

# Fourth report to the Sixth Senedd under Standing Order 22.9

June 2022



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# Fourth report to the Sixth Senedd under Standing Order 22.9

June 2022



# About the Committee

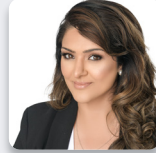
The Committee was established on 23 June 2021. Its remit can be found at:  
[www.senedd.wales/SeneddStandards](http://www.senedd.wales/SeneddStandards)

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Current Committee membership:



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



**Natasha Asghar MS**  
Welsh Conservatives



**Peredur Owen Griffiths MS**  
Plaid Cymru



**John Griffiths MS**  
Welsh Labour

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## Recommendations

**Recommendation 1.** The Committee recommends to the Senedd, in accordance with 7.12(iv) of the Procedure for Dealing with Complaints against Members of the Senedd, that a breach has been found and the Member be censured under Standing Order 22.10(i). .....Page 10

## 1. Introduction

**1.** The terms of reference of the Standards of Conduct Committee (“the Committee”) are set out in Standing Order 22<sup>1</sup>. In accordance with the 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.”<sup>2</sup>*

**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 Senedd<sup>3</sup> (“the Procedure”) in relation to a complaint made against Eluned Morgan MS.

**3.** The report from the Commissioner for Standards (“the Commissioner”) on his investigation of the complaint is attached at Annex A: Report from the Commissioner for Standards. 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 Committee’s deliberations in arriving at its decision.

**5.** A copy of this report has been provided to the Member concerned.

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<sup>1</sup> Standing Orders

<sup>2</sup> Standing Order 22.2(i)

<sup>3</sup> The Senedd’s Procedure for Dealing with Complaints Against Members of the Senedd

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## 2. Consideration of the Complaint

- 6.** The Commissioner received a complaint in relation to the conviction of Eluned Morgan MS for speeding offences.
- 7.** Eluned Morgan MS was convicted for speeding and disqualified under the “totting up” provisions of the Road Traffic Offenders Act 1988 on 17 March 2022. This matter was reported by the BBC and other media. The Complainant alleged that the Member had ‘not up-held the high standards of conduct expected of by an MS in that she repeatedly broke the UK speed limits while driving and has now been banned for 6 months by the Courts.’.
- 8.** The Commissioner, in his report, considered the following rules from the Code of Conduct as the most relevant:

*“ Rule 1*

*Members must uphold the Overarching Principles.’*

*Amongst the Overarching Principles are –*

*‘ Integrity*

*Members must not place themselves under any financial or other obligation to outside individual or organisations that might influence them in the performance of their official duties. Members must at all times conduct themselves in a manner which will not undermine the public’s trust and confidence on the integrity of the Senedd and refrain from any action which would bring the Senedd or its Members generally, into disrepute.*

*Leadership*

*Members must promote and support these Principles by leadership, and be willing to challenge poor behaviour wherever it occurs.*

*Rule 3*

*Members must not act or behave in a manner which brings the Senedd or its Members generally, into disrepute.’”<sup>4</sup>*

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<sup>4</sup> Extract from Commissioner’s report, para 2

**9.** The Committee during its deliberations also noted the provisions of Rule 5 of the Code of Conduct which states:

*'Members must uphold the criminal law. A Member will be regarded as having failed to uphold the criminal law only if they are convicted of, or admit formally, an offence.'*<sup>5</sup>

**10.** The Committee met on 10, 16 and 24 May 2022 to consider and reach its conclusion in respect of this complaint.

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<sup>5</sup> Code of Conduct for Members of the Senedd

### 3. Committee's Consideration of its Decision

- 11.** The Committee considered whether the Member was in breach of Standing Order 22.2(i).<sup>6</sup>
- 12.** In considering whether a breach took place, the Committee reviewed the findings of the Commissioner as set out in his report. The Committee also received written representations from the Member involved and took oral evidence from the Commissioner.
- 13.** Eluned Morgan MS did not avail herself of the opportunity to make oral representations to the Committee.

#### **The Committee's Decision.**

- 14.** The Commissioner found:

*"On 17 March 2022 at Mold magistrates Court Mrs Morgan pleaded guilty to speeding contrary to section 81 of the Road Traffic Regulation Act 1984. Having had regard to her convictions on 26 September 2019, 30 June 2020 and 24 April 2021 she was fined £800 and disqualified from holding or obtaining a driving licence for six months."*<sup>7</sup>

- 15.** The Committee noted the dates of the three previous offences, which led ultimately to the Member being brought before the Court on 17 March 2022.
- 16.** The Committee sought clarification on the terminology used in the Commissioner's report referring to previous convictions. The Committee noted that this occasion was the first conviction, unlike the three previous incidents, which were classed as offences.
- 17.** The Committee noted Eluned Morgan MS was a Minister at the time of the conviction, and sought clarification from the Commissioner in oral session about how he established the complaint should fall to be considered under the Members' Code of Conduct rather than being a matter for consideration under the Ministerial Code<sup>8</sup>, and therefore outside of the purview of the Commissioner for Standards.

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<sup>6</sup> Standing order 22.2(i)

<sup>7</sup> Report from Commissioner for Standards, para 4.1

<sup>8</sup> The Welsh Government Ministerial Code is a code which sets out expectations on how Ministers should act when undertaking Ministerial duties. It applies when a Member is acting exclusively in their capacity as First Minister, a Welsh Minister or as Counsel General – at all other times the Code of Conduct for Members of the Senedd applies. The Ministerial Code is overseen by the First Minister, who can refer matters to an independent adviser

**18.** The Commissioner explained that the Member was informed of the Complaint and invited to make representations about the admissibility of it, and that she did not challenge admissibility on any grounds. The Commissioner stated that he did not consider it a matter for him to actively pursue potential exemptions to admissibility, but for the Member to make representations on their own account where relevant.

**19.** The Committee considered the Commissioner's findings and conclusions, and agreed that breaches of the Code of Conduct identified by the Commissioner had occurred.

**20.** During the oral session with the Commissioner, he was also asked whether he had considered if the Member had breached Rule 5 of the Code to uphold the criminal law. The Commissioner confirmed that this was self-evidently the case and apologised for the omission of a reference to Rule 5 in the report. The Committee accordingly finds that the Member breached Rule 5 in addition to the breaches identified in the Commissioner's report.

The Committee finds that Eluned Morgan breached Rules one, three and five of the Code of Conduct.

### **Committee's recommendation**

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

**22.** Receiving a driving ban and the associated fine for speeding offences is a serious matter. The number of offences over a relatively short period of time, which led to this conviction, shows a pattern of behaviour that is below the standard expected of a Member of the Senedd.

**23.** In reaching its decision, the Committee took account of the fact that the Member had pleaded guilty to the offence and had already been sentenced by the Court. The Committee also took into account that the Member concerned had apologised to the First Minister, the Llywydd and the Committee for her conduct.

**24.** Taking these considerations into account, the Committee considers the actions of the Member to be worthy of censure. The Committee further considers that the motion of censure will offer an opportunity for the Member to apologise for her conduct to the Senedd as a whole.

**Recommendation 1.** The Committee recommends to the Senedd, in accordance with 7.12(iv) of the Procedure for Dealing with Complaints against Members of the Senedd, that a breach has been found and the Member be censured under Standing Order 22.10(i).

## 4. Lessons learnt from this complaint

**25.** A number of other matters arose during the consideration of this complaint, which the Committee thinks appropriate to note “as matters of principle relating to the conduct of Members generally”<sup>9</sup> to inform the future handling of complaints of this nature and for the future guidance of Members.

### Leaking of Commissioner’s report to the media

**26.** It is a matter of regret to the Committee that the Commissioner’s report was released to the media before the Committee stage of the procedure had been commenced. The Committee noted representations from the Commissioner that the risk of information being ‘leaked’ to the media could be reduced significantly by providing the complainant with only the ‘facts established’ section of the Commissioner’s draft report rather than the whole report.

**27.** The Committee will consider this matter further and the Commissioner’s suggestion, and seek to address it through the new Procedure for Dealing with Complaints Against Members of the Senedd which the Committee is in the process of reviewing.

### Dealing with a Complaint about a Minister

**28.** The Committee notes this was the first admissible complaint about a Member of the Senedd who was also a serving Minister at the time of breaching the Code of Conduct.

**29.** The Code of Conduct states it “applies to Members holding the public office of a Member of the Senedd at all times, including in Members’ personal and private lives.”<sup>10</sup>

**30.** The only exceptions to this are during Senedd proceedings where the Llywydd or Committee Chair has authority and in relation to Ministerial duties. The Code states it “does not apply: when a Member is acting exclusively in their capacity as First Minister, a Welsh Minister or as Counsel General and their conduct is governed by the Welsh Ministerial Code as defined in section 8(2)9(a) of the Measure.”<sup>11</sup>

**31.** This complaint serves as a reminder to all Members that the Code of Conduct applies at all times including in personal and private lives – except for the exceptions outlined above.

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<sup>9</sup> Standing Order 22.2(ii)

<sup>10</sup> Code of Conduct, Para 6.

<sup>11</sup> Code of Conduct, Para 7.

## Reporting Offences to the Commissioner for Standards

**32.** The Committee notes the comments in the Commissioners report that in his view it ‘...would be good practice and in line with the Transparency Principle of the Code for Members to inform the Commissioner of their conviction for any offence.’

**33.** The Committee notes that, as matters currently stand, a Member can inform the Commissioner of a conviction or other penalty or sanction without referring themselves. In such instances, under the Commissioner for Standards Measure, the Commissioner cannot take any action unless a third party complains about the matter, or the Member changes their stance from simply informing the Commissioner to making a self-referral of their conduct.

**34.** The Committee has previously noted that the position of the Senedd is inconsistent with other UK legislatures which allow their standards watchdogs to initiate complaints themselves when they become aware of matters that may amount to a breach of the prescribed standards of conduct.

**35.** The Committee sought the Commissioner’s views on what type of matters he would expect to be notified of by a Member. Based on that discussion, the Committee’s advice to Members is to:

- note the Commissioner’s comments above about the Transparency principle and the need to inform him of convictions;
- in relation to any other matters involving a penalty or sanction, or that are otherwise of a nature, that might potentially breach the Code of Conduct, to exercise common sense judgement in deciding whether to inform the Commissioner, and
- bear in mind that it is likely to be to the credit of the Member if a matter becomes the subject of a complaint that they had previously taken steps to inform the Commissioner of the circumstances.

# Annex A: Report from the Commissioner for Standards

**STANDARDS CONFIDENTIAL**

**REPORT**

by

**THE SENEDD COMMISSIONER FOR STANDARDS**

**on a complaint against**

**ELUNED MORGAN MS**

**STANDARDS CONFIDENTIAL**

## STANDARDS CONFIDENTIAL

### 1. INTRODUCTION

- 1.1 On 17 March 2022 Mrs Morgan was convicted for speeding and disqualification under the ‘totting up provisions’ of the Road Traffic Offenders Act 1988 was reported by the BBC and other media.
- 1.2 On 22 March Mrs Morgan sent me an email informing me of her conviction. She told me that she had pleaded guilty to the speeding offence and publically apologised for it. She also said that she had apologised both to the first Minister and the Llywydd. In her email to me of 24 March she made clear that she was not referring herself to me for investigation but simply drawing my attention to her conviction.
- 1.3 On 24 March 2022 ██████████ submitted a complaint to me alleging that she had ‘not up-held the high standards of conduct expected of by an MS in that she repeatedly broke the UK speed limits while driving and has now been banned for 6 months by the Courts.’<sup>1</sup> He also questioned her suitability to hold Ministerial office.
- 1.4 On 28 March 2022, having obtained ██████████’s agreement, I provided Mrs Morgan with a copy of the complaint and afforded her an opportunity, of which she did not avail, to make representations to me regarding its admissibility. In my letter I told her that she need not concern herself with those parts of the complaint that alleged a breach of the Ministerial Code of Conduct as I had no jurisdiction to consider them.
- 1.5 On 6 April I advised ██████████ and Mrs Morgan that the complaint was admissible insofar as it related to an alleged breach of the Code of Conduct for Members of the Senedd (“The Code”) and that I had commenced my formal investigation of it.
- 1.6 This is my report of that brief investigation.
- 1.7 ██████████ and Mrs Morgan were provided with a copy of the draft of this report and afforded an opportunity to comment on any matter of factual accuracy. ██████████ submitted comments on 8 April none of which related to the factual accuracy of the draft.<sup>2</sup> Mrs Morgan advised me that she had no factual accuracy comments to make. They have today been provided with a copy of this report.
- 1.8 The documents I have relied upon are at Appendix 1. Footnote references are provided where appropriate.

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<sup>1</sup> Document 1

<sup>2</sup> Documents 6 & 7



## **STANDARDS CONFIDENTIAL**

### **2. RELEVANT CODE PROVISIONS**

The most relevant provisions of the Code are as follows –

**“Rule 1** Members must uphold the Overarching Principles.”

Amongst the Overarching Principles are –

#### **“Integrity**

Members must not place themselves under any financial or other obligation to outside individual or organisations that might influence them in the performance of their official duties. Members must at all times conduct themselves in a manner which will not undermine the public’s trust and confidence on the integrity of the Senedd and refrain from any action which would bring the Senedd or its Members generally, into disrepute.”

#### **“Leadership**

Members must promote and support these Principles by leadership, and be willing to challenge poor behaviour wherever it occurs.”

**“Rule 3** Members must not act or behave in a manner which brings the Senedd or its Members generally, into disrepute.”

### **3. THE INVESTIGATION**

In my letter of 6 April I asked Mrs Morgan to provide information about her driving record which she did by return. I reviewed the media coverage of her court appearance. I did not consider any further investigation necessary.

### **4. FACT ESTABLISHED**

4.1 On 17 March 2022 at Mold magistrates Court Mrs Morgan pleaded guilty to speeding contrary to section 81 of the Road Traffic Regulation Act 1984.<sup>3</sup> Having had regard to her convictions on 26 September 2019, 30 June 2020 and 24 April 2021 she was fined £800 and disqualified from holding or obtaining a driving licence for six months.<sup>4</sup>

4.2 Her conviction received widespread media coverage.<sup>5</sup>

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<sup>3</sup> Documents 2 & 3 – the date of 17 June 2021 for the last conviction in Document 3 is plainly incorrect

<sup>4</sup> Document 3

<sup>5</sup> For example Document 2

## STANDARDS CONFIDENTIAL

4.3 Mrs Morgan made a public apology for her conduct and has also apologised for it to the First Minister and the Llywydd.<sup>6</sup>

4.4 Although Mrs Morgan informed me of her conviction she did not refer herself to me for investigation.<sup>7</sup>

### 5.0 CONSIDERATION

I do not subscribe to the view that any conviction of a Member for a criminal offence is a breach of the Code of Conduct. Rather I believe that each complaint must be looked at in context having regard to the gravity of the offence. Whilst it might be that a single conviction for, for example, not having a TV licence, would not constitute a breach, a single conviction for speeding at a grossly excessive speed might do so. Previous complaints arising from criminal convictions have all involved serious offences (drunk driving,<sup>8</sup> failure to provide a specimen of breath<sup>9</sup> and contempt of court<sup>10</sup>) and all have been found to constitute a breach of the Code. Although some would regard the offence in the present complaint as not being particularly serious, when taken along with the three previous convictions for the same offence it demonstrates a disregard for the law and a failure to take action to avoid repetition of unlawful conduct. I am satisfied that Mrs Morgan's conduct did, as ██████████ asserted not up-hold "the high standards of conduct expected of by an MS" and that it did breach the Integrity Principle. The conduct set a very poor example to others. I am satisfied that it breached the Leadership Principle. It follows that I am satisfied that it breached both Rule 1 and Rule 3.

### 6.0 MATTERS OF GENERAL PRINCIPLE

6,1 Despite the facts that Mrs Morgan's conviction was reported in the media and that she informed me of it I was powerless to take any action until ██████████'s complaint was received. During the Fifth Senedd I was aware of media reports of alleged conduct by a then Member which, if proved, would have constituted a breach of the Code. However, because I received no complaint about it I was powerless to take any action. Both the Parliamentary Commissioner for Standards and the Northern Ireland Assembly Commissioner for Standards have power to initiate an investigation without the need for a complaint. I believe that consideration should be given to amending the National Assembly for Wales Commissioner for Standards

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<sup>66</sup> Documents 2, 3 & 4

<sup>7</sup> Document 5

<sup>8</sup> <https://standardscommissionerwales.org/wp-content/uploads/2019/01/Report-01-13-to-the-Assembly-under-Standing-Order-22.9-March-2013-Bethan-Jenkins-AM.pdf>

<sup>9</sup> <http://www.assembly.wales/laid%20documents/cr-ld11651/cr-ld11651-e.pdf>

<sup>10</sup> <https://senedd.wales/media/bazd1kfj/cr-ld14237-e.pdf>

## **STANDARDS CONFIDENTIAL**

Measure 2009 to confer an equivalent power on the Senedd Commissioner for Standards.

- 6,2 Whilst I welcome the fact that Mrs Morgan notified me of her latest conviction I note that she did not inform the Commissioner of any of her three previous convictions. Although she was under no duty to do so I believe it would be good practice and in line with the Transparency Principle of the Code for Members to inform the Commissioner of their conviction for any offence. If the Commissioner is empowered to initiate an investigation without a complaint consideration should be given to revising the Code to include a rule requiring Members to report any conviction to the Commissioner.

**DOUGLAS BAIN CBE TD**

Senedd Commissioner for Standards

25 April 2022

**STANDARDS CONFIDENTIAL**

<b>Document No</b>	<b>Subject</b>
1	Complaint
2	BBC report 17 March 2022
3	Email Morgan – Commissioner 6 April 2022
4	Email Morgan – Commissioner 22 March 2022
5	Email Morgan – Commissioner 24 March 2022
6	Email [REDACTED] – Commissioner 8 April 2022
7	Letter Commissioner – [REDACTED] 8 April 2022

**From:** [REDACTED]  
**Sent:** 24 March 2022 14:16  
**To:** Standards Commissioner <Standards.Commissioner@senedd.wales>  
**Subject:** Formal Complaint into the conduct of Eluned Morgan MS (Current Health Minister)

To: The Standards Commissioner Welsh Senedd

Reference; Complaint into the conduct and honesty of Eluned Morgan MS

May I complain that Eluned Morgan has not up-held the high standards expected by a MS in that she repeatedly broke the UK speed limits while driving and has now been banned for 6 Months by the Courts.

Also, during previous speeding convictions it was not made clear that Eluned Morgan was being recompensed for driving via Senedd Expenses, thus she was representing the Senedd and her actions are even more serious.

The Welsh Government have proposed a 20mph speed limit on restricted roads across Wales. Eluned Morgans actions in not being able to drive within the current higher speed limits calls into question the integrity and honesty of the Welsh Government she is part of, as such she should resign as a minister.

Considering Eluned Morgan is the current Health Minister, her actions and lack of clarity in connection with this driving ban calls into question her being fit to hold ministerial office in the Welsh Government.

Her statement in relation to the ban was both brief and lacking in respect for the Welsh voting public.

These actions are at odds with the Welsh Senedd Ministerial Code's 'Seven Principles of Public Life'

Namely; Honesty, Integrity, Openness and Leadership.

Further more, Eluned Morgan's actions will necessitate the sole use of a shared ministerial car, while the six month driving ban is in force.

Thus necessitating further tax payer costs.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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## Driving ban for Welsh Health Minister Eluned Morgan for speeding

17 March



GETTY IMAGES

Eluned Morgan has been health and social services minister since May 2021

Welsh Health Minister Eluned Morgan has been disqualified from driving for six months.

Ms Morgan received the ban for accumulating too many points on her licence after speeding on a 30mph road in Wrexham.

In a statement, she said she had pleaded guilty to a speeding charge and accepted the court's punishment.

"This is not something I am proud of and I apologise unreservedly," she said.

Ms Morgan, Labour **Member of the Senedd** for Mid and West Wales, was disqualified at Mold Magistrates' Court on Wednesday.

- [More 20mph speed zones on way for roads in Wales](#)
- [More 50mph zones could be on way for Welsh roads](#)

She was appointed health and social services minister after last year's Senedd election and was minister for international relations and the Welsh language for the previous two-and-a-half years.

As health minister during the pandemic she has had a high profile, regularly hosting Welsh government Covid briefings and doing rounds of media interviews.

The minister is also a member of the House of Lords, with the formal title Baroness Morgan, and was a member of the European Parliament between 1994 and 2009.

**From:** Morgan, Eluned (Aelod o'r Senedd | Member of the Senedd) <Eluned.Morgan@senedd.wales>  
**Sent:** 06 April 2022 17:12  
**To:** Standards Commissioner <Standards.Commissioner@senedd.wales>  
**Cc:** [REDACTED] Name of support staff  
**Subject:** Response to e mail of 6th April

Dear Douglas Bain ,

First of all may I apologise for not having responded to your letter of 28<sup>th</sup> March. I am afraid that my office staff did not register the e mail as it had gone into the junk folder in e mail. I would of course have responded to you earlier had I known that you had written.

In response to your questions:

The penalty points I have accrued are as follows.

1. 26<sup>th</sup> Sept 2019, [REDACTED] Fixed Penalty ([REDACTED]), 3 points
2. 30<sup>th</sup> June 2020 Name unavailable , 3 points
3. 24<sup>th</sup> April 2021 [REDACTED] Fixed Penalty ([REDACTED]), 3 points
4. 17<sup>th</sup> June 2021 Mold Magistrates Court £800 fine plus disqualification

As you are aware, I have offered a public apology, and I did not challenge nor appeal the proposed disqualification and I pleaded guilty for speeding. I have been open and honest with the public in terms of my conviction, and I have accepted my punishment with integrity and dignity.

I only make use of a Ministerial car if I am travelling to the Senedd or to make visits in my capacity as a minister in the government.

As you are aware I referred my actions to the First Minister who has accepted my apology, I also informed both you and the Llywydd of my situation in advance of any complaint.

Your sincerely

Eluned Morgan

**From:** Morgan, Eluned (Aelod o'r Senedd | Member of the Senedd) <Eluned.Morgan@senedd.wales>  
**Sent:** 22 March 2022 16:07  
**To:** Standards Commissioner <Standards.Commissioner@senedd.wales>  
**Subject:** I wish to refer myself to the commissioner

Dear Commissioner,

I am afraid that last week I received notice that I have been suspended from driving for a period of six months following multiple speeding fines. I have apologised publicly for this offence. I did not contest the charge and I pleaded guilty. I have fully accepted the judgement of the court.

I have apologised to the First Minister in my role as Minister for Health who has not condoned the actions but has stated that he does not believe that any further action is required. I have also apologised to the Llywydd. I am now anxious to ensure that you are aware of my situation as Standards Commissioner for the Senedd.

Yours sincerely

Eluned Morgan  
Senedd Member for Mid and West Wales



**From:** Morgan, Eluned (Aelod o'r Senedd | Member of the Senedd) <Eluned.Morgan@senedd.wales>  
**Sent:** 24 March 2022 16:56  
**To:** Standards Commissioner <Standards.Commissioner@senedd.wales>  
**Cc:** Llywydd (Senedd) <LlywyddSenedd@senedd.wales>  
**Subject:** Drawing your attention to my driving suspension

Dear Sir,

Thank you for responding to my e mail where I drew your attention to the fact that I have recently been suspended from driving for a period of six months following repeated speeding fines. As I explained in my previous e mail I have apologised to the First Minister and the Llywydd for my actions and I pleaded guilty to the offence.

I was anxious to ensure that you as Standards Commissioner were aware of this situation. I was not referring myself to you for investigation, but simply drawing your attention to the driving suspension out of courtesy for your role and position.

Your sincerely

Eluned Morgan

**From:** [REDACTED]  
**Sent:** 08 April 2022 11:53  
**To:** Standards Commissioner <Standards.Commissioner@senedd.wales>  
**Subject:** Re: Letter and draft report from Commissioner for Standards - Standards Confidential

Good Morning [REDACTED],

Many thanks for the draft report.

Part of my original complaint not as yet addressed was, that Eluned Morgan claimed expenses for Car Mileage on the date of one of her previous speeding convictions. (26th September 2019, see below)

Thus she was driving while being recompensed by the Senedd. She should therefore have told her de-facto 'employer' (The Senedd) that a speeding offense was committed while being recompensed for driving, as her 'employer' would have a 'duty of care' under UK Health and Safety law.

I note that Eluned Morgan failed to notify the Commissioner of this previous speeding conviction, thus calling into question her overall character and suitability to be a MS (let alone a Minister)

Regards,

[REDACTED]

Draft report typo:

5.0 Consideration

It follows that I am satisfied that *in* breached both Rule 1 and Rule 3.

By email - [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date 8 April 2022

Dear [REDACTED],

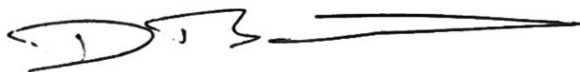
### Your complaint against Eluned Morgan MS

Thank you for your email of 8 April and for pointing out the typo in paragraph 5.0 of my draft report. As the comments in your email do not relate to the factual accuracy of the draft they will not result in any change to it other than a revision of paragraph 1.7 and the addition of your email and this response in Appendix 1.

Your assertion that at the time of the offence of which she was convicted on 21 March 2019 Mrs Morgan was a de facto employee of the Senedd is simply wrong as a matter of law. So too is your assertion that she was under a duty to report her conviction to the Senedd. Further, and in any event to be admissible, a complaint must be made within twelve months of the date on which the complainant could reasonably have become aware of the conduct complained of. Finally, there is no evidence that has been provided that at the time of the offence, not the conviction, Mrs Morgan was in receipt of mileage allowance.

I will send you a copy of my final report shortly after 15 April or sooner if I receive comments from Mrs Morgan before that date.

Yours sincerely,



**Douglas Bain CBE TD**

**Y Comisiynydd Safonau/Standards Commissioner**

Y Pierhead  
Bae Caerdydd  
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We welcome correspondence in both English and Welsh

## Annex B: Apology from Eluned Morgan MS

Annwyl Gadeirydd

I would like to make the following representations to the Standards Committee following its receipt of a report from the Standards Commissioner regarding a complaint made against me.

I have accepted the factual description of the events as outlined by the Commissioner in his report.

I have apologised unreservedly and have made it clear that I am not at all proud of the fact that I am now disqualified from driving for six months and I have been fined a significant sum as a result of speeding under the totting up provisions of the Road Traffic Offenders Act 1988. I deeply regret my actions and the Commissioner has recognised this in paragraph 4.3 noting that I apologised to the First Minister and to the Llywydd. I also issued a statement upon my conviction and disqualification. I would now like to extend that apology to members of the Standards Committee and to Members of the Senedd.

As members of the Committee will note in paragraph 1.2 I e-mailed the Commissioner to inform him of my conviction.

Members will be aware that I have already received considerable public scrutiny over the matter including significant media interest, and it is very regrettable that a copy of the Standards Commission report was leaked before members of the Standards Committee have had the opportunity to digest and consider the Commissioners report under the process set out formally.

I would like to make it clear that I did not contest the charge, and I fully accept the judgement of the court and I have accepted responsibility for my actions at the outset and throughout this process.

I hope that members will accept my contrition, my remorse and my sincere apology.

Yours sincerely

Eluned Morgan