neil McEvoy AM in relation to my formal investigation report on his recent conduct. I shall respond to each point in turn.

The Member alleges that he was unable to challenge the accuracy of my report. Paragraph 24 of my report sets out the opportunities Mr McEvoy was afforded to challenge the accuracy of my report. In short, I wrote to the Member on 5th, 9th and 11th September asking him to either confirm the factual accuracy of the report or point out any factual inaccuracies. My emails and the Member's responses are contained within the annexes of my report. No factual inaccuracies were identified by the Member.

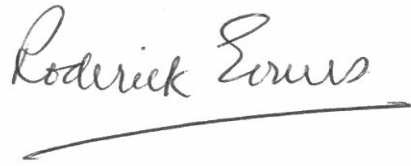
The Member suggests that there are a number of witnesses he believes to be relevant to the case. Paragraphs 7, 8 and 9 of my report refer to my attempts to engage Mr McEvoy in the investigation of this complaint. I wrote to Mr McEvoy on 11th June to inform him of the complaint and seek his comments. Mr McEvoy responded on 4th July saying I '...have all the facts'. On 18th July, I wrote to Mr McEvoy again to inform him of my decision that the complaint was admissible and to give him the opportunity to comment. On 5th August I wrote to him again asking for any comments he wished to make to assist with my deliberations. The Member's response stated 'you now have the facts that you are mandated to investigate...I see no point in wasting more of my time on this.' The correspondence between the Member and my office is included in the annexes to my report. Had Mr McEvoy identified any further relevant witnesses at any point during my investigation, I would have taken evidence from them.

Y Pierhead
Bae Caerdydd
Caerdydd
CF99 1NA
—
Ffôn: 0300 200 6539
E-bost: Comisiynydd.Safonau@cynulliad.cymru
—
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Pierhead
Cardiff Bay
Cardiff
CF99 1NA
—
Tel: 0300 200 6539
Email: Standards.Commissioner@assembly.wales
—
We welcome correspondence in both English and Welsh

Please let me know if I can be of any further assistance on this matter.

Yours sincerely,

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

Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner