

Report 01-19 to the Assembly under Standing Order 22.9

April 2019



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April 2019



About the Committee

The Committee was established on 28 June 2016. Its remit can be found at:
www.assembly.wales/SeneddStandards

Committee Chair:



Jayne Bryant AM
Welsh Labour
Newport West

Current Committee membership:



Gareth Bennett AM *
UKIP Wales
South Wales Central



Andrew RT Davies AM
Welsh Conservatives
South Wales Central



Helen Mary Jones AM
Plaid Cymru
Mid and West Wales

* Did not participate in any of the considerations of the complaint

David Rowlands AM attended the Committee meetings on 6, 12 and 19 March 2019 as the alternate UKIP Member.

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Recommendations

Recommendation 1. The unanimous decision of the Committee is to recommend to the Assembly, in accordance with 7.12(vii) of the Procedure for Dealing with Complaints against Assembly Members, that a breach has been found and that Gareth Bennett AM should be sanctioned under Standing Order 22.10 (i) and (iii). The Committee agreed that the Member should be censured and excluded from Assembly proceedings for the period of seven calendar days commencing on the first day of the Assembly term after recess (29 April 2019) Page 9

Recommendation 2. The Committee recommends that Gareth Bennett AM is removed from the Standards of Conduct Committee and not re-nominated for this or another Committee responsible for upholding standards of conduct for Members of the National Assembly for Wales during the fifth Assembly Page 9

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 Assembly under Standing Order 22.9 and paragraph 8.1 of the Procedure for Dealing with Complaints against Assembly Members³ (the Procedure), in relation to a complaint made against Gareth Bennett AM.

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

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

The Acting Commissioner

5. The National Assembly for Wales agreed on 7 November to appoint an Acting Commissioner (Douglas Bain CBE TD Advocate) to deal with complaints relating to a video made by Gareth Bennett AM.

6. This appointment was made at the request of the Commissioner for Standards, who considered himself unable to act in this case.

7. The provision to appoint an acting Commissioner is set out in the National Assembly for Wales Commissioner for Standards Measure 2009.

8. The terms and conditions for the appointment of Mr Bain were set out in the motion to appoint him.

¹ The National Assembly for Wales, Standing Orders

² Standing Order 22.2(i)

³ The National Assembly for Wales’ Procedure for Dealing with Complaints Against Assembly Members

2. Consideration of the Complaint

9. The complaints alleged that the Member concerned failed to comply with paragraph 4 (b) , which states:

“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.

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. Members should not ask Assembly Commission or Welsh Government staff to act in any way which would compromise the political impartiality of the Civil Service and/or Assembly Commission staff or conflict with the Civil Service Code and/or the Assembly Commission Staff Code of Conduct.”⁴

And the Assembly’s Dignity and Respect Policy, which was approved in Plenary on 16 May 2018.

10. A number of requests were made asking the Commissioner for Standards to review his decision not to formally investigate a complaint by Joyce Watson AM against Gareth Bennett AM.

11. The Acting Commissioner found that Mr Bennett made a video entitled “The rabid dogs of Brexit” which was 6 minutes 21 seconds in length of which the Commissioner considered:

“...approximately 45 seconds is a critique of the Labour Party: the remainder of time focusses on Mrs Watson.”

12. During his investigation, the Acting Commissioner met with Gareth Bennett AM, the three complainants and Joyce Watson AM as the subject of the video. The signed statements of the interviews with the complainants and Joyce Watson AM are appended to the Acting Commissioner’s report, along with the transcripts from the two interviews held with Gareth Bennett AM.

⁴ National Assembly for Wales, Code of Conduct for Assembly Members and Associated Documents (May 2016)

13. The Committee observed that the statement from Joyce Watson AM reflected on the impact that the video had had on her family. We believe that this wider impact is of significance, as it takes this video well outside the parameters of political debate.

14. The Committee received additional written information from Gareth Bennett AM on 5 March 2019 in accordance with the provision in the Procedure for Dealing with Complaints against Assembly Members. (Annex B)

15. The Committee met on Wednesday 6 March, Tuesday 12 March and Tuesday 19 March 2019 to reach its conclusion in respect of this complaint.

Committee's Consideration of its Decision

16. The Committee considered whether the Member was in breach of Standing Order 22.2(i).⁵

17. In considering whether a breach took place the Committee reviewed the information within the Acting Commissioner's report and the Acting Commissioner's opinion that a breach had taken place alongside the written representation from Gareth Bennett AM.

18. The Committee noted that the Member does not consider his actions in this instance to be a breach of the code of conduct or the Assembly's dignity and respect policy and did not offer any apology for the distress that the video caused to Joyce Watson AM.

Having reviewed the report from the Acting Commissioner for Standards the Committee finds that a breach of the Code of Conduct has taken place by Gareth Bennett AM in relation to paragraph 4 (b) of the Code of Conduct and the Dignity and Respect Policy.

Committee's Recommendation – Sanctions available.

19. The Committee considers that a breach by any Assembly Member is a serious matter. The reputation of the National Assembly for Wales as an institution, and the public's trust and confidence in it, rely upon Members demonstrating integrity and leadership by their actions.

20. The Committee agreed that the content and imagery of this video as described in finding 7 and 8 of the Acting Commissioner's report was

⁵ Standing Order 22.2(i)

unacceptable and a severe breach of the Code of Conduct. As Assembly Members, we have a responsibility to set an example on how to behave with dignity and respect to all of society, and this video falls well below the standards expected.

21. In coming to its decision on what sanction to recommend, the Committee took account of the considerations outlined in paragraph 7.13 of the procedure for dealing with complaints against Assembly Members and reached a unanimous decision.

22. The Committee notes that Gareth Bennett AM left an interview with the Acting Commissioner before the questioning had been completed. The result of which was that the Acting Commissioner had to make a return visit to Cardiff to re-interview Gareth Bennett AM. The Acting Commissioner reported:

“That failure to co-operate delayed submission of this report by more than a month and increased the cost of the investigation by more than £500.”

As such the Committee would invite Gareth Bennett AM to consider repaying the expense of £500 which was incurred by what the Acting Commissioner considered to be a “wilful failure to cooperate”.

23. The Committee believes, given the position of Gareth Bennett AM in relation to this Complaint, and his seeming lack of contrition, that his position as a Member of the Standards of Conduct Committee is unviable. In a climate where we are trying to ensure everybody feels empowered to come forward and raise issues and concerns about inappropriate behaviour, we do not believe his continuing membership of this Committee, for the duration of this Assembly, is appropriate.

Recommendation 1. The unanimous decision of the Committee is to recommend to the Assembly, in accordance with 7.12(vii) of the Procedure for Dealing with Complaints against Assembly Members, that a breach has been found and that Gareth Bennett AM should be sanctioned under Standing Order 22.10 (i) and (iii). The Committee agreed that the Member should be censured and excluded from Assembly proceedings for the period of seven calendar days commencing on the first day of the Assembly term after recess (29 April 2019).

Recommendation 2. The Committee recommends that Gareth Bennett AM is removed from the Standards of Conduct Committee and not re-nominated for

this or another Committee responsible for upholding standards of conduct for Members of the National Assembly for Wales during the fifth Assembly.

24. 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.⁶

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

Other matters arising from this complaint

26. The Committee notes that the Commissioner for Standards utilised the provision for appointing an Acting Commissioner as set out in the Measure, as he felt unable to act further in cases relating to the video made by Gareth Bennett relating to Joyce Watson AM. This is the first time that this provision has been used, and the Committee considers it was appropriate to do so in this instance where the Commissioner felt unable to act.

27. The Acting Commissioner made several observations on the Code of Conduct and Procedure for Dealing with Complaints against Assembly Members (section 7 of his report). The Committee will consider these as part of our wider work on implementing the dignity and respect agenda set out in our report "Creating the Right Culture".

⁶ The National Assembly for Wales' Procedure for Dealing with Complaints Against Assembly Members

Annex A: Report from the Acting Commissioner for Standards

FORMAL INVESTIGATION REPORT

by

**THE ACTING COMMISSIONER FOR
STANDARDS**

on complaints by

**JULIE MORGAN AM, JENNY RATHBONE
AM and VAUGHAN GETHING AM**

against

GARETH BENNETT AM

1. INTRODUCTION

- 1.1. This is the report of my formal investigation of the complaints against Gareth Bennett AM by Julie Morgan AM, Jenny Rathbone AM and Vaughan Gething AM. All three complaints were about a video about Joyce Watson AM that Mr Bennett had published on social media.
- 1.2. The main points of the evidence considered are identified in the report with footnote references to the primary, but not every, place where the original material can be found.¹

2. THE COMPLAINTS

- 2.1. On 28 September and 1 October 2018 the Commissioner for Standards received emails from Julie Morgan AM², Jenny Rathbone AM³ and Vaughan Gething AM⁴ seeking a review of his decision not to formally investigate a complaint by Joyce Watson AM⁵ against Gareth Bennett AM. That complaint related to the content of a video he had posted on social media.
- 2.2. Jenny Rathbone's complaint was that that the comments made in the video about Mrs Watson's physical appearance and the implicit sexual innuendo were sexist and demeaning and fell below the standards of conduct required of Members.
- 2.3. Julie Morgan's complained that the video was sexist, '*very offensive and insulting to all female AM's*' and that it brought the Assembly into disrepute.

¹ Personal details have been redacted where appropriate

² Document 1

³ Document 2

⁴ Document 3

⁵ Document 4

- 2.4. Vaughan Gething's complaint was that the video was *'transparently sexist', 'the buxom barmaid imagery was plainly meant to belittle and offend'* and *'the reference to not popping on for 'a quick one' reinforces the sexist message with the use of double entendre'*. He described the contents of the video as *'offensive'* and alleged that Mr Bennett's conduct in publishing it was inconsistent with the Assembly's Dignity and Respect Policy.
- 2.5. The Commissioner decided that these emails should be treated as new complaints about the same subject matter but that because of his prior involvement he should recuse himself from consideration of them.
- 2.6. On 7 November I was appointed as Acting Commissioner for Standards to consider these three complaints.

3. PRELIMINARY INVESTIGATION

- 3.1. I was provided with the three new complaints together with Mrs Watson's complaint and documents related to it.
- 3.2. On 8 November 2018 I wrote to Mr Bennett affording him the opportunity to furnish me with any further documents or material he considered relevant to my decision on the admissibility of the new complaints. He did not avail of that opportunity.
- 3.3. The same day I wrote to the three complainants affording each of them the same opportunity and asking whether they were content that I disclose their identity to Mr Bennett. All agreed to disclosure of their identity but did not furnish me with any additional documents or material.

3.4. On 20 November, having considered the information then available to me, I decided that all the complaints were admissible. That day I wrote to Mr Bennett and all the complainants informing them of my decision and asking them to contact the Commissioner's Office to agree a mutually convenient date for their interview.

4. FORMAL INVESTIGATION

4.1. As the three complaints were about the same conduct of Mr Bennett I decided to deal with them as a single investigation.

4.2. Paragraph 4.1 of the National Assembly for Wales Procedure for Dealing with Complaints against Assembly Members provides that at the Formal Investigation stage the Commissioner must investigate an *'admissible complaint with a view to:*

- I. establishing the facts in relation to whether the Member concerned has committed the conduct complained about; and*
- II. reaching a conclusion as to whether that Member has, as a result of that conduct, breached one of the matters encompassed within Standing Order 22.2(i)'.*

4.3. The matters encompassed within Standing Order 22.2(i) relevant to these complaints are –

- a. the Code of Conduct for Assembly Members ('the Code') made under Standing Order 1.10 in accordance with section 36(6) of the Government of Wales Act 2006. The Code has been in place in its present form since 2016; and

b. the National Assembly for Wales Dignity and Respect Policy ('the Policy') which was approved by the Assembly on 16 May 2018.

4.4. On 5 December 2018 I interviewed the three complainants. The following day I interviewed Mrs Watson and Mr Bennett. The dates and times of all these interviews had been agreed with the interviewees. Agreed statements were signed by Mrs Watson and the three complainants.⁶

4.5. Part-way through his interview Mr Bennett got up and walked out without offering any explanation despite having been warned that I would regard such conduct as non-cooperation with my investigation. On 11 December 2018, having given Mr Bennett written notice of my intention, I reported his wilful failure to cooperate with my investigation to the Standards of Conduct Committee in accordance with paragraph 5.1 the Procedure for Dealing with Complaints against Assembly Members. In view of his conduct I decided that any attempt to agree a statement with him was unlikely to be successful. Accordingly, a draft transcript of his interview was prepared. Mr Bennett did not avail of the opportunity afforded him to suggest changes to the draft which became the final version.⁷

4.6. Between 7 and 17 December three requests to agree a date to resume his interview were sent to and received by Mr Bennett. No substantive response was received to any of them. On 17 December Mr Bennett was informed that if a date could not be agreed I was minded to require him to attend at a specified date

⁶ Document 6 - 9

⁷ Document 10

and time during the week commencing 7 or 14 January 2019. The following day Mr Bennett, through his Staff Officer, informed me that he *'did not consider that a further meeting with the Acting Commissioner would add anything.'*⁸ I did not agree.

4.7. By notice dated 19 December 2018 under section 11(1) of the National Assembly for Wales Commissioner for Standards Measure 2009, I required Mr Bennett to attend before me to answer questions on 10 January 2019 at 11.30am. The notice was sent to Mr Bennett at his residential address by recorded delivery. Royal Mail attempted to deliver the notice on 20 December but there was no one present who would accept delivery. A note was left advising Mr Bennett where a recorded delivery package addressed to him was available for collection. By 3 January Mr Bennett had failed to collect the package. That day a copy of the notice to attend together with a covering note stating where the original notice was available for collection was hand delivered to Mr Bennett's Assembly office. The covering note also drew Mr Bennett's attention to Note 3 of the notice which set out that failure, without reasonable excuse, to attend at the time and date specified in the notice was a criminal offence. The same day a further copy of the notice to attend and the covering note was emailed to Mr Bennett at his Assembly email address. No response was received to any of these communications. By 10 January Mr Bennett had still not uplifted the original of the Notice.

4.8. On 10 January Mr Bennett attended as required and gave evidence on oath. A draft transcript of the interview was prepared

⁸ Document 22

and sent to Mr Bennett who was afforded an opportunity to suggest revisions. All the changes he sought were incorporated in the final version of the transcript.⁹

4.9. During my investigation I gave careful consideration to the video and to all the documents identified at Annex A.

5. FINDINGS OF FACT

5.1. I found the following facts established –

1. Mr Bennett has been a member of the Standards of Conduct Committee since 5 July 2017 and was fully involved in the Committee discussions which culminated in the Assembly's approval of the Policy on 16 May 2018.¹⁰ Mr Bennett voted for the resolution to approve the Policy.¹¹
2. On 17 May 2017 during a UKIP Debate on the Aid Budget Joyce Watson AM stated *'I know that they called themselves the guard dogs of Brexit, and I know that they are actually looking for a way forward, but let me just tell you, by behaving here this afternoon like rabid dogs, it isn't going to help your cause.'* Her remarks were directed at those UKIP Members who had spoken in the debate.¹² No objection was taken to her remarks.
3. On Tuesday 2 May 2018 Mrs Watson, as a member of the CCERA Committee, was scheduled to visit Westminster to meet with the counterpart committees there.¹³ On 1 May

⁹ Document 11

¹⁰ Document 10 p 2

¹¹ See Record of Proceedings 16 May 2018 paragraph 530

¹² See Record of Proceedings 17 May 2017 paragraph 542

¹³ Document 16

she advised a Committee Clerk that she would not be travelling.¹⁴ No public expenditure was incurred as a consequence of her change of plan.¹⁵

4. On the afternoon of Thursday 4 May 2018 Mr Bennett made a video entitled 'The Rabid Dogs of Brexit'¹⁶. The video is 6 minutes 21 seconds in length of which approximately 45 seconds is a critique of the Labour Party: the remainder of time focusses on Mrs Watson. Mr Bennett drafted the text and was responsible for the imagery used.¹⁷ He was the narrator.

5. The video was posted on Facebook, Twitter and YouTube by Mr Bennett's staff at about 6.45pm that day. Mr Bennett has accepted responsibility for the actions of his staff.¹⁸ Subsequently the video received coverage in the media.¹⁹

6. The introduction to the video on Mr Bennett's Facebook page was as follows – *'This is the Labour Party Assembly member (sic) who has called UKIP Wales AM's 'Rabid Dogs'. Is this the kind of person you REALLY want to represent YOU in the Welsh Assembly? Joyce Watson AM #UKIP'*. The video was tagged to the pages of the Labour Party, UKIP, UKIP Wales and Joyce Watson.

7. Close to the start of the video is the following text *'Joyce once ran a pub in Pembrokeshire but you wouldn't*

¹⁴ Document 17

¹⁵ Document 17

¹⁶ Document 10 pp 2 & 6, Document 11 p 23

¹⁷ Document 10 p 2

¹⁸ Document 10 p 3

¹⁹ See for example Documents 12 - 16

guess that from looking at her. She doesn't look like the life and soul of the party. I'm not sure I would fancy popping in for a quick one at the local if I saw her pulling pints behind the bar.'

8. The imagery supporting that text shows Mr Bennett as narrator, a head and shoulders image of Mrs Watson and then pans upwards showing the torso of a narrow waisted, heavily corseted, buxom beer maid in traditional Bavarian dress with Mrs Watson's head and shoulders superimposed.

9. The text of the video goes on to falsely accuse Mrs Watson of wasting public money by failing to attend the meetings in Westminster referred to in Finding 3.

10. The remainder of the video, which is not now the subject of any of the complaints, asserts that Mrs Watson is a hypocrite who has not in practice lived up to the high standards on equality and diversity she claims to champion and which are required of her as the Assembly Commissioner with lead responsibility in these matters. It goes on to claim that despite her hypocrisy she in fact typical of many in the Labour Party. The Labour Party is criticised on account of anti-Semitism and the relationship between its Leader and terrorists. The video ends '*Is Joyce Watson the kind of person you want representing you in Pembrokeshire and Mid and West Wales in the Welsh Assembly? Rabid dogs.*' One aspect of Mrs Watson's complaint was about the false accusation of money wasting. That apart no complaint has been made about the text or imagery of the remainder of the video.

11. The video targeted Mrs Watson because of Mr Bennett's mistaken belief that Mrs Watson had called UKIP Members '*rabid dogs*' when in fact she had asserted that they were '*behaving like rabid dogs*' and because of her championing of equality and diversity.²⁰ The trigger for making it on 4 May 2018 was Mr Bennett's erroneous belief that Mrs Watson had wasted public money by not taking part in the visit to Westminster the previous day.²¹

12. That part of the video referred to in Findings 7 and 8 caused considerable distress to Mrs Watson and her family.²² It was regarded as offensive to Mrs Watson, to female bar staff and to women in general by some who viewed it or read about it in the media, including the complainants and a number of Assembly Members who were then UKIP members.²³ Some who viewed it believed that it would tend to discourage women from entering politics or putting themselves forward for public office.²⁴

13. On 8 May 2018 Mrs Watson submitted a complaint to the Commissioner about the video Mr Bennett had posted on social media. She alleged that it '*brought the Assembly into disrepute.*'²⁵

14. On 16 May 2018 the Assembly approved the Dignity and Respect Policy. Mr Bennett voted for the resolution to approve that Policy.²⁶

²⁰ Document 11 p 6

²¹ Document 11 p 8

²² Document 6 paras 1, 3 & 5

²³ Documents 1 – 4, 6 – 9, 12, Documents 13 - 15

²⁴ Document 6 para 9, Document 7 para 6, Document 8 para 2

²⁵ Document 4

²⁶ See Record of Proceedings 16 May 2018 paragraph 530

15. Mr Bennett failed to consider whether the continued publication of his video from 16 May until 3 or 4 July 2018 was consistent with his duties under that Policy.²⁷

16. After obtaining further specification from Mrs Watson, the Commissioner informed Mr Bennett on 14 June 2018 that a complaint had been made about his video.²⁸

17. After a meeting with Mr Bennett on 3 July 2018 the Commissioner decided that the complaint was not admissible and advised Mrs Watson and Mr Bennett of his decision. Mr Bennett undertook to take down the video and to issue a corrective press release with regard to his false accusation that Mrs Watson had wasted public money.²⁹

18. On 3 or 4 July 2018 the video was taken down.³⁰

19. On 10 August Mr Bennett was elected as Leader of the UKIP Wales Group in the National Assembly for Wales.

20. On 13 August 2018 the corrective press release promised on 3 July was issued. It apologised only for the false allegation that Mrs Watson had wasted public money.³¹

21. On 28 September 2018 Julie Morgan AM wrote to the Commissioner seeking a review of his decision on Mrs Watson's complaint.³²

22. On 1 October 2018 Vaughan Gething AM and Jenny Rathbone AM each wrote to the Commissioner seeking a review of his decision on Mrs Watson's complaint.³³

²⁷ Document 11 pp 9, 13 & 20

²⁸ Document 5

²⁹ Document 23

³⁰ Document 11 p 11

³¹ Document 18

³² Document 1

23. By letters dated 3 October 2018 the Commissioner advised Mr Bennett that he intended to treat the three review requests as complaints and afforded Mr Bennett the opportunity to comment on them.³⁴

24. In his letter to the Commissioner dated 14 October 2018 Mr Bennett denied that the content of the video about Mrs Watson's appearance were offensive, that the video contained any sexual innuendo and that the superimposing of her head on the body of a buxom barmaid was offensive. He asserted that he had no intention of causing offence.³⁵

25. In that letter Mr Bennett stated that he '*did not target Mrs Watson because she was a woman*' but '*because of her utter hostility to UKIP, and the way in which she expressed her hostility.*'

26. By letter dated 24 October 2018 the Commissioner advised Mr Bennett that he intended to recuse himself from the three new complaints and seek the appointment of an Acting Commissioner to consider them.³⁶

27. At no time has Mr Bennett apologised to Mrs Watson for the text and imagery in the video outlined in Findings 7 and 8. Nor has he apologised to her for the false allegation that she wasted public money. He has made clear that he does not intend to apologise to her for anything in his video.³⁷

³³ Documents 2 & 3

³⁴ Document 19

³⁵ Document 20

³⁶ Document 21

³⁷ Document 6 para 7; Document 11 p22

6. CONSIDERATION

- 6.1. In reaching my decision on these three complaints I acknowledge that the determination of complaints of this nature is a matter on which persons may legitimately reach different decisions. I am, of course, aware that the Commissioner for Standards, without the benefit of all the facts now before me, decided that Mrs Watson's complaint about the publication of the video was not admissible. I have taken no account of that decision but rather have reached my decision solely on the evidence before me. I have not drawn any adverse inference from Mr Bennett's wilful failure to co-operate with my investigation by walking out of his first interview. That failure to co-operate delayed submission of this report by more than a month and increased the cost of the investigation by more than £500. Nor have I drawn any adverse inference from his failure to respond to any of the attempts made to agree a date to resume that interview.
- 6.2. I have had due regard to the statute and case law on the right to freedom of expression now enshrined in Article 10.1 of the European Convention on Human Rights ('the Convention'). That right is a fundamental freedom. It must be guarded jealously and no restriction can lawfully be placed on it save under Article 10.2 of that Convention. The right extends to all forms of expression including the publication on social media of videos.
- 6.3. During his second interview Mr Bennett maintained that, apart from the factual inaccuracy about wasting public money, there was nothing wrong with his video. He contended also that

his right to publish it was protected by Article 10 of the Convention.³⁸

6.4. The case law on freedom of expression under Article 10 in the context of statements by elected representatives was helpfully summarised by Higginbottom J (as he then was) in *Heesom v Public Service Ombudsman for Wales*.³⁹ The following were amongst the most relevant of the propositions formulated in his judgement:-

1. Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated. Whilst, in a political context, Article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false.

2. Politicians have enhanced protection as to what they say in the political arena; but Strasbourg also recognises that, because they are public servants engaged in politics, who voluntarily enter that arena and have the right and ability to respond to commentators (any response, too, having the advantage of enhanced protection), politicians are subject to “wider limits of acceptable criticism”. They are expected and required to have thicker skins and have more tolerance to comment than ordinary citizens.

³⁸ Document 10 p 10, Document 11 p 222

³⁹ [2014] EWHC 1504 (Admin)

3. *The protection goes to “political expression”; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views, but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others. The cases are careful not unduly to restrict the concept; **although gratuitous personal comments do not fall within it.** (my emphasis)*

4. *As Article 10(2) expressly recognises, the right to freedom of speech brings with it duties and responsibilities. In most instances, where the State seeks to impose a restriction on the right under Article 10(2), the determinative question is whether the restriction is “necessary in a democratic society”. This requires the restriction to respond to a “pressing social need”, for relevant and sufficient reasons; and to be proportionate to the legitimate aim pursued by the State.*

5. *As with all Convention rights that are not absolute, the State has a margin of appreciation in how it protects the right of freedom of expression and how it restricts that right. However, that margin must be construed narrowly in this context. There is little scope under Article 10(2) for restrictions on political speech or on debate on questions of public interest.*

6. *Similarly, because of the importance of freedom of expression in the political arena, any interference with that right (either of politicians or in criticism of them) calls for the closest scrutiny by the Court.*

- 6.5. I am conscious that where there is doubt about whether the expressions of a person are protected by Article 10 the benefit of the doubt should be given to that person.
- 6.6. The Assembly has prescribed restrictions it judged necessary for the protection of the reputation and rights of others that are relevant to the present complaints in two instruments. First, the Code which has been in place in its present form since May 2016 and second the Policy approved by the Assembly on 16 May 2018. Although the Policy did not apply to the initial publication of the video on 4 May 2018 it did apply to its continuing publication between 16 May and 3 or 4 July 2018. I am satisfied that in the context of the present complaints the limited restrictions on freedom of expression set out in these provisions are consistent with Article 10.
- 6.7. I have no difficulty in accepting that those parts of the video described in Findings 9 and 10 related to the political context and so were protected by Article 10 despite some of the imagery and language used.
- 6.8. But I am clear that the imagery and text referred to in Findings 7 and 8 that are the subject of the three complaints were not in the political context or expression as described the judgement. They were not expressions of or critiques of Mrs Watson's political views, nor did they relate to any matter of public administration and public concern such as comments about the adequacy or inadequacy of Mrs Watson's performance her of public duties. That imagery and text was not a legitimate contribution to the political debate: it was gratuitous personal abuse. Accordingly, it does not attract the enhanced protection

enjoyed by expressions made in the *'political context'* and so cannot be excused as what Mr Bennett described as *'the rough and tumble of politics'*.⁴⁰

6.9. I have given careful consideration to the proposition that because of its short duration the imagery and text outlined in Findings 7 and 8 should not found a contravention of either the Code or the Policy.⁴¹ I reject that contention. In a previous complaint the Committee decided that the spontaneous use of a single offensive word in what was intended to be a private telephone call was a contravention of the Code.⁴² Further the use of the text and imagery in the video was not spontaneous: it was clearly carefully chosen and well crafted. It was published on social media and was available for all to view for two months.

6.10. The provisions of the Code relevant to these complaints are paragraphs 4(b) and (g) which provide:

'4(b) 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;' and

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

6.11. The interpretation of paragraph 4(b) is not without difficulty. Despite the use of the word *'should'* rather than *'must'* as elsewhere in the Code it has consistently been regarded as

⁴⁰ Document 11 p 15

⁴¹ Document 11 p

⁴² See Report 01-18 to the Assembly under Standing Order 22.9 April 2018 – Michelle Brown AM. The Policy was not in place at the time of the conduct considered.

imposing a mandatory duty and prohibiting any action which would bring the Assembly into disrepute, rather than merely action relating to financial integrity. Previous examples of conduct which were considered to breach this requirement include cases of Members driving while under the influence of alcohol and making a remark found to be racist.⁴³ I am satisfied that the accepted interpretation is correct.

6.12. During his second interview Mr Bennett stated that before publishing the video he had considered whether it was consistent with his duties under paragraph 4(b) of the Code and had concluded that it was.⁴⁴ Mr Bennett contended that there was nothing wrong with the text and imagery referred to in Findings 7 and 8 and that the video '*was a perfectly good film.*'⁴⁵ He denied that there was any double entendre, sexual innuendo or any suggestion of sexual promiscuity.⁴⁶ He asserted that he was unaware of the possible sexual connotation of the phrase '*popping in for a quick one.*'⁴⁷ He deponed that that part of the video was largely satirical and that it '*probably didn't make particular political points.*'⁴⁸ Mr Bennett accepted that had he thought about it he would probably have realised that Mrs Watson and her family were likely to be upset by the video.⁴⁹ He also accepted that had he applied his mind to it, he would have realised that it was almost inevitable that some people would find the imagery and text outlined in Findings 7 and 8 offensive.⁵⁰ During his first interview

⁴³ Reports to the Assembly under Standing Order 22.9 01-13 and 01-18

⁴⁴ Document 11 p 12

⁴⁵ Document 11 pp 9,17 & 19

⁴⁶ Document 11 pp 16 -17

⁴⁷ Document 11 pp16 - 17

⁴⁸ Document 11 p 7

⁴⁹ Document 11 p 9

⁵⁰ Document 11 p 17 -18

he denied that he had any duty to consider the possible effect of his actions on others.⁵¹ In the course of his second interview he said that he had not considered the effect of his video on others.⁵²

6.13. I do not accept Mr Bennett's evidence that he did not know the possible sexual connotation of the phrase '*popping in for a quick one.*' All the complainants and Mrs Watson knew of it. My own, admittedly random, enquiries of a wide range of people confirmed that the sexual connotation of the phrase was widely known. I find it inconceivable that Mr Bennett, a prominent politician with a journalistic background, was not well aware of it. If it is true that Mr Bennett did consider the compatibility of his video with his duties under paragraph 4(b) of the Code before publishing it, I am satisfied that he misdirected himself.

6.14. On the evidence before me I have not the slightest doubt that Mrs Watson and her family were distressed by the text and imagery referred to in Findings 7 and 8. Indeed, Mrs Watson became distressed when telling me of her own and her family's reaction to it. During his second interview Mr Bennett accepted that '*maybe some people would be upset*' by the video.⁵³

6.15. I accept the evidence that such text and imagery had an obvious possible sexual connotation and that they demeaned Mrs Watson, barmaids and women who were aware of them. I am satisfied, that the text and imagery would tend to discourage women from putting themselves forward for public office. It is, I believe, significant that a number of Members of Mr Bennett's own

⁵¹ Document 10 p 5

⁵² Document 11 pp 13 & 21

⁵³ Document 11 p 15

party either apologised to Mrs Watson about the video or expressed their concerns about it to the Commissioner.⁵⁴

6.16. During his second interview Mr Bennett contended that by publishing the video he had been exercising a scrutiny role and so was carrying out his duty to conduct himself '*in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly.*'⁵⁵ Whilst that contention is not without merit in relation to the text and imagery described in Findings 9 and 10 it has no merit whatever in relation to the text and imagery in Findings 7 and 8 that are the subject of the three complaints. They had nothing to do with Mrs Watson's performance of her duties as a Member or her political beliefs. In the course of his second interview Mr Bennett accepted that the text and imagery of Findings 7 and 8 probably had nothing to do with Mrs Watson's performance as a Member or her political beliefs.⁵⁶

6.17. I am satisfied that by publishing the video containing the imagery and text outlined in Finding 7 and 8 Mr Bennett failed in his duties under paragraph 4(b) the Code by both failing to conduct himself in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and by bringing the Assembly into disrepute. His failure to take down the video as soon as he became aware of the concerns about it and his failure to apologise to Mrs Watson or others affected by that text and imagery, may be regarded as aggravating factors.

⁵⁴ Document 6 para 7 and Document 12. The AM later informed the Commissioner that the letter should not be treated as a complaint.

⁵⁵ Document 11 pp 12 & 13

⁵⁶ Document 11 p 7

6.18. Under paragraph 4(g) of the Code Mr Bennett had a duty to *'promote and support these principles by leadership and example.'* The principles include the principle of integrity set out in paragraph 4(b) of the Code. Given my decision that Mr Bennett breached paragraph 4(b) of the Code it follows that he also breached paragraph 4(g). It is, however, disturbing that during his second interview Mr Bennett appeared uncertain about his duties under that paragraph. When asked whether he accepted that Members should set an example of how to behave to others in Wales he responded *'Well, yeah, to some extent.'* He went on to assert that the fact that his political views differed from those in other parties was in conflict with the principle of setting an example in relation to the Nolan Principles set out in the Code. I am satisfied also that Mr Bennett failed in his duty under paragraph 4(g) to show leadership and to set a good example to others.

6.19. I now consider whether or not publication of the video from 16 May 2018, when the Policy was approved by the Assembly, until 3 or 4 July 2018 was in contravention of the Policy.

6.20. The aims of that Policy, include –

- *'everyone feels safe, respected and comfortable when they engage with the National Assembly for Wales;*
- *the people who work here feel safe, respected and comfortable in their working environment;*
- *behaviour that adversely affects the dignity of others has no place in this institution;*

6.21. Other text of the Policy relevant to the consideration of these complaints includes the following -

'Inappropriate behaviour means any behaviour that adversely affects the dignity of another person. It covers all unwanted behaviour – that is, behaviour which is not encouraged or reciprocated by the recipient, regardless of whether it was meant to cause offence, and whether it is repeated or an isolated incident.'

'But other examples' (of inappropriate behaviour) 'include images – including those on computer and video clips – gestures, facial expressions, mimicry, jokes, pranks and acts affecting a person's surroundings.'

'If the recipient does make clear that the behaviour is unwanted, then to repeat or continue it will constitute a more serious breach of this policy.'

'But it is important to bear in mind that this policy covers all inappropriate behaviour that adversely affects the dignity of another person – that is, all unwanted behaviour.'

During his second interview Mr Bennett said *'I don't think that the Policy can be applied to this kind of case, because when we devised this policy on the Committee, this was a policy that was supposed to be protecting members of staff of the Assembly. And it was largely, what we had in mind largely was the relationships between Members and staff, and other members of staff or people who were senior to them, or members of staff and Assembly Members, or people visiting the estate and Assembly Members. It was something to do with people's relationship in a working environment. It wasn't something that was supposed to be*

*applied to films made by Assembly Members criticising other Assembly Members.*⁵⁷

6.22. I reject that contention because the text of the Policy is clear and unambiguous when it provides ***'Who can be held to account for their behaviour as a result of this policy?***

Members elected to the National Assembly for Wales (Assembly Members); This policy, and the Code of Conduct for Assembly Members, govern Assembly Members' behaviour at all times, in all places and in all contexts (including where the Member is acting as a private individual, e.g. is on holiday).'

6.23. Had it been intended, as Mr Bennett contends, to exclude conduct by one Member towards another Member or conduct by a person towards another of equal seniority a provision to that end could readily have been included in the Policy. Further, Mr Bennett's contention would lead to absurd results. It would, for example, mean that unwanted behaviour by a senior member of staff towards a subordinate would be covered by the Policy but that the same unwanted behaviour by the subordinate towards the more senior staff member would not.

6.24. It is accepted by Mr Bennett that the text and imagery was unwanted by Mrs Watson. I am satisfied that it affected Mrs Watson's dignity and that it caused distress to her and her family. I am satisfied that it was demeaning and had the potential to cause distress to barmaids and other women who were aware of it. The publication of the video containing that text and imagery

⁵⁷ Document 11 p 20

from 16 May until 3 or 4 July 2018 was inappropriate behaviour and so was in breach of Policy.

6.25. During his second interview Mr Bennett asserted that the video was about the Labour Party rather than Mrs Watson as an individual. I do not accept his evidence on this matter as credible. It is not supported by the evidence in the video. In his letter to the Commissioner dated 14 October 2018 Mr Bennett stated '*I targeted her because of her utter hostility to UKIP*'. The introductory text referred to in Finding 6 makes clear that the video is about Joyce Watson. As found in Finding 4 only around 45 seconds of the video is about the Labour Party: the remaining 5 minutes 35 seconds is about Mrs Watson. Finally, during his second interview Mr Bennett stated, when being asked about application of the Policy, '*It wasn't something that was supposed to be applied to films made by Assembly Members criticising other Assembly Members.*'⁵⁸ In saying that, he made clear that his intention in publishing the video was to criticise Mrs Watson. It is, I am satisfied, plain that the main subject of the video was Mrs Watson.

7. ISSUES OF GENERAL PRINCIPLE

7.1. Coming new to it, I found interpretation of the Code far from straightforward. It struck me that members of the public with no legal background are likely to find parts of it opaque. Nor did I find the relationship between the Code and the Policy transparent. Whilst I am satisfied that on the facts I have found established the relevant provisions of the Policy are consistent with the Right to

⁵⁸ Document 11 p 20

Freedom of Expression set out in Article 10 of the Convention I doubt that some of the general provisions of the Policy are consistent with that Article. The Committee may wish to consider whether the time has come for a new Code dealing with these and other matters about which I understand there has been concern, such as the appeal mechanism.

7.2. It is unfortunate that during this investigation it was necessary to use the provisions relating to a witness who failed to cooperate. The Committee may wish to consider whether the non-cooperation report procedure, which does not appear to provide any sanction for non-cooperation, is appropriate. An alternative would be to make cooperation with an investigation a duty under the Code.

7.3. Where, as in this investigation, it is necessary to issue a formal notice requiring a person to attend to give evidence, section 12 of the National Assembly for Wales Commissioner for Standards Measure 2009 requires the notice to be sent by either recorded delivery or registered post to the person's usual or last known address or to an address given for service. These are cheap and effective means of service only where the person cooperates by signing for the document. They are ineffective in cases, such as Mr Bennett's, when delivery cannot not be effected and the addressee fails to collect the document from the designated place. Consideration should be given to amending the 2009 Measure to provide also for personal service and, in the case of Assembly Members, sending the notice by email to their Assembly email address.

7.4. This investigation was unusual in that the victim of the misconduct did not make any of the complaints under investigation. That being so, I was unable to provide her with a copy of my draft report. Unless the Committee feel empowered to provide her with a copy of my report she will have access to it only at the same time as the public and the media. The Committee may wish to consider whether provision should be made to provide such a victim of misconduct with the Commissioner's report before it is published.

8. REQUIREMENTS UNDER PROCEDURE FOR DEALING WITH COMPLAINTS

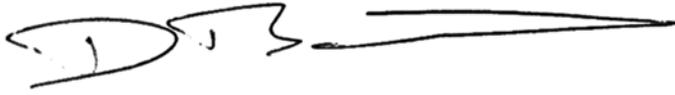
8.1. I confirm that Mr Bennett and the three complainants have been provided with a draft of my final report and given the opportunity to comment on any factual inaccuracy. None of them availed of that opportunity.

9. CONCLUSION

9.1. I am satisfied that -

- a. by publishing the video between 4 May and 3 or 4 July 2018 Mr Bennett breached paragraphs 4(b) and (g) of the Code of Conduct for Assembly Members; and
- b. by publishing the video between 16 May and 3 or 4 July 2018 Mr Bennett breached the National Assembly for Wales Dignity and Respect Policy;

and that, accordingly, he falls to be dealt with by the Standards of Conduct Committee under Standing Order 22.2.

A handwritten signature in black ink, appearing to read 'Douglas Bain', with a long horizontal stroke extending to the right.

DOUGLAS BAIN CBE TD Advocate

Acting Commissioner for Standards

19 February 2019

Documents and material considered

Number	Description
1	Julie Morgan AM complaint
2	Jenny Rathbone AM complaint
3	Vaughan Gething AM complaint
4	Joyce Watson AM complaint
5	Email Standards Commissioner Staff Member – Gareth Bennett AM 14 June 2018
6	Joyce Watson AM statement
7	Jenny Rathbone AM statement
8	Julie Morgan AM statement
9	Vaughan Gething AM statement
10	Gareth Bennett AM transcript first interview
11	Gareth Bennett AM transcript second interview
12	Letter AM – Commissioner 17 October 2018
13	BBC News Wales Politics 26 May 2018
14	BBC News Wales Politics 26 September 2018
15	Wales Online 29 September 2018
16	BBC News Wales Politics 2 October 2018
17	Email Committee Clerk – Joyce Watson AM 1 & 2 May 2018

18	Press Release issued 13 August 2018
19	Letter Commissioner – Gareth Bennett AM 3 October 2018
20	Letter Gareth Bennett AM – Commissioner 14 October 2018
21	Letter Commissioner – Gareth Bennett AM 24 October 2018
22	Email Gareth Bennett AM staff member – Standards Commissioner Staff Member 18 December 2018
23	Letter Commissioner – Gareth Bennett AM 6 July 2018



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

28 September 2018

Dear Rod

I am writing to express my concern about the decision you made that the video created by Gareth Bennett was not sexist. I was very shocked to see this video and cannot understand why you do not deem it sexist. I felt it was very offensive and insulting to all female AMs and does bring the Assembly into disrepute.

I would be grateful if you could let me know on what basis you deemed it not to be sexist.

I am asking you to review your decision.

Yours sincerely,

Julie Morgan
Assembly Member for Cardiff North



Sir Roderick Evans
Standards Commissioner for Wales
By email

October 1st 2018

Dear Sir Roderick,

Re Gareth Bennett Video comments re Joyce Watson AM

I would be grateful if you could review your initial assessment that Mr Bennett's remarks about my colleague Joyce Watson, broadcast to the world last month, were not sexist.

Mr Bennett is entitled to disagree with views expressed by Ms Watson or any other AM. But it is offensive that he makes remarks about my colleague's physical appearance as well as implicit sexual innuendo relating to Ms Watson's former role as a Publican. I have spent 50 years challenging this sort of nonsense and there has been a considerable shift in public attitudes. On both counts, the remarks are now deemed sexist and demeaning by the majority of the population.

If I were to make remarks about Mr Bennett's physical appearance, I don't doubt it would be deemed offensive and rightly so. It is the content of what he says that needs to be criticised.

There is great concern particularly amongst women in public life that you have failed to criticise Mr Bennett for this breach of the standards we are expected to adhere to as elected members. I respectfully ask you to review your decision.

Yours sincerely

Document 3: Vaughan Gething AM complaint

-----Original Message-----

From: Gething, Vaughan (Aelod Cynulliad | Assembly Member)

Sent: 01 October 2018 14:06

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

Cc: [REDACTED]
[REDACTED]

Subject: Gareth Bennett AM's video and your decision not to investigate

Dear Sir Roderick

I am writing about your current decision not to investigate or refer to the standards committee the video created by Gareth Bennett AM about Joyce Watson AM. You are aware of the content as Joyce Watson has formally complained to you about its sexist and or misogynistic content.

Your decision

I am genuinely mystified by your decision that the video, which I understand was originally made with public resources, did not require further action or investigation. The video is in my view transparently sexist. The buxom barmaid imagery is plainly meant to belittle and offend. The reference to not popping in for 'a quick one' reinforces the sexist message with the use of the double entendre. I do not accept that this is humour that should be tolerated and accepted. I would be amazed if any woman AM were not offended to be the subject of a similar video.

The Assembly's dignity at work policy

You will of course be aware that the video was posted near the same time that the Assembly reinforced its dignity at work policy. I simply do not understand how your decision in this instance is consistent with the dignity at work policy and the standards of conduct of AMs. The message sent by your decision is hard to understate. You are sending a message about acceptable behaviour that will be acted upon by other AMs and members of the public. Unfortunately I believe you are opening up space for further offensive behaviour.

I am surprised that you have not compared this conduct to a normal workplace. If a workplace colleague had used resources from his or her employer to circulate a similar video about a colleague I do not believe it would result in no action being taken. I certainly believe that when I practised employment law this would have resulted in a grievance and some form of formal action by the employer. This is not of course a normal workplace - we expect higher standards of conduct from AMs.

Future conduct

I have expressed concern about future conduct and would ask you to reconsider how this decision not to act will be used. Michelle Brown of course thought she was talking in private but was, in my view rightly, punished for her use of offensive racist language. I do not understand how a deliberate planned public act using plainly offensive and sexist imagery is not acted upon.

I would ask you to reconsider and review your current decision to take no action and refer this matter to the committee. The very least I believe you should do is to explain your decision. Refusing to provide an explanation is aggravating the situation and is not leading to greater faith and confidence in your position.

I look forward to hearing from you.

Regards

Vaughan Gething AM
Welsh Labour & Co-op
Cardiff South & Penarth

Document 4: Joyce Watson AM complaint

From: [REDACTED]
Sent: 08 May 2018 14:25
To: Standards Commissioner <Standards.Commissioner@assembly.wales>
Cc: Watson, Joyce (Aelod Cynulliad | Assembly Member) <Joyce.Watson@assembly.wales>
Subject: Complaint to Standards Commissioner

Dear Sir Roderick Evans,

I write of behalf of Joyce Watson AM and to communicate her formal intention to complain about the behaviour of Gareth Bennett AM. Please find below Joyce's complaint for your consideration.

--

Dear Sir Roderick Evans,

I am writing to complain about the behaviour of Gareth Bennett AM, which I believe has brought the Assembly into disrepute.

He has put considerable effort into publishing a defamatory attack on a colleague by creating a six minute film then sharing it widely on YouTube, Facebook and Twitter in the hope of maximum engagement.

He accuses me of wasting public money by not attending last week's committee visit to London without notice. This is untrue, as I had told committee clerks the night before that I was unable to travel and offered to pay for any costs incurred, and they confirmed by email that they would reclaim the rail fare. The taxi he refers to was used by others, so no costs were raised by my absence.

He is also personally abusive to me, using photo editing software to ridicule me and my previous employment as a licensee. I accept robust political debate and criticism as part of public life, but I believe that few people seeing this film would think it was within acceptable levels of discourse. I feel it is important to raise it at this time due to the prevalence of social media attacks on female politicians.

The film can be found here:

<https://www.facebook.com/bennettukip/videos/2139333302956906/> <https://twitter.com/GaretHBennettAM/status/992461388189765632> <https://www.youtube.com/watch?v=LoOk8FK2s4o>

Please let me know if you require any further information, and I look forward to hearing from you in due course.

Best wishes,

Joyce Watson AM, Mid and West Wales.

--

[REDACTED]
Communications Officer to Joyce Watson AM **Swyddog Cyfathrebu Joyce Watson AC**
Assembly Member for Mid & West Wales **Aelod y Cynulliad dros Canolbarth a Gorllewin Cymru**

Document 5: Email Standards Commissioner Staff
Member to Gareth Bennett AM



Thu 14/06/18 11:55

Standards Commissioner

Commissioner for Standards message - Strictly Private and Confidential

To Bennett, Gareth (Aelod Cynulliad | Assembly Member)

Please treat this as Confidential.

Dear Gareth,

The Commissioner is currently looking into a complaint regarding the video clip that was posted online which featured you making comments about another Member of the Assembly, Joyce Watson AM.

The Commissioner is currently evaluating the complaint and would like your assistance to help with this process. Would you be able to meet informally with the Commissioner to discuss the complaint please. If so, please let me know if you are available at 12.30pm on Tuesday 19 June and I will make the necessary arrangements.

Yours sincerely,

For Commissioner for Standards,

Tel.

STATEMENT OF JOYCE WATSON AM

1. I first became aware of the video Mr Bennett had posted about me through an alert on Twitter. I recall that it was on a Sunday morning. When I viewed it I was horrified and thought that this was a most sexist and blatantly misogynistic video which had plainly been premeditated and taken a considerable time to make.
2. I have been in politics since 1995 and had never seen anything like this video. Since then supporting minority groups has been an important part of my work and this has brought me into conflict with UKIP policies on minority rights. I do not, however, have any animosity towards Mr Bennett as an individual. My issues have been with his politics. To my mind politics shouldn't be personal.
3. It was the commentary and imagery of the first part of the video that caused me greatest concern particularly the passage *'Joyce Watson once ran a pub in Pembrokeshire. But you wouldn't guess that from looking at her. She doesn't look like the life and soul of the party. I'm not sure I would fancy popping in for a quick one at the local if I saw her pulling pints at the bar.'* The image is of my head superimposed on the body of a much younger, blond, buxom bar maid in a low cut dress of traditional Bavarian style. Whilst I had previously worked in the licensed trade running a very successful business, the commentary and imagery demeaned me as a person and gave the impression that all barmaids should confirm to the stereotypical image portrayed on the video. The *'popping in for a quick one'* comment, in the context, plainly had a double entendre and suggested that barmaids were promiscuous. None of these comments and the associated imagery were part of a debate or exchange about my politics: they were a personal and abusive attack upon me as an individual woman.
4. These comments and imagery were wholly about me as a person and not about my politics. They were not spontaneous and had plainly been carefully crafted. The video must have taken a significant time to produce. It is plain that Mr Bennett decided to secure maximum coverage for the video not only by posting it on his own Facebook and Twitter pages but also by tagging it on both the UKIP and Labour Party pages at both national and UK levels. As a

result of his actions I received many tweets. By far the greater number of these were negative towards me. I have also noticed an increased number of tweets and emails critical of my work in support of equality and minority groups.

5. Mr Bennett's video caused me and my family considerable distress. I was upset by it and by the follow-on tweets I received as a direct result of its publication. My daughter, who works for me at the Assembly, is still so annoyed and distressed by the video that she is unable to come face to face with Mr Bennett. When she encounters him in a corridor she turns and walks the other way to avoid him. I have also been told by men, many of whom I do not know, that they regarded the video as offensive to me and to women and that such conduct should not be allowed.
6. I took time before making a complaint about Mr Bennett's conduct. Had his video been solely about my alleged wasting of Assembly funds and his description of me as 'perhaps one of the most curious people in the Assembly' I would not have complained. I would have accepted that as part of the rough and tumble of political life. But after consideration I concluded that the other comments and imagery to which I have referred were of a different order. They were not about politics at all. I felt that if such abusive comments were allowed to go unchallenged there would be no limit at all to how one Member could behave towards another.
7. I have never received any apology from Mr Bennett for the other parts of the video which he has accepted were incorrect far less for the part that is the subject of the three complaints. I have been told that he issued a press release correcting and apologising for the factual errors in his video relating to the expenditure of Assembly funds. I was not consulted about the terms of that release nor have I ever seen it. In fact I don't know whether any such release was actually issued. I did, however, receive a number of apologies about Mr Bennett's conduct in posting the video including apologies from other UKIP Members.
8. I believe the video was directed at me because I have always called out UKIP when they made objectionable comments particularly in relation to minority groups and the need for equality. Mr Bennett has been the UKIP Member responsible for the majority of such comments. My political beliefs are founded on the right to justice and the right of people to be treated equally. I

have always tried to help those in minority groups whose rights are not being recognised.

9. The fact that the video remained up for the public to view for a period after Mr Bennett became aware of my complaint added to the distress to me and my family. All of us kept being asked by friends and colleagues why the video was still available to view. As well as its negative impact on me and my family its continued availability increased its negative impact on women generally. I am clear that if such comments and imagery are allowed to go unchallenged it will deter woman from entering politics or seeking public office. It may also deter others from challenging Mr Bennett's views. I base my views of the deterrent effect on what I have been told by other female Members and from a wide range of women with whom I have engaged since the video was posted. I have been asked why the posting of such a video by a Member is allowed and told that politicians shouldn't behave in that way, that it makes females feel vulnerable, puts them off expressing their views and stops them putting themselves forward for office if they have to put up with such personal attacks. I believe that if the Assembly is to continue to enjoy its current level of female Members conduct such as Mr Bennett's should not be tolerated. Such conduct towards a work colleague would not be tolerated in any other work place. It is, in my view, in clear breach not only of the Code of Conduct but also of the Dignity and Respect Policy.

10. It has been suggested to me that the Dignity and Respect Policy applies only where there is an imbalance of power between the alleged perpetrator and the alleged victim. I do not accept that proposition. It would, for example, apply to abuse of a member of Assembly staff by another staff member of the same grade. I was involved in the drawing up of the Policy and am not aware of anything in it that would stop it applying to conduct by one Member towards another.

11. I am content that my name is disclosed to Mr Bennett and to the Committee in the Acting Commissioner's report.

12. I have no complaint about the manner in which the Acting Commissioner has conducted my interview.

Signed *afentse*

Date 11.12.18

Statement of Jenny Rathbone AM

1. I cannot be sure when I first became aware of the video about Joyce Watson which I understand was posted by Mr Bennett on 4 May 2018 but it was before the Commissioner had ruled that her complaint about Mr Bennett's conduct was not admissible. I became aware of the complaint as a result of it becoming a discussion point on social media.
2. Whilst I thought some parts of the video were valid political comment, even if perhaps untrue, the parts dealing with Mrs Watson's physical appearance, the obvious sexual innuendo in the 'popping in for a quick one' comment, together with the depiction of her head on the body of a buxom barmaid in a low cut dress were not appropriate.
3. These parts were an attack on Mrs Watson as a person – they had nothing to do with and completely irrelevant to her political beliefs. They crossed the line between what was acceptable political comment and personal abuse. They must have been unbelievably hurtful to Mrs Watson and her family. I found them offensive.
4. Further, I believe that the suggestion that all barmaids were open to sexual promiscuity was inappropriate and deeply offensive.
5. Those parts of the video to which I have referred were overtly sexist and offensive to all female Members. The making of such remarks by one Member about another would, in my view, discourage females generally from standing for public office. I believe that such sexist remarks tend to generate a general assumption that all women can be subjected to sexual innuendo.
6. Making remarks about Mrs Watson's physical appearance as a strategy for undermining her views is deeply offensive; it undermines our ability to attract a more diverse group of people to stand and be elected to the National Assembly including people with physical disabilities.
7. I have been told by the Acting Commissioner that the video remained available for the public to view for a considerable period after Mr Bennett knew of Mrs Watson's complaint about it. If that is so, I think that by leaving the video available for the public to view even after he was aware of the complaint Mr Bennett failed to show the high degree of respect for her dignity required by the Dignity and Respect Policy.
8. I am content that my name is disclosed to Mr Bennett and in your report to the Committee
9. I have no complaint about the manner in which you conducted my interview.

Signed

Lenny Kallne

Date

9/1/2019.

STATEMENT OF JULIE MORGAN AM

1. I first viewed Mr Bennett's video about Joyce Watson after I had been approached by the BBC for a comment on it. I don't recall when that was but it was after the Commissioner had decided that Joyce Watson's complaint about it was not admissible. Prior to that I was aware, from other Members and staff, of the existence of the video.
2. I am well used to the robust exchanges and comments that are, on occasion, made by politicians. I have no issue with such conduct. But when I viewed the video I was shocked because it was so demeaning to women. I felt that women should not have to put up with such comments and imagery which would discourage them from entering politics. From comments made to me I know that many others were shocked by the video.
3. My concern was about the first part of the video. The description of Joyce Watson as perhaps one of the most curious creatures in the Assembly set the tone for what I considered to be a personal attack on her.
4. The comments about Joyce Watson's appearance were very demeaning and implied that to be a barmaid you had to conform to a stereotyped appearance of a buxom barmaid. This is emphasised by the camera panning upwards showing a very narrow waist and large breasts before showing Joyce Watson's superimposed face. There was an implication that all barmaids are promiscuous.
5. The 'nip in for a quick one comment' had obvious sexual overtones. I would be very surprised if a man, such as Mr Bennett, was not well aware of the double entendre of the phrase.
6. The commentary and imagery to which I have referred must have been very hurtful to Joyce Watson and reflected adversely on all women. They were nothing to do with her politics. They were an attack on her as a person.
7. I believe that the publication of the video by a prominent Member reflects badly on all Members.
8. I have been told by the Acting Commissioner that the video remained available for the public to view for a considerable period after Mr Bennett knew of Joyce Watson's complaint. He should have taken it down immediately he heard of the complaint. I believe his failure to do so

demonstrates his lack of respect for her dignity and, of course, for the dignity of other women.

9. I have no complaint about the manner in which the Acting Commissioner conducted my interview.

Signed

Julia Morgan

Date

Dec 6th 2018

STATEMENT OF VAUGHAN GETHING AM

1. I first became aware of the video about Joyce Watson posted by Gareth Bennett during a conversation in the member's tea room before the Commissioner had decided upon her complaint. I first viewed the video after the Commissioner had decided that her complaint about it was not admissible.
2. When I viewed the video I was mystified by the Commissioner's decision. As Members we should set an example to others and observe higher standards of conduct than elsewhere. The video, in my view, fell well below the acceptable standard. It was offensive not only to Joyce Watson but to women in general.
3. It was the first part of the video that most concerned me. Joyce Watson is described as perhaps 'one of the most curious creatures in the Assembly'. The commentary goes on "Joyce Watson once ran a pub in Pembrokeshire. But you wouldn't guess that from looking at her. She doesn't look like the life and soul of the party. I'm not sure I would fancy popping in for a quick one at the local if I saw her pulling pints at the bar.' The video shows the image of Joyce Watson's head superimposed on the body of considerably younger, narrow waisted, buxom beer maid in a low cut Bavarian dress. The sexual innuendo is obvious. I would be most surprised if any man of Mr Bennett's age and experience would not have appreciated the double entendre of the 'pop in for a quick one' text and its sexual innuendo. If he did not appreciate those matters he displayed a remarkable degree of naivety.
4. These comments and imagery were nothing to do with Joyce Watson's politics. They were personal attacks upon her physical appearance and character. They would not, in my experience as a former employment lawyer, be tolerated elsewhere. It appeared to me to be conduct that would be considered sex discrimination in any other workplace.
5. I have been told by the Acting Commissioner that Mr Bennett left the video available for the public to view for a considerable time after he became aware of Joyce Watson's complaint about it. I think he should have looked at it again and taken it down immediately he became aware of the distress it was causing.

6. I have no complaint to make about the conduct of my interview by the Acting Commissioner.

Signed

Vaughan Getliffe

Date 20 December 2018

TRANSCRIPT OF FIRST INTERVIEW OF GARETH BENNETT AM

Date: 6 December 2018

Time: 12:07pm – 12.45pm

Location: Parent and Child Room, Senedd.

Present:

- Douglas Bain, Acting Standards Commissioner
- Gareth Bennett AM
- [REDACTED] Senior Advisor to Gareth Bennett AM
- [REDACTED] Investigator, Office of the Standards Commissioner

ACTING STANDARDS COMMISSIONER: Just a few preliminaries before we start. I'm sure you'll appreciate that I necessarily have to ask you some probing questions. That doesn't necessarily mean I believe that's correct but I've got to put those things to you. As regards your colleague's role I've no difficulty with him being present but of course he mustn't answer questions for you, and if you are to do that I'll have to exclude you.

[REDACTED] OK.

GARETH BENNETT: That's fine.

ACTING STANDARDS COMMISSIONER: Obviously what's said in this room is confidential until my report is published, and I would regard any breach of that confidentiality by anyone as hindering my investigation and that's a matter I would report to the Committee.

GARETH BENNETT: OK.

ACTING STANDARDS COMMISSIONER: I'm sure you're as keen to bring this matter to a conclusion as I am so we'll probably get through the interview quicker if you restrict yourself to answering the question, and then I'll give you an opportunity at the end to say anything else you want to about the matter. Now, finally you know, I'm sure, I'm not investigating Joyce Watson's complaint, that's been dealt with. Rather, I'm investigating the three other complaints based on the same subject matter. Now, can I just make sure I've understood the background to this, Mr Bennett? I think you have been a Member of the Assembly since May 2016 election, is that right?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: And you've in fact been a member of the Standards of Conduct Committee since July last year?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: And as a member of that Committee, I'm sure you're very familiar with the terms of the Code of Conduct.

GARETH BENNETT: Well broadly, yes.

ACTING STANDARDS COMMISSIONER: I mean you must be well aware of it if you're sitting in judgement of others.

laughter

GARETH BENNETT: Well we get, I mean we, the Standards Committee is an odd Committee because we react to complaints that we get about Members, but we don't always get, you know, we don't get complaints all of the time. There may be months when we're not investigating any Members. So forgive me but I don't always have an encyclopaedic knowledge of the Code.

ACTING STANDARDS COMMISSIONER: OK, I can understand that. But I think that Committee was involved in the preparation of the Dignity and Respect policy.

GARETH BENNETT: Indeed, yes.

ACTING STANDARDS COMMISSIONER: And you were involved in that.

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: And indeed you voted to approve the policy on the 16th of May. Now I think about two weeks before that you had posted the video with which we're concerned about Joyce Watson on the 4th of May.

GARETH BENNETT: I can't be precise about the timing but if you say that's the case

ACTING STANDARDS COMMISSIONER: I think that's what's shown on the...

GARETH BENNETT: OK, fine.

ACTING STANDARDS COMMISSIONER: Was the video your idea?

GARETH BENNETT: Yes, I think so largely.

ACTING STANDARDS COMMISSIONER: And who drafted the text?

GARETH BENNETT: I wrote the script and most of the visual imagery I would have come up with as well. I didn't technically put the video together.

ACTING STANDARDS COMMISSIONER: Sure.

GARETH BENNETT: But I'd say I take full responsibility for the script. Indeed, it pretty much was my script.

ACTING STANDARDS COMMISSIONER: OK. And from time you came up with the idea of a video like this, how long before you actually published?

GARETH BENNETT: I think the video started to germinate in my mind for a couple of days, but the work in the office tends to be Monday we prepare for things that happen in the Assembly in the Chamber which happens on Tuesday and Wednesday. Then by the time we get to Thursday there's a Committee in the morning but Thursday afternoon I'm normally free so we kind of got into a pattern where we sometimes do a film on a Thursday afternoon. The film was in my head, but it was actually written and filmed and put together and edited probably within the space of about three hours that afternoon.

ACTING STANDARDS COMMISSIONER: Right, so from the time you first thought of it

until the final version was a couple of days?

GARETH BENNETT: Yeah, probably about... I can't remember how it relates to the time we went to London on a Committee visit to Westminster. Maybe that was the week before. I can't remember. It was just an idea in my mind for a few days and then we did the film.

ACTING STANDARDS COMMISSIONER: OK. And I think having posted it on your Twitter, was it? On, your Facebook, is that right?

GARETH BENNETT: I don't have great knowledge of the social media, other people disseminate this material, so one of the reasons for [REDACTED] being here was to sometimes clarify times and stuff but I don't know if you are wanting him to do that or not...

ACTING STANDARDS COMMISSIONER: OK, not at this interview.

GARETH BENNETT: That's fine.

ACTING STANDARDS COMMISSIONER: I'll interview him separately.

GARETH BENNETT: I'm sorry, just to clarify, actually how it's broadcast, I mean I was involved in the making of the film but what precise steps and what media it's broadcast on I'm not entirely sure because I don't really broadcast social media, other people broadcast it for me.

ACTING STANDARDS COMMISSIONER: But whatever was done was done by your staff?

GARETH BENNETT: Indeed.

ACTING STANDARDS COMMISSIONER: And you are responsible?

GARETH BENNETT: Indeed, absolutely, I'm not trying to get away from it.

ACTING STANDARDS COMMISSIONER: Oh no, I'm not suggesting....

GARETH BENNETT: It's just the technical point that there's Facebook, there's Twitter, there's my website and how it all links up together confuses me sometimes.

ACTING STANDARDS COMMISSIONER: Well, I'm sure I join you in that, it's quite beyond me. So I take it from that, you won't be aware if the distribution list used to disseminate this was a standard list you use for your communications?

GARETH BENNETT: Well, it would be. All I can say is this wasn't the first film that we've done. We've done – I can't remember how many films we've done before this, but we would have followed the standard procedure and it would have been disseminated in the usual way.

ACTING STANDARDS COMMISSIONER: Well, for example, I understand it was tagged on the Labour Party website both in Wales and nationally. I'm sure that wouldn't be standard for your other films.

GARETH BENNETT: Ah, ok. Perhaps not, I don't have the knowledge again of that but the actual dissemination, I don't know. Someone may have had an idea to do that.

ACTING STANDARDS COMMISSIONER: Why would your staff tag a video like that on

the Labour Party websites?

GARETH BENNETT: I don't know. I don't actually know what it means that much. I imagine it means we're publicising it to Labour, is that the idea?

ACTING STANDARDS COMMISSIONER: Yes.

GARETH BENNETT: Um, I don't know.

ACTING STANDARDS COMMISSIONER: Now, what was your purpose in making this video?

GARETH BENNETT: I think it was largely satirical in intent.

ACTING STANDARDS COMMISSIONER: And the bit that wasn't largely satirical, what was the purpose of that?

GARETH BENNETT: Well there was a factual part, but actually I have to admit I made errors in fact, so of course I'd forgotten and there was an element of – there was an allegation that a certain amount of public money had been wasted by Joyce Watson which I apologise. I did get that wrong so I had to, well I didn't have to, but I later apologised for that. So yes, you're right; there was an attempt to link that to satirical elements.

ACTING STANDARDS COMMISSIONER: And what was the object of your satire? Joyce Watson's political views or Joyce Watson as a person?

GARETH BENNETT: No, I think it's her political views and the kind of incongruity between she... I mean one of the things I feel is that Labour AMs are very unrepresentative of people in Wales and it rather strange that they keep winning elections, albeit they don't win 50 percent of the vote but they keep winning the Assembly elections because I often think that if the people who vote for Labour in council estates and in towns in the Valleys, post-industrial towns, actually knew who they met in person these Labour AMs with all of their politically correct attitudes, I think they would feel completely alienated from them. And I find it quite strange, this disconnect between the attitudes I encounter among Labour voters and the people who purport to represent them here in the Assembly and I think there is a lot of incongruity and Joyce Watson embodies a particular kind of left wing feminist, very PC views. And I was also taken by this idea, you know, when I found out that she'd run a pub in Pembrokeshire, I just found it a kinda hilarious anomaly. The UKIP group thought it was funny the idea that someone has austere and joyless as Joyce Watson could once have actually been a publican.

ACTING STANDARDS COMMISSIONER: But can I ask you this - what is the imagery of her head imposed on this body of a much younger Bavarian style barmaid got to do with Joyce Watson's political views?

GARETH BENNETT: Well it's a visual representation of the incongruity that I was just talking about.

ACTING STANDARDS COMMISSIONER: Sorry, could you explain that to me?

GARETH BENNETT: Yes indeed, she was a publican so therefore she was involved with serving beer and providing hospitality and things like this, which is kind of slightly

counter to the image that she has as a politician in the Assembly and I was just struck by the disparity between the two things.

ACTING STANDARDS COMMISSIONER: And um, this commentary that supported that imagery, is your answer to that the same?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: There's one particular comment about, words to the effect 'I wouldn't fancy popping in for a quick one if she were drawing the pints' or 'pulling the pints' something to that effect. If I was to say to you that there's a very obvious alternative interpretation of that, particularly in the context of the imagery that it supported, what would you say to that?

GARETH BENNETT: I'd say it was open to people's interpretation

ACTING STANDARDS COMMISSIONER: And were you aware of that at the time you made the video?

GARETH BENNETT: No.

ACTING STANDARDS COMMISSIONER: When did you first become aware of it?

GARETH BENNETT: When there was complaints about it.

ACTING STANDARDS COMMISSIONER: Where the people that assisted you in putting this video together male or female?

GARETH BENNETT: Female.

ACTING STANDARDS COMMISSIONER: You accept now that there's a clear alternative interpretation?

GARETH BENNETT: There are alternative interpretations to virtually anything that anyone ever says.

ACTING STANDARDS COMMISSIONER: Well, no doubt there are, but the question was do you accept that there is a clear alternative interpretation?

GARETH BENNETT: I don't really understand the meaning of it, because if I say something and other people interpret it in a certain way, that's their interpretation. Everything is open to interpretation. I'm not in control of how other people interpret something I say, or something I produce in a film.

ACTING STANDARDS COMMISSIONER: Do you not have a duty to have regard to the possible effect of what you say and do on others?

GARETH BENNETT: How can that meaningfully be done? To such an extent that I'm supposed to analyse the possible reactions of everyone and anyone who might see the video, how could that meaningfully be done? If I've broken any laws then fair enough. If I've broken rules of taste and decency that's entirely another matter, because that's entirely subjective. At times we are going into areas of massive subjectivity.

ACTING STANDARDS COMMISSIONER: Well, we'll come to the Dignity and Respect Policy which you approved....

GARETH BENNETT: I did approve it.

ACTING STANDARDS COMMISSIONER: in due course. So do you accept that your video was targeted at Joyce Watson?

GARETH BENNETT: It was about Joyce Watson.

ACTING STANDARDS COMMISSIONER: Well I think you used the word 'targeted' in your letter to the Commissioner.

GARETH BENNETT: Did I?

ACTING STANDARDS COMMISSIONER: Yes.

GARETH BENNETT: If you say so. I can't remember using the phrase, but if you say I used it.

ACTING STANDARDS COMMISSIONER: If it helps, I'll show you the letter.

GARETH BENNETT: OK.

ACTING STANDARDS COMMISSIONER: If I can find it. I hope I'm not misleading you. If you look at the top of page two 'I did not target Joyce Watson because...'

GARETH BENNETT: Ah, ok. So I didn't actually say I targeted her. I said I did not target Miss Watson because, but the implication you have taken is that I've targeted her because of other reasons

ACTING STANDARDS COMMISSIONER: No, I asked you did you target her and the answer to that, I mean you did say

GARETH BENNETT: Oh, I targeted her because of her remarks; yes I see I did say that now.

ACTING STANDARDS COMMISSIONER: This was in revenge to comments she'd made about UKIP, wasn't it?

GARETH BENNETT: Well, it was in response to them, certainly, yes.

ACTING STANDARDS COMMISSIONER: Particularly the rabid dog?

GARETH BENNETT: Well the video was called 'The Rabid Dogs of Brexit' so I can't, you know, it was clear that that was the connection.

ACTING STANDARDS COMMISSIONER: And this was getting your own back.

GARETH BENNETT: Well, it's a response. She can say something, I can say something back.

ACTING STANDARDS COMMISSIONER: But the difference is that you said something back about her, as an individual.

GARETH BENNETT: She didn't say anything about me as an individual when she called me a rabid dog? I suppose it was collectively at a group of us. Does that mean that there was no personal slant to it?

ACTING STANDARDS COMMISSIONER: Well, of course, that of course, isn't the matter I'm investigating...

GARETH BENNETT: Well there we go. Then let's decontext it...

ACTING STANDARDS COMMISSIONER: two wrongs don't make a right...

GARETH BENNETT: let's decontextualize it then...

ACTING STANDARDS COMMISSIONER: Well, let's just answer the question.

GARETH BENNETT: OK.

ACTING STANDARDS COMMISSIONER: Perhaps you would like to?

GARETH BENNETT: I'm sorry; I've forgotten what the question was now.

ACTING STANDARDS COMMISSIONER: This was you taking revenge on Joyce Watson for her rabid dogs comment?

GARETH BENNETT: Well it was clearly a response to what she said, as is implicit in the title of the video; it was called 'The Rabid Dogs of Brexit'.

ACTING STANDARDS COMMISSIONER: You were targeting her as an individual because of the view she'd expressed?

GARETH BENNETT: She is representative of a particular strain of opinion and just because it was her who actually made those comments, it's not particularly going against her as an individual, it's going against the sort of mind-set she represents.

ACTING STANDARDS COMMISSIONER: Well. When did you first become aware of Joyce Watson's concern about the video? How long after you posted it? Can you give me a length of time?

GARETH BENNETT: I can't remember. I honestly don't know. I mean, I had a meeting with the Standards Commissioner and he said there'd been complaints, but I'm not even sure if he told us who the complaints were from. I don't think he could. I don't know when I knew that she personally, what her opinions were about it, I can't remember at what point I knew.

ACTING STANDARDS COMMISSIONER: Well, before you met with the Commissioner were you aware of her concerns about the complaint?

GARETH BENNETT: I can't remember. Had they been in any way made public by that point? I can't remember.

ACTING STANDARDS COMMISSIONER: Not that I'm aware of.

GARETH BENNETT: No, I mean it would have only been a rumour that we'd hear through the grapevine but I can't even remember if I knew what her personal feelings were towards it. Like I say, I can't recall. I think I knew at some point that she was annoyed but I can't remember when I found out.

ACTING STANDARDS COMMISSIONER: And once you became aware that she had been annoyed and indeed offended by the video, what action did you take?

GARETH BENNETT: Um, probably none.

ACTING STANDARDS COMMISSIONER: Why was that?

GARETH BENNETT: Well why would I take any action because she's offended, why would I worry about that?

ACTING STANDARDS COMMISSIONER: So you're not worried if you offend people in the course of your duties?

GARETH BENNETT: I am a paid politician and I'm a member of a party that offends a lot of people in its political views. I wouldn't be doing my job if I wasn't offending left wing politicians. I'm probably offending left wing politicians every other week in the Chamber with the things that I say. I was elected on a particular platform and I can't go around worrying too much about how many people I offend.

ACTING STANDARDS COMMISSIONER: Well there are differences between being critical of someone's politics, and causing personal offense to them. You can disagree completely with someone's politics but you can still be respectful and show them dignity.

GARETH BENNETT: The point is theoretically true, I'm sure.

ACTING STANDARDS COMMISSIONER: Well it's practically true, isn't it?

GARETH BENNETT: OK.

ACTING STANDARDS COMMISSIONER: So why don't you do that towards Ms Watson?

GARETH BENNETT: Why don't I do what?

ACTING STANDARDS COMMISSIONER: Why don't you disagree with her political views in a way which afford her dignity and respect as a person?

GARETH BENNETT: Well I think you're going into very murky areas. She's an elected politician as well. You think she should be awarded some kind of privileged protection? You think she should be allowed to call other politicians rabid dogs but she shouldn't be allowed to take any kind of on the edge criticism herself?

ACTING STANDARDS COMMISSIONER: What do you mean by 'on the edge criticism'?

GARETH BENNETT: Well, you know, you're saying 'ooh, she's personally offended by this'. Joyce Watson is a politician who forever mixes the personal with the political. She took offense every time I went into a Committee meeting with her, so I'm afraid it's rather hard with Joyce Watson and several other left wing politicians to separate the personal from the political and I think you're going to find it very hard as well.

ACTING STANDARDS COMMISSIONER: Did you give any consideration of the impact of your video, and in particular the passage we refer to, might have on others than Joyce Watson? Other females?

GARETH BENNETT: Probably not, no.

ACTING STANDARDS COMMISSIONER: Why not?

GARETH BENNETT: Well maybe it didn't occur to me.

ACTING STANDARDS COMMISSIONER: Well shouldn't it have occurred to you as an elected representative?

GARETH BENNETT: Well, if you say so, but maybe it didn't.

ACTING STANDARDS COMMISSIONER: Well I'm not saying so, I'm asking you

whether it should have or not.

GARETH BENNETT: If I am making a film that has a political element, people are going to be offended. I cannot spend half of my life worrying about who is going to be offended by it. I just put the message across, people will take their own response from that message. If some of them are offended then some of them will be offended.

ACTING STANDARDS COMMISSIONER: Now, at your meeting with the Commissioner, as I understand it, you accepted that part of the video about the trip to London and so on, you had been misinformed. You had misunderstood the situation of that.

GARETH BENNETT: Yes, indeed.

ACTING STANDARDS COMMISSIONER: And indeed did you agree to take down the video at that stage?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: Why was that?

GARETH BENNETT: Because of my admission of the factual inaccuracy.

ACTING STANDARDS COMMISSIONER: Because that part of it was incorrect?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: You didn't consider editing it and leaving up the other part?

GARETH BENNETT: Well I don't think I did at the time, I think the best solution at the time was to take it down. That was agreed with the Commissioner. He seemed to think that was the best solution so that was what was done.

ACTING STANDARDS COMMISSIONER: Why did it take so long following that meeting to take it down?

GARETH BENNETT: I don't know how long it even took because not it's a technical element. I wouldn't have personally taken it down. I don't know how long it took and I don't know the reason if there was a delay what the reason was.

ACTING STANDARDS COMMISSIONER: But as someone responsible, and obviously you were concerned about the fact that it made allegations which you knew and had accepted were false...

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: it was surely a matter of great importance to you to ensure it was taken down very quickly.

GARETH BENNETT: Well indeed it was, but you're now suggesting it wasn't and that's the first I've known about it. I didn't know it wasn't taken down quickly.

ACTING STANDARDS COMMISSIONER: So although it was a matter of great importance for you to see it was taken down quickly, and you've accepted that just a moment ago, you took no steps to ensure that it was, to check that it had been.

GARETH BENNETT: Well, evidently not from what you say.

ACTING STANDARDS COMMISSIONER: It's not a matter of evidently not Mr Bennett, did you take any steps to check that it had been taken down?

GARETH BENNETT: I probably asked 'has the video been taken down?' I've not got a clear recollection of what was said or what transpired from that.

ACTING STANDARDS COMMISSIONER: Is that something you will now investigate with your staff?

GARETH BENNETT: Yes, I will investigate it with my staff.

ACTING STANDARDS COMMISSIONER: Now, at the meeting with the Commissioner, I think you undertook to release a correction to your media release in relation to the part that was wrong.

GARETH BENNETT: Yes. Yes.

ACTING STANDARDS COMMISSIONER: And the meeting with the Commissioner was on the 3rd or 4th of July. Why was it that the correction wasn't sent out until the 13th of August? Some nearly 6 weeks later?

GARETH BENNETT: Um, I can't recall what the reason for that would have been. Again, probably neglect on my part to execute a decision that had been made.

ACTING STANDARDS COMMISSIONER: Did you take any steps after your meeting with the Commissioner to ensure a corrective press release was issued.....

GARETH BENNETT: Well a corrective press release was issued

ACTING STANDARDS COMMISSIONER: was issued promptly?

GARETH BENNETT: I can no longer recall what steps were taken.

ACTING STANDARDS COMMISSIONER: Well, any steps you did take were clearly ineffective.

GARETH BENNETT: Clearly, yes.

ACTING STANDARDS COMMISSIONER: And is that something you'll investigate with your staff?

GARETH BENNETT: Well, it may be something I need to investigate with myself instead of my staff.

ACTING STANDARDS COMMISSIONER: Why with yourself? Do you mean you may not have told them to take it down?

GARETH BENNETT: Well I mean that if I haven't made the right executive actions then clearly I'm at fault.

ACTING STANDARDS COMMISSIONER: Do you know to whom that corrective press release was sent to when it was eventually sent?

GARETH BENNETT: I can't recall to whom it was sent.

ACTING STANDARDS COMMISSIONER: Would you have given any instructions as to

whom it should be sent?

GARETH BENNETT: Well normally, I would say that the way that you correct reports that have appeared in the media is that you correct it with the media outlet that ran the initial story. If so, I imagine it would have been sent to the outlet who ran the original story.

ACTING STANDARDS COMMISSIONER: Wouldn't it have been important also to have made it available on all the social media sites which you'd put the original video on?

GARETH BENNETT: Well there, you see, you have me because that wouldn't occur to me because I don't know anything about that side of the operation.

ACTING STANDARDS COMMISSIONER: Well it's pretty obvious isn't it? If you've published something on Facebook that you know is wrong and you want to correct it, you publish the correction in the same place.

GARETH BENNETT: But as I believe stated earlier, I don't understand where these things are disseminated. I merely become involved in the making of the film. The dissemination of the film is not something that I have much knowledge of.

ACTING STANDARDS COMMISSIONER: You must have known that it was on your Twitter page, your Facebook page, didn't you?

GARETH BENNETT: I do not know anything about my Facebook page. I don't run my Facebook page, I don't run my Twitter account. Other people do that for me and I have no knowledge of those areas.

ACTING STANDARDS COMMISSIONER: You don't look at it yourself?

GARETH BENNETT: No, I do not.

ACTING STANDARDS COMMISSIONER: That's fairly reckless isn't it? You don't know what's appearing on it?

GARETH BENNETT: Well I do have some faith in my staff who understand these things, and those who understand social media run the social media for me. I think you'll find many politicians do the same thing.

ACTING STANDARDS COMMISSIONER: And do you think that faith in your staff is well founded given what you've now discovered?

GARETH BENNETT: Well, as I said earlier, I will take up certain issues with my staff.

ACTING STANDARDS COMMISSIONER: Having realised you'd made allegations against Joyce Watson that were untrue, did you apologise to her?

GARETH BENNETT: No.

ACTING STANDARDS COMMISSIONER: Why?

GARETH BENNETT: I have no social relations with Joyce Watson so there would be no point me apologising to her.

ACTING STANDARDS COMMISSIONER: In the video, you describe, or say words to the effect that 'there are some curious creatures in the Assembly and perhaps Joyce Watson is one of the most curious amongst them, or in the Labour Party at least'. Do

you think it's appropriate to describe Assembly Members as 'curious creatures'?

GARETH BENNETT: Yes, I do.

ACTING STANDARDS COMMISSIONER: Do you think use of such language is likely to strengthen and maintain public confidence in the Assembly?

GARETH BENNETT: Is it my job to ensure public confidence in the Assembly?

ACTING STANDARDS COMMISSIONER: Well in terms of the Code of Conduct, it is, yes.

GARETH BENNETT: That's interesting.

ACTING STANDARDS COMMISSIONER: And that's a matter you must have been aware of because it's a particular provision that has been considered by the Committee on a number of cases in which you were involved. Hasn't it?

GARETH BENNETT: Can you bring them to light?

ACTING STANDARDS COMMISSIONER: I think if you look at the last two reports from the Commissioner which you've been involved in, the particular provision, paragraph 4 of the Code has been the issue. The one that goes on about 'Members will act in a way that strengthens and maintains public trust in the Assembly' and, I'm paraphrasing here, 'not take any action to bring the Assembly or Members generally into disrepute'. And that's the provision in which the person who was sanctioned for making what were judged to be racist comments was dealt with, and also the person who refused to give a specimen of breath for a breath test. And you were involved in both of those.

GARETH BENNETT: I was. Yes, I know what those cases were that you're referring to. Ah, well, bringing the Assembly into disrepute. I produced a film that you're saying brought a member of the Assembly into disrepute, is that right?

ACTING STANDARDS COMMISSIONER: No, I'm not saying that at all. You had asserted that you didn't have a duty to strengthen and maintain public confidence.

GARETH BENNETT: I think I questioned it. I think I questioned it. I think I questioned it. You see, the problem is the Assembly as an institution, yes I suppose, we, as you say, it's in the Code so I can't say 'I suppose'. There is a duty therefore not to bring the Assembly into disrepute, so I agree, if there were personal misdemeanours then clearly they do bring the Assembly into disrepute. You're referring to a case in which someone didn't provide a specimen for breath when she was driving so therefore she had a criminal conviction. In another instance an Assembly Member made comments that were judged to be racist. Slightly different as she was taped on a private telephone conversation so there wasn't a criminal element to what she did, but we agreed on the Committee that she should be sanctioned, which she was. Now in my case, I've produced a film that's nothing to do with criminal allegations as far as I'm aware. I think you were saying I brought Joyce Watson into disrepute because of...

ACTING STANDARDS COMMISSIONER: No, no

GARETH BENNETT: Oh, you haven't said anything. You don't say anything, you just ask questions.

ACTING STANDARDS COMMISSIONER: I'm not saying that at all.

GARETH BENNETT: I've forgotten where we are now.

ACTING STANDARDS COMMISSIONER: I'm saying that, I asked if describing Assembly Members as 'curious creatures' was Conduct which tended to strengthen and maintain public confidence in the Assembly.

GARETH BENNETT: if you're claiming, or you're going to put in your report that someone making a video, someone calling someone a 'curios creature ' is bringing the Assembly into disrepute then you are going to get into seriously murky water and if you want to go down that way then you go ahead. I'll have a field day.

ACTING STANDARDS COMMISSIONER: Well, I'll put in my report whatever...

GARETH BENNETT: Indeed you will

ACTING STANDARDS COMMISSIONER: whatever is supported by the evidence.

GARETH BENNETT: Indeed you will, Mr Bain.

ACTING STANDARDS COMMISSIONER: Before we come to that, could you answer the question?

GARETH BENNETT: What was the question again? Did I think I was bringing her into disrepute by saying she's a curious creature? No I didn't.

ACTING STANDARDS COMMISSIONER: I will ask this once again. Now please, listen to it carefully this time. Do you think that describing Assembly Members as curious creatures was conduct which tended to strengthen and increase public confidence in the Assembly? Do you understand the question?

GARETH BENNETT: I do understand it.

ACTING STANDARDS COMMISSIONER: Would you now answer it please?

GARETH BENNETT: It is a ludicrous line of questioning and I refuse to answer it.

ACTING STANDARDS COMMISSIONER: Do you understand, Mr Bennett, that although I haven't done so on this occasion I have the power to serve you with a notice requiring you to attend. And if I then ask you a question which you fail without reasonable excuse to answer, you commit an offense.

GARETH BENNETT: Well you're asking me an impossible question.

ACTING STANDARDS COMMISSIONER: Well, I'll consider how to take that forward.

GARETH BENNETT: OK.

ACTING STANDARDS COMMISSIONER: On what view did you reach the view that Joyce Watson was 'perhaps one of the most curious creatures'?

GARETH BENNETT: On what view?

ACTING STANDARDS COMMISSIONER: Yes

GARETH BENNETT: What does that mean, 'on what view'? On what grounds?

ACTING STANDARDS COMMISSIONER: On what ground. What was your basis for

that allegation? Or assertion, you have said?

GARETH BENNETT: I can't remember.

ACTING STANDARDS COMMISSIONER: Well, I'll give you a little time to think about it. [pause]. Now, having thought about it, can you remember?

GARETH BENNETT: No.

ACTING STANDARDS COMMISSIONER: Your memory appears to be somewhat lacking in this regard, Mr Bennett. You have, after all, been aware of this, that you were going to be asked questions about it. One would have thought you might have applied your mind to it before coming to interview.

GARETH BENNETT: Mmm, I'm so sorry.

ACTING STANDARDS COMMISSIONER: In what ways did you believe the fact that Joyce Watson used to run a pub in Pembrokeshire, in what way was her appearance, her physical appearance, relevant to her former employment?

GARETH BENNETT: I have no idea.

ACTING STANDARDS COMMISSIONER: So you made assertions on the video of which you've no idea why you made them?

GARETH BENNETT: Exactly. Precisely correct.

ACTING STANDARDS COMMISSIONER: It's coming close to the point at which I'd be considering whether you are cooperating fully with me in this investigation

GARETH BENNETT: Yeah, sure, go ahead, consider.

ACTING STANDARDS COMMISSIONER: And you're aware of the consequences of failure to cooperate?

GARETH BENNETT: I'm entirely aware

ACTING STANDARDS COMMISSIONER: I would also, of course, just in case you are thinking of leaving, tell you that if you leave this interview before I am finished, I will regard that as a failure to co-operate and report it to the Committee.

GARETH BENNETT: And what will the result of that be, do you think?

ACTING STANDARDS COMMISSIONER: Well, that will be for the Committee to decide, not for me.

GARETH BENNETT: OK, let's let the Committee decide. Thanks very much Mr Bain.

ACTING STANDARDS COMMISSIONER: Just to be clear for the tape, Mr Bennett has stood up and has left the room. The interview is not concluded.

[REDACTED] [inaudible]

ACTING STANDARDS COMMISSIONER: Thank you very much.

[REDACTED] Thank you. Sorry. I'll speak to him.

Ends 12:45 pm

TRANSCRIPT OF SECOND INTERVIEW OF GARETH BENNETT AM

Date: 10 January 2019

Time: 11.30 – 13.10

Location: Conference Room D, Ty Hywel

Present:

- Douglas Bain, Acting Standards Commissioner
- Gareth Bennett AM
- [REDACTED] Senior Advisor to Gareth Bennett AM
- [REDACTED] Investigator, Office of the Standards Commissioner

GARETH BENNETT: Morning.

ACTING STANDARDS COMMISSIONER: Good morning, Sir. Do have a seat.

GARETH BENNETT: Thanks.

ACTING STANDARDS COMMISSIONER: This is the interview of Gareth Bennett taking place in conference room D of the National Assembly for Wales on Thursday 10th January 2019. The time is now 11.30am. Mr Bennett, I require you to take an oath or make an affirmation. Do you wish to swear an oath or make an affirmation?

GARETH BENNETT: Um, oh blimey, uh, I'll... I'm happy to take the oath.

ACTING STANDARDS COMMISSIONER: Do you wish to do so in English or Welsh?

GARETH BENNETT: Uh, in English please.

ACTING STANDARDS COMMISSIONER: Would you take the book in your right hand and read the words of the oath from the card.

GARETH BENNETT: Um, I swear by almighty god that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

ACTING STANDARDS COMMISSIONER: Thank you very much.

GARETH BENNETT: Ta.

ACTING STANDARDS COMMISSIONER: Now, as you will see this interview is being recorded. You may, as you could last time, if you wish make your own recording.

GARETH BENNETT: [inaudible]

ACTING STANDARDS COMMISSIONER: For the benefit of the tape could I ask you to identify yourself.

GARETH BENNETT: Uh, Gareth Bennett.

ACTING STANDARDS COMMISSIONER: And you're accompanied by?

GARETH BENNETT: [REDACTED]

ACTING STANDARDS COMMISSIONER: Thank you. Mr Bennett, you were

required to attend here today to answer questions by means of a Notice to Attend issued 19 December 2018. Have you read that notice?

GARETH BENNETT: Uh, yes.

ACTING STANDARDS COMMISSIONER: Did you understand it?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: In particular, do you understand that if without reasonable excuse you fail to answer any question or you leave the interview before it is ended, you will be committing a criminal offense?

GARETH BENNETT: Uh, yeah.

ACTING STANDARDS COMMISSIONER: And do you understand that if you wilfully give an answer to any question that is false or that you do not believe to be true, that would be an offense under the Perjury Act.

GARETH BENNETT: Yes, I understand that.

ACTING STANDARDS COMMISSIONER: As you know, I am investigating whether by publishing the video containing the text and imagery about Joyce Watson you contravened the Code of Conduct and the dignity and Respect Policy. Do you now admit or deny that by publishing the video you breached both the Code of Conduct and the Dignity and Respect Policy?

GARETH BENNETT: Um, I absolutely deny it.

ACTING STANDARDS COMMISSIONER: Is that denial because you claim that the text and imagery on the video was not humiliating, demeaning or offensive or because you claim that your right to freedom of expression entitled you to publish a video containing such text and imagery?

GARETH BENNETT: Well, I think I certainly subscribe to the latter point that you made there.

ACTING STANDARDS COMMISSIONER: Do you accept that the text and imagery on the video was humiliating, demeaning and offensive?

GARETH BENNETT: I think that those things are entirely subjective, so...

ACTING STANDARDS COMMISSIONER: Do you accept that many people would find them humiliating, demeaning and offensive?

GARETH BENNETT: I accept the possibility.

ACTING STANDARDS COMMISSIONER: Thank you, that was very helpful. Now, when we met in December you told me that the video was largely satirical in intent but that there was another factual part which you accepted was false. You asserted that the satire was about Mrs Watson's political views and not about her person. Is that still your position?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: What outcome or effect did you hope to achieve by publishing the video?

GARETH BENNETT: It was a video which, um, highlighted my view of a particular strain of political opinion within the Labour Party. That was an issue we talked about in the previous interview.

ACTING STANDARDS COMMISSIONER: Yes, but the question was what outcome or effect did you hope to achieve by publishing this video?

GARETH BENNETT: The effect of ridiculing the Labour Party.

ACTING STANDARDS COMMISSIONER: Well the video wasn't about the Labour Party, it was about a member of the Labour Party wasn't it: Mrs Watson.

GARETH BENNETT: Well the effect of the outcome was what I just told you. That was the question you asked me and that's the answer I've given you.

ACTING STANDARDS COMMISSIONER: Yes well I'm questioning whether that answer is credible. Those...

GARETH BENNETT: Well that's the answer I've given you so it's up to the Committee or whoever decides these thing to decide whether or not it's credible. I've given you the answer.

ACTING STANDARDS COMMISSIONER: Of course, it might be up to Court

GARETH BENNETT: Yeah, fine. If it goes to Court, it goes to Court. If that's the way it's going to go then that's the way it will go. You threatening me is not really gonna to have me shivering in my boots, will it.

ACTING STANDARDS COMMISSIONER: I am not threatening you in any way...

GARETH BENNETT: Good.

ACTING STANDARDS COMMISSIONER: I'm just reminding you...

GARETH BENNETT: Of course you're not, you're just reminding me

ACTING STANDARDS COMMISSIONER: I'm just reminding you that you're on oath

GARETH BENNETT: Yeah, sure, how nice

ACTING STANDARDS COMMISSIONER: And that failing to tell the truth would be an offence under the Perjury Act

GARETH BENNETT: I'm quite aware, you've already asked me how I'm aware of the Perjury Act and I am aware. You have no need to further remind me of that during the course of this interview.

ACTING STANDARDS COMMISSIONER: I'll conduct the interview in whatever way I deem appropriate, Mr Bennett.

GARETH BENNETT: And I'll give you the answers I find appropriate, Mr Bain.

ACTING STANDARDS COMMISSIONER: Provided they're honest. Can you point me to any part of the video that refers to Mrs Watson's political views, or the adequacy or inadequacy with which she carried out her duties?

GARETH BENNETT: I cannot remember the content of the video, Mr Bain, so I cannot point to those precise points at this moment in time.

ACTING STANDARDS COMMISSIONER: Do you accept that there are no such points?

GARETH BENNETT: No I do not because I have not seen the video for quite some time. I accept the possibility but, you know, I don't have the video in front of me.

ACTING STANDARDS COMMISSIONER: Do you have the video available to you in the Assembly?

GARETH BENNETT: Um, I don't know.

ACTING STANDARDS COMMISSIONER: Perhaps your staff officer could advise on that?

GARETH BENNETT: Is he allowed to talk this time?

ACTING STANDARDS COMMISSIONER: He is now.

[REDACTED] Um, I don't know. I think there may be a way in which we can retrieve it. Part of what we did previously was just to simply delete it off all platforms. It may be somewhere. I can't give you a yes or no answer, I'm sorry.

ACTING STANDARDS COMMISSIONER: Ok, I appreciate that. Well, fortunately I can help. For the benefit of the tape, the Acting Commissioner is setting up his laptop...

GARETH BENNETT: Can I point out that I would need to go through that video and have some time to go through those points because you didn't raise them in the previous interview.

ACTING STANDARDS COMMISSIONER: Well, very well Mr Bennett, what I intend to do is set up the laptop and allow you to view it and take as long as you wish to view it. It'll have to be done in my presence because I can't let you have unsupervised access to my laptop.

GARETH BENNETT: Right

ACTING STANDARDS COMMISSIONER: But you can take as long as you like to consider it and we'll then resume the interview so you can answer the question. Is that appropriate for you?

GARETH BENNETT: Yeah, if you want to do it that way, yeah.

ACTING STANDARDS COMMISSIONER: Is that fair to you?

GARETH BENNETT: Well, it's an outcome, you know. If you're asking me my recollection of the video which I haven't seen for a while, so yeah, it's a good idea to let me see it. Un I haven't brought my glasses.

ACTING STANDARDS COMMISSIONER: Well, perhaps the best thing to do then would be for us to adjourn the interview for 10 minutes to enable you to go and get your spectacles

GARETH BENNETT: Ok

ACTING STANDARDS COMMISSIONER: And to enable me to...

GARETH BENNETT: Yeah, it won't take 10 minutes

ACTING STANDARDS COMMISSIONER: The time is now 11.38 and we're suspending the interview.

[Interview suspended 11.38 – 11.46]

ACTING STANDARDS COMMISSIONER: Mr Bennett, the time is now 11.46. We're resuming the interview. May I remind you you're still under oath.

GARETH BENNETT: Yeah.

ACTING STANDARDS COMMISSIONER: Fortunately, we've come up with a slightly better solution

GARETH BENNETT: Oh, okay.

ACTING STANDARDS COMMISSIONER: We'll be able to email the video to you so you can watch it in private

GARETH BENNETT: Thank you

ACTING STANDARDS COMMISSIONER: It's better for both sides. Could you tell us the email address you'd like it sent to?

[REDACTED]: I think if you send it to my Assembly email address that would be ideal as other members of staff have access to Gareth's.

ACTING STANDARDS COMMISSIONER: Yes, sure. How long would you like to view it?

GARETH BENNETT: Um, I can do it, you know, over the weekend if that's acceptable. Or for tomorrow if you want it...

ACTING STANDARDS COMMISSIONER: No, I was thinking whether you want half an hour...

GARETH BENNETT: Oh you mean today? Oh sorry you want it today?...

ACTING STANDARDS COMMISSIONER: Or 45 minutes...

GARETH BENNETT: Apologies, I didn't realise, right.

ACTING STANDARDS COMMISSIONER: Well, I've already had to travel at public expense...

GARETH BENNETT: Of course, of course

ACTING STANDARDS COMMISSIONER: Because of your walk out last time

GARETH BENNETT: Of course

ACTING STANDARDS COMMISSIONER: I don't want to waste more public money

GARETH BENNETT: No. So what time scales do you suggest?

ACTING STANDARDS COMMISSIONER: Well, I think it lasts about four minutes. I would have thought half an hour would be perfectly adequate

GARETH BENNETT: Do you want us to go look at it now or do you want to do other things

ACTING STANDARDS COMMISSIONER: Well, I was asking is half an hour acceptable to you?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: Well I think then if we could resume at quarter past 12?

GARETH BENNETT: Okay, fine.

ACTING STANDARDS COMMISSIONER: The interview is now suspended until quarter past 12.

[Interview suspended 11.48 – 12.15]

ACTING STANDARDS COMMISSIONER: Ok, the time is now 12.15 and the interview is being resumed. Mr Bennett, I would remind you you are still on oath.

GARETH BENNETT: Thanks.

ACTING STANDARDS COMMISSIONER: I think before we adjourned I asked if you could point me to any part of the video that refers to Mrs Watson political views or the adequacy or inadequacy with which she carried out her duties? And you've now had an opportunity of looking at the video...

GARETH BENNETT: Yes

ACTING STANDARDS COMMISSIONER: And, uh, are you now in a position to draw my attention to the parts of the video?

GARETH BENNETT: Yes, yes. Yes, indeed. Thanks for the opportunity of letting me see the video again and because I hadn't seen it for a while. Um, the point, um. One of the point's I'm making about Joyce Watson, although much of the video actually isn't about Joyce Watson when I saw the content again just now. But one of the points was that, um, she is a member of the Assembly Commission and she is the Assembly Commissioner with responsibility for Equalities, so that is one of the reasons why I'm particularly interested in Joyce Watson and why she was partly the focus of this film. So, I was trying to demonstrate the disparity between her position as the Assembly Commissioner for Equalities and the fact that in my opinion, much of this video is down to opinion, but in my opinion, she hasn't shown the UKIP Group much equality since she's wielded her powers as Assembly Commissioner. That point was clearly made during the video.

Another aspect was that she didn't go on the trip to Westminster. Clearly, I made factual errors regarding expenses which I believe have been dealt with and I don't think you're, I think you're not interested in those points, but I'm just, if you are I will of course return to them. But one of the points about her not going on the Westminster visit was this was an important trip in which we were meeting Michael Gove, the Environment Minister, and she is the representative of a rural area but she didn't go on that trip. But we do know on the same day she attended the Chamber to raise a Point of Order against Neil Hamilton. So I was trying to make the connection in the video, or make the inference, or make the implication – an inference, sorry, is what people draw – an implication, there was an implication she felt it was more important to attend the Chamber to raise a Point of Order against Neil Hamilton than it was to go on a Westminster trip to meet Michael Gove. So they were issues I believe related to the point you made.

ACTING STANDARDS COMMISSIONER: It's very helpful to have your side of the position. What has describing her as perhaps one of the most curious people in the Assembly to do her political beliefs or how she carried out her duties?

GARETH BENNETT: I didn't call her, materially the point may not be any different, but I didn't use those exact words. I said, I think I said there are many curious creatures among the 60 Assembly Members, so curious creatures was the phrase used. But I was making the point that she was among the curious creatures and I did later on...

ACTING STANDARDS COMMISSIONER: Well I think, I think the words were *‘one of the most curious is Joyce Watson’*

GARETH BENNETT: Ok, well perhaps, I won’t quibble over the words in that sense. Now later on in the video, I made the point that in my view this wasn’t really about Joyce Watson, it was about Joyce Watson as a member of the Labour Group, because I made the point that Joyce Watson, *‘odd creature that she is, is actually representative of many in today’s minority obsessed Labour Party’* and I then carried on and there were several other sentences referring to what the Labour party in my view now stands for, which I can also quote if you wish me to do so. But I don’t want to labour points, obviously time is an issue.

ACTING STANDARDS COMMISSIONER: No, no, I take the point on the tape.

GARETH BENNETT: Thank you.

ACTING STANDARDS COMMISSIONER: Does the imagery of her head superimposed on the body of a young buxom beer maid in Bavarian dress have anything to do with her political beliefs or how she carried out her duties?

GARETH BENNETT: Um – to do with her political beliefs? Probably not, no. Probably doesn’t, I would agree.

ACTING STANDARDS COMMISSIONER: And does the text about not fancying popping in for a quick one if she was pulling the pints have anything to do with Mrs Watson’s politic beliefs or how she carried out her political duties?

GARETH BENNETT: Um, no, probably not. No.

ACTING STANDARDS COMMISSIONER: So these last two areas, the imagery and the text about popping in for a quick one, they were gratuitous and personal and directed at Mrs Watson as an individual.

GARETH BENNETT: Um it’s a matter of subjective opinion as to whether they were gratuitous. They possibly, I mean I agreed that they probably didn’t make particular political points but we are making a film, we have things in a film, you have to have images to go with the words so it was just a stream of thought that I went on in that part of the video. It wasn’t the whole video, it was only a small part of it. I agree with you there weren’t any discernible political points made. I did, I also refer to my answer in the previous interview. I did try to explain it a little bit there but I won’t labour you with the same answer.

ACTING STANDARDS COMMISSIONER: No, I have that and of course I will take all of that into account. And I think at that first interview you told me that the video was, in part at least, made in response to a comment she’d made about rabid dogs.

GARETH BENNETT: Yes

ACTING STANDARDS COMMISSIONER: And I think I’m right in saying that comment was made on 17th May 2017, almost one year earlier,

GARETH BENNETT: Well, I wouldn’t disagree with you. It was a while before.

ACTING STANDARDS COMMISSIONER: And that was during a UKIP debate on the Foreign Aid Budget, when Mrs Watson said, not to you or any other individual ‘I know that they called themselves the guard dogs of Brexit. I know that they are actually looking for a way forward, but let me just tell you, by behaving here this

afternoon like rabid dogs, it isn't going to help your cause'?

GARETH BENNETT: Yes, and that whole passage was included in the film as well

ACTING STANDARDS COMMISSIONER: And your reason for launching this video was because you thought quite wrongly that the previous day she had wasted public money in relation to a Committee visit to Westminster on?

GARETH BENNETT: Well, that was only part of the content of the video. A lot of the video was basically an attack on the hypocrisy of the Labour Party.

ACTING STANDARDS COMMISSIONER: Yes, but your reason for doing it was – I mean, the rabid dogs comment, for what it's worth, was nearly a year earlier so there must have been something that triggered you to go off and...

GARETH BENNETT: Oh the trigger? Yes, the trigger – yes, I do take your point – the trigger for what the shape of this film became was the fact that I believed that she'd missed – well, she did miss the Westminster visit, I got it wrong about the expenses – but yes, that was the start of the thought process that led to this video, indeed.

ACTING STANDARDS COMMISSIONER: You see, I find that a little difficult to square with what you told me last time when, as I recall, and you have your own transcript so you will check, but you said that the – words to the effect – that the idea had been around in your head for some time before you actually made the video.

GARETH BENNETT: Yeah, uh, let's have a look. From the time – this was your question, Mr Bain – 'from the time that you came up with the idea for the video, how long before it was actually published' oh no, that's not. The time you first thought of it was a couple of days. No, it's not there. Where was it? I'm trying to find the right bit. 'I think the video started to germinate in my mind for a couple of days' is that the bit you are referring to?

ACTING STANDARDS COMMISSIONER: Yes. I mean, that can't be right can it? Because the visit to Westminster was on the Wednesday.

GARETH BENNETT: On the Wednesday, right.

ACTING STANDARDS COMMISSIONER: And you published the video on the Thursday.

GARETH BENNETT: So it was the day before. It was just the day before?

ACTING STANDARDS COMMISSIONER: It was the day before.

GARETH BENNETT: Oh, it was the day before. I do apologise. I did say I didn't totally remember the time frame in the first interview.

ACTING STANDARDS COMMISSIONER: And that the text and imagery you used of Mrs Watson was intended to humiliate and demean her as a person, wasn't it?

GARETH BENNETT: Well no, I don't agree with that.

ACTING STANDARDS COMMISSIONER: But you did, I'm sure, know that Mrs Watson was likely to find them offensive?

GARETH BENNETT: Well, if I'm honest I suppose I thought she wouldn't be too pleased about it, but I would point out that my first thought was not to bring out a video just to have a go at Joyce Watson. I mean, that would have been, in all honesty that would have been a waste of my time. There was a political point in the

video that was directed at the Labour Party in general. Joyce Watson was just a part of the video that opens on to the wider issue which is the hypocrisy of the Labour Party.

ACTING STANDARDS COMMISSIONER: I mean, thinking about it now, and it's always easier with hindsight, do you think that you might have got the balance of it wrong.

GARETH BENNETT: Well I don't personally agree. I didn't honestly anticipate the consequences. I didn't anticipate that I was going to end up sitting here in front of you as a Commissioner, but did I get the balance wrong? Well, you know, the film was put together fairly quickly. Sometimes when you try to create something its better to do it quickly because you lose the idea quickly so it's better to strike when the iron is hot. But obviously if you produce something quickly there can be consequences that you haven't thought of. If you ask for my personal view I think I was a bit worried with your questions earlier and I thought 'oh gosh' you know, 'was there anything in the film? Can we justify this stuff.' But when I watched it again, in all honesty I thought it was a perfectly good film. So for my personal tastes, I wouldn't have thought the balance was unbalanced in any way.

ACTING STANDARDS COMMISSIONER: Did you ever consider what effect the text and imagery would be likely to have on Mrs Watson's family?

GARETH BENNETT: I honestly did not think of that in any way. It probably wouldn't have crossed my mind. I can't remember that consideration ever crossing my mind. I don't actually think that I thought much about Joyce Watson when I put the video out

ACTING STANDARDS COMMISSIONER: If you had thought about the likely effect on Joyce Watson's family, you would have realised that they were likely to be upset by it, wouldn't you?

GARETH BENNETT: Well if I'd thought about it, probably yes I would have realised that.

ACTING STANDARDS COMMISSIONER: And did you ever consider what effect your video might have on others, particularly female bar persons?

GARETH BENNETT: I didn't, no. I didn't consider that it would be regarded with distaste by a large portion of the female population and I still, you know, don't know if it was. All I can say is that the person making the film with me in the afternoon was female and she didn't raise any issues with it. She thought it was quite amusing. So I suppose nothing alerted me at that point to any possible misogynistic context which might later be raised.

ACTING STANDARDS COMMISSIONER: Okay. Now, during out meeting on 6 December, you told me that you gave no instructions to your staff regarding what was to be done with the video. Is that still your position?

GARETH BENNETT: Could you clarify that point, Mr Bain?

ACTING STANDARDS COMMISSIONER: Yes, if you remember, I asked you a series of questions about where it was published, how it was disseminated.

GARETH BENNETT: Yes. Yes, indeed.

ACTING STANDARDS COMMISSIONER: As I recall it you told me then that you hadn't given any instructions as you didn't really understand these things and you left

them to your staff.

GARETH BENNETT: I don't think that I didn't give instructions.

ACTING STANDARDS COMMISSIONER: No, I'm not saying I'm quoting you, that's an import of what you said.

GARETH BENNETT: From memory, there were instructions to take it down, to take the video down.

ACTING STANDARDS COMMISSIONER: No, this is about publishing it.

GARETH BENNETT: Oh, publishing it. Oh right, got you. Sorry, I wasn't listening. Oh yes, publishing it. No. I left it to my staff. I don't know how this stuff gets put up on the social media.

ACTING STANDARDS COMMISSIONER: And is that still your position?

GARETH BENNETT: Yes, absolutely.

ACTING STANDARDS COMMISSIONER: However, was it your desire that the video should receive the widest possible circulation?

GARETH BENNETT: Not especially. I can't remember what this one was. We'd only just started making them but this might have been the second or third. I can't remember the timescale but it certainly wasn't the first. I reckon this was the third we had done. And I gave no especial instructions. As far as I know it goes out to the same – it's disseminated in the same way as the other ones. Now, I have tried to clarify this with members of staff who know more about social media than me and the social media platforms that these films tend to go out under are YouTube, Facebook and Twitter, and this film went out on those platforms the same as previous films had gone out. There was no difference as far as I can establish between the dissemination of this video and the dissemination of any other video I had done previously.

ACTING STANDARDS COMMISSIONER: But it was also tagged wasn't it, on the Labour Party website both nationally and in Wales.

GARETH BENNETT: This is a point you raised in the last interview and I honestly couldn't shed any light on it because I didn't understand any of it. Now, as far as I understand, what has happened, perhaps, because I don't know if it's been tagged to a Labour Party website, based on what you have told me, what I understand has happened is that someone has clicked on the video and linked it to a Labour Party website but I have no control over that. That is something someone else has done. Possibly someone in the Labour Party who wanted to put it on a Labour website or someone who wasn't in the Labour Party, I don't know. But it was nothing to do with me.

ACTING STANDARDS COMMISSIONER: So it could have been a member of your staff or it could have been anyone else.

GARETH BENNETT: It could have been but certainly as far as I know it wasn't a member of my staff.

ACTING STANDARDS COMMISSIONER: Now can we move on to the correction statement?

GARETH BENNETT: Yes. Yes, of course.

ACTING STANDARDS COMMISSIONER: Am I correct that at your meeting with the Commissioner on 3rd of July of last year you accepted that parts of the video were factually inaccurate and that you undertook to take down the video and issue a corrective press release?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: Did you draft that press release yourself?

GARETH BENNETT: Um, yes. Yes, I drafted it myself, yes.

ACTING STANDARDS COMMISSIONER: On what date did you draft it?

GARETH BENNETT: Um, I believe it was drafted the same day as the meeting with Sir Roderick Evans, or certainly not long afterwards.

ACTING STANDARDS COMMISSIONER: So that's on or about the 3rd of July.

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: Why was there then a delay between your drafting the corrective statement and the instruction, and it being released to the press?

GARETH BENNETT: After the initial meeting with Sir Roderick Evans I reflected on what he had said and asked for further clarification as to the chain of events so that I was able to issue an accurate press release correcting the factual errors. I received that clarification on the 2nd of August and the correction notice was issued on the 13th of August. There is, um, there is a copy of the communications between me and Sir Roderick Evans if you were interested in seeing it.

There was also a gap between the 3rd of August and when the correction notice was published. The difficulty with that is that it was summer recess and I was at fault, I didn't actually make sure that the correction was published and when I... We were also in the middle of a leadership campaign for the UKIP Group and I didn't actually see anyone for a week prior to the day of the leadership election which looks like it was the 13th of August from the dates here. And on the train going to Newton Abbott, I met up with two members of my staff who I hadn't seen for a week and we went through my diary with what things had supposed to have been done and it was only at that point that we realised that the correction hadn't been released. So I'm totally at fault for that.

ACTING STANDARDS COMMISSIONER: Okay. But that was a delay of a few days between you getting clarification from Sir Roderick.

GARETH BENNETT: Yes

ACTING STANDARDS COMMISSIONER: You've offered me – can I take these letters?

GARETH BENNETT: Yes, of course.

ACTING STANDARDS COMMISSIONER: Thank you very much. Can you help me on this then, Mr Bennett? To whom was the press release sent?

GARETH BENNETT: The press release was sent to...I've got this somewhere...Ah yes, the press release was sent to the Daily Post, South Wales Argus, Wales Online, ITV Wales, BBC Wales. And it was also sent to a couple of other people: Owain Phillips, he's a reporter for ITV Wales, it seems to have been sent to him. It also

seems to have been sent to David Deans at BBC Wales, I think he wrote the original story. Adrian Masters at ITV Wales it was also sent to.

ACTING STANDARDS COMMISSIONER: And was it posted on the social media sites where you posted the original?

GARETH BENNETT: No, it was not.

ACTING STANDARDS COMMISSIONER: Why was that?

GARETH BENNETT: Well, the impression I got from the original interview with Sir Roderick Evans was that we were to take it down from social media so the impression I got was that he wanted it to vanish from social media. So, it didn't occur to me or any of my staff at the time to publish a correction on social media which would have been referring to an item we had taken down.

ACTING STANDARDS COMMISSIONER: Now, as you know, the part of the Code of Conduct that is most relevant to my investigation is part 4(b) which provides:

'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.'

Do you accept that your conduct in publishing the video between 4th May and 3rd or 4th July of last year was conduct to which that part of paragraph 4(b) applied?

GARETH BENNETT: I don't believe that I did anything that went against that paragraph.

ACTING STANDARDS COMMISSIONER: Now, we'll come to that in just a minute. But the question now is do you accept that publishing the video between these dates was conduct to which those parts applied, whether you broke the provision or not.

GARETH BENNETT: Oh, whether it applied?

ACTING STANDARDS COMMISSIONER: Yes

GARETH BENNETT: Well I guess it applies. It applies at all times, would it not?

ACTING STANDARDS COMMISSIONER: Thank you. Do you believe then that your conduct in publishing the video was consistent with your duties under paragraph 4(b) of the code to which I was referring?

GARETH BENNETT: Yes, I believe it was entirely consistent.

ACTING STANDARDS COMMISSIONER: Before you published the video did you give any consideration to whether or not it was consistent with your duties under paragraph 4(b)?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: And your conclusion, I take it, was that it was consistent with your duty?

GARETH BENNETT: Yes, it was.

ACTING STANDARDS COMMISSIONER: How do you say that publication of the video tended to *'maintain and strengthen the public's trust and confidence in the integrity of the Assembly'*?

GARETH BENNETT: Because I was scrutinising the actions of a Member of the Assembly and as a Member of the Assembly myself I have to, I have that duty to scrutinise other Members of the Assembly so I was actually, in demonstrating scrutiny, I was actually upholding the integrity of the Assembly.

ACTING STANDARDS COMMISSIONER: But your scrutiny very largely, your scrutiny aspect of it very largely related to the, what turned out to be a false allegation that Mrs Watson has wasted public money.

GARETH BENNETT: Yes, for which I apologised.

ACTING STANDARDS COMMISSIONER: And the rest of it, how did the rest of the video, the bit that wasn't false...?

GARETH BENNETT: The fact that she was a member of the Assembly Commission who has powers over equalities and she hadn't shown the requisite commitment to democracy to give us any respect as a UKIP Group. The fact that she didn't attend an important Westminster visit which was part of her duty as an AM and she was certainly around because on the same day she attended the Chamber but she thought it was more important to go to the Chamber to raise a Point of Order against the Leader of the UKIP Group.

ACTING STANDARDS COMMISSIONER: I mean, just on a point of detail, you say she thought it more important to be in the Assembly. How do you know that was her only reason for being here?

GARETH BENNETT: I don't. I don't know, but that was the implication I made in the video so that was the point I was making.

ACTING STANDARDS COMMISSIONER: But that may be wholly erroneous.

GARETH BENNETT: It may be.

ACTING STANDARDS COMMISSIONER: Yes. In fact, that's another example of you making an allegation for which you had no substance at all.

GARETH BENNETT: But it wasn't an allegation, you see. That was an implication from which people draw an inference. So I didn't make any allegation against her. I was allowing people to draw their own inference, and I was hoping the inference they drew was that she wasn't fulfilling her duties very well as an Assembly Member.

ACTING STANDARDS COMMISSIONER: For all you know she may have been involved with other important business in the Assembly that day...

GARETH BENNETT: Of course, I don't have any insight into her diaries. Of course, of course your point is correct.

ACTING STANDARDS COMMISSIONER: I have been told by a number of the complainants that they were told by members of the public that the making of the remarks on the video about Mrs Watson pulling pints and the imagery, to which we've referred, would discourage females generally from standing for public office. Do you agree?

GARETH BENNETT: Um, I don't know. That thought hasn't occurred to me. That point hasn't been raised, so I don't know.

ACTING STANDARDS COMMISSIONER: I have also been told that the video and the suggestion in it that all barmaids are open to sexual promiscuity is deeply

offensive to female barmaids and to females generally. Do you agree that it has that potential?

GARETH BENNETT: No, I – we did – if I can refer to the previous interview...

ACTING STANDARDS COMMISSIONER: By all means...

GARETH BENNETT: I did refute any allegation that there was a suggestion of sexual promiscuity. The sexual promiscuity is something that people have read into the video that I did not necessarily have in mind when I made it.

ACTING STANDARDS COMMISSIONER: And I've also been told that the sexist remarks in the video tend to generate a general assumption that all women can be subjected to sexual innuendo. Do you agree with that?

GARETH BENNETT: You used the phrase sexist remarks. Is that your phrase that your using? Is that your description?

ACTING STANDARDS COMMISSIONER: No, that's what I've been told.

GARETH BENNETT: Ah. Who by?

ACTING STANDARDS COMMISSIONER: Well, one of the complainants.

GARETH BENNETT: Ah, one of the complainants. So it's, just to be clear, it's her description, it's not your description.

ACTING STANDARDS COMMISSIONER: It's the description of one of the complainants.

GARETH BENNETT: Right, ok. I've forgotten what the question is again now. Sorry it's the first time I've done this.

ACTING STANDARDS COMMISSIONER: I appreciate it's not easy. I think what I asked you was that I've been told that the sexist remarks in the video tend to generate a general assumption that all women can be subjected to sexual innuendo.

GARETH BENNETT: I think that is far too, you know from what you, these are subjective areas as I pointed out in the first interview, a lot of this is subjective. Those are far too broad a points for my mind to rationally be taken from my video. They certainly weren't in my mind when I made the video.

ACTING STANDARDS COMMISSIONER: Would it be wrong for an Assembly Member to subject any woman to sexual innuendo?

GARETH BENNETT: Um, it depends what the situation is. In general I would say yes but of course, there are Assembly Members who may be in relationships with other Assembly Members so it's not always the case. But I would take your – I would say as a general point it's not good for AMs to make sexual innuendo. I mean, in any workplace it's a sensitive area and you would be unwise to do it generally, unless you had a very good relationship with the person and knew it would be taken as a joke. If you didn't have that relationship you're on very rocky ground as you could be upsetting somebody and you could be making things very awkward for your future working relationship. So I would say on the whole it's not a good idea.

ACTING STANDARDS COMMISSIONER: I have also been told that many people other than the complainants were shocked by the video. Do you accept that being shocked was a reasonable reaction to it?

GARETH BENNETT: Um, there are different reactions. Again, referring to the first interview, because we did talk about this in the first interview, people have different reactions to things. I had Assembly Members from different parties coming up to me and saying they found the video highly amusing, including people I wasn't expecting to tell me that. So the general point I would make is different people have different reactions to things.

ACTING STANDARDS COMMISSIONER: And one of the reactions that these different people might have would be shock.

GARETH BENNETT: It might be.

ACTING STANDARDS COMMISSIONER: And indeed, it was readily predictable that some people would be shocked by it wasn't it?

GARETH BENNETT: I don't think it, I don't think people would be shocked by it. I think I thought some people would be uh, um... annoyed by it. I don't think I thought people would be shocked by it. The reaction of shock is something that does surprise me.

ACTING STANDARDS COMMISSIONER: And I think you were about to say there before you stopped yourself you thought some people would be upset by it.

GARETH BENNETT: Yes, I changed it to annoyed. I think annoyed is probably what I thought. I mean, I generally under estimated the reaction to this film so, I'm trying to go back, we're going back a long time now and I'm trying to remember what I thought when we were making it, what did I think people's reactions were going to be. Um, it's hard to remember because a lot of the time I'm making something, I'm not thinking that much about what the reaction will be. Once I've got the narrative in my mind I'm just intent on making the film. I think I could have anticipated people would be upset, you said upset, so I'd go as far as to say yeah, maybe some people would be upset. But politics, you know, people are upset all the time.

ACTING STANDARDS COMMISSIONER: And I've also been told that the publication of such a video by a prominent Member such as yourself reflects very badly on other Members. What do you say to that?

GARETH BENNETT: Publication of a video by a prominent AM, sorry, what was the second bit?

ACTING STANDARDS COMMISSIONER: Reflects very badly on other Members

GARETH BENNETT: Well, I disagree. I disagree.

ACTING STANDARDS COMMISSIONER: Do you accept that Members should set an example of how to behave to others in Wales?

GARETH BENNETT: Well, yeah, to some extent. But we're in a political environment. There is something called political rough and tumble. I'm often going to say things that people in the Labour Party or Plaid Cymru are going to disagree with. I can't do my job unless I say things they are going to disagree with because I was elected on a different platform to them. So that goes into conflict with your general point about we have to set an example to everyone. I do First Minister' questions every week and I have a whole load of people heckling me, so that's the context we're in. I don't complain about it. That's the political context.

ACTING STANDARDS COMMISSIONER: Do you believe that by publishing the

video with the text and imagery that we've focused on, you were setting a good example to others in Wales?

GARETH BENNETT: I think the images were part of a wider film, and, um, I think that they were images that were just put in as a satirical element of the film that made some serious political points and I don't think they cause any problem of the type you're suggesting in your question.

ACTING STANDARDS COMMISSIONER: Do you now regret using that imagery and text?

GARETH BENNETT: Um, no. I don't regret it.

ACTING STANDARDS COMMISSIONER: Would you do the same again?

GARETH BENNETT: Well, there wouldn't be much point making the same film twice.

ACTING STANDARDS COMMISSIONER: Would you use language of a similar kind and imagery that could be interpreted as offensive in a future video?

GARETH BENNETT: I don't think I would go out of my way to do that but I think the thought processes that went into this video would be similar to the thought processes that would go into any subsequent videos that I would make, except that I would be informed to some extent by the process I have been through as a result of this video.

ACTING STANDARDS COMMISSIONER: Do you accept that the depiction of Mrs Watson in the video and the supporting text had an obvious double entendre of a sexual nature?

GARETH BENNETT: No. we discussed this in the first interview and I refuted it then and I refute it now.

ACTING STANDARDS COMMISSIONER: Mr Bennett, I'd remind you that you are on oath. Do you seriously maintain that during the period the video was published you had no idea there was a double entendre with a clear sexual innuendo?

GARETH BENNETT: I continue to refer you to my answer in the first interview. I do not depart from that answer in any way. The fact that I am under oath makes no difference because I didn't give you any untruthful answers in the first interview.

ACTING STANDARDS COMMISSIONER: Are you telling me that you had no idea of the well-known sexual connotation of the phrase 'pop in for quick one'?

GARETH BENNETT: I've already answered that point Mr Bain. There's no point re-phrasing the question and giving it to me again. I've given you an answer and that is the answer I stick to.

ACTING STANDARDS COMMISSIONER: Well, perhaps you could remind me what that was.

GARETH BENNETT: I refute the idea that there was any sexual innuendo contained in that phrase that was used in the video.

ACTING STANDARDS COMMISSIONER: if that is true then you must be one of the very few people in Wales or anywhere else that wouldn't know the possible sexual interpretation of that phrase. You were a journalist, I believe?

GARETH BENNETT: Uh, yes, I was. Yeah.

ACTING STANDARDS COMMISSIONER: And you see yourself as a person who's familiar with the people?

GARETH BENNETT: Yeah.

ACTING STANDARDS COMMISSIONER: And you're seriously telling me on oath that you had no idea that there was a possible sexual innuendo of that phrase.

GARETH BENNETT: I think the point I made was that at the point I put the video together that sexual innuendo was not in my mind when we filmed that part of the video. That was the point I made.

ACTING STANDARDS COMMISSIONER: Well what I'm asking you now is at the time you made the video, did you know that there was a sexual innuendo, a possible sexual innuendo in that phrase?

GARETH BENNETT: It did not occur to me at the time I made the video that there was any sexual innuendo. And if I watch that video again now that sexual innuendo wouldn't even occur to me.

ACTING STANDARDS COMMISSIONER: But were you aware of the sexual connotations of that phrase at the time you made that video? Even though you may not have thought about it, were you aware of it?

GARETH BENNETT: I don't think I am aware of such a sexual innuendo.

ACTING STANDARDS COMMISSIONER: Well, then you must have been displaying a remarkable degree of naivety.

GARETH BENNETT: Well, that's your interpretation.

ACTING STANDARDS COMMISSIONER: So your position is really this, and I want to be fair to you, that there's really nothing wrong with the video?

GARETH BENNETT: Yeah. That's my basic belief, yeah. Yeah.

ACTING STANDARDS COMMISSIONER: If that's so, can you explain why Mrs Watson received a number of apologies about it...

GARETH BENNETT: Because their...

ACTING STANDARDS COMMISSIONER: including from other UKIP Assembly Members?

GARETH BENNETT: Because their view was different to my view. The issue I've raised before is the issue of subjectivity. Their opinion was different to my opinion. You asked me for my opinion, not their opinion.

ACTING STANDARDS COMMISSIONER: So, do you accept that a number of people did find the video offensive, including some UKIP Assembly Members?

GARETH BENNETT: Did they say they found it offensive?

ACTING STANDARDS COMMISSIONER: Well, they apologised for it so they must have felt there was something wrong with it

GARETH BENNETT: Something. Well, yeah, well, that's clearly what happened so clearly I accept what you say. Some people did, um, you know, they didn't like the video. I agree.

ACTING STANDARDS COMMISSIONER: And if you'd applied your mind to it you'd

have realised that that was an almost inevitable consequence of publishing it.

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: But you decided to publish it anyway.

GARETH BENNETT: Yes. Of course.

ACTING STANDARDS COMMISSIONER: Now, let's come to the Dignity and Respect Policy. Do you accept that from 16th May 2018, which is when the resolution to approve the policy was passed by the Assembly, your conduct in continuing to publish the video was governed by the Dignity and Respect Policy? I'm not asking whether it was in breach of it, just whether the dignity and Respect Policy applied to it.

GARETH BENNETT: Yep, I take the point.

ACTING STANDARDS COMMISSIONER: And from your work on the Standards Committee, you were aware of the provisions of the Dignity and Respect Policy, a policy on which you voted on the 16th of May?

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: So may I take it that you were aware of the aims of the policy included that '*the people who work here*', i.e. the Assembly, '*feel safe, respected and comfortable in their working environment*'. And that '*behaviour that adversely affects the dignity of others has no place in this institution*'.

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: Were you also aware that the policy provides that '*Inappropriate behaviour means any behaviour that adversely affects the dignity of another person. It covers all unwanted behaviour – that is, behaviour which is not encouraged or reciprocated by the recipient, regardless of whether it was meant to cause offence, and whether it is repeated or an isolated incident?*'

GARETH BENNETT: I'm not aware of the precise words but I'm certainly not disputing them. If you're reading from the policy then I agree.

ACTING STANDARDS COMMISSIONER: But although you don't recall them precisely, now, having voted for them on the 16th of May you must have been aware of them then.

GARETH BENNETT: Yes, indeed.

ACTING STANDARDS COMMISSIONER: In a similar vein, were you aware that the policy also provides that '*other examples*', I'm reading again (of inappropriate behaviour) '*include images – including those on computer and video clips – gestures, facial expressions, mimicry, jokes, pranks and acts affecting a person's surroundings?* Were you aware of that?

GARETH BENNETT: Um, broadly, yes.

ACTING STANDARDS COMMISSIONER: And are you also aware that the policy states '*it is important to bear in mind that this policy covers all inappropriate behaviour that adversely affects the dignity of another person – that is, all unwanted behaviour?* Did you know that?

GARETH BENNETT: Yes. I must have read it at some point, yes.

ACTING STANDARDS COMMISSIONER: Do you accept that the publication of your video with that imagery and text was unwanted by Mrs Watson?

GARETH BENNETT: Um. I presume it was unwanted by her, yes.

ACTING STANDARDS COMMISSIONER: And she'd not asked you to publish it?

GARETH BENNETT: No, she certainly didn't ask me to.

ACTING STANDARDS COMMISSIONER: Do you accept that the imagery and text of your video adversely affected Mrs Watson's dignity?

GARETH BENNETT: Um, I don't have anything to offer on that. I don't know.

ACTING STANDARDS COMMISSIONER: So you're not in a position to say it didn't?

GARETH BENNETT: No

ACTING STANDARDS COMMISSIONER: If it is the case that it did adversely affect Mrs Watson's Dignity, and I'm just asking you to accept that for this purpose, then how do you say that publishing the video after the policy came into force was not a breach of the policy? If it was unwanted, and if it was, affected her dignity, how was it not in breach of the policy?

GARETH BENNETT: Well, if I can, before answering that one, just clarify something? I was under the impression, as a technical point, that the publication of the video pre-dated the Dignity and Respect Policy.

ACTING STANDARDS COMMISSIONER: Yes, it did. But that's why I've been careful in all my questions to say 'from 16th of May'. Because of course publication, and in case law this is well settled, is a continuing act. So your publication of it is not just the act of first publishing it, publication continues every single day until it is taken down.

GARETH BENNETT: Well, in a practical sense therefore, as you've clarified that for me and thanks for the clarification, in a practical sense, once the Dignity and Respect Policy passed, it wouldn't have occurred to me 'oh dear, let's take that video down' because it probably wasn't even in my mind at the time. If the video was something that had already been done, it would have been something that wouldn't necessarily of occurred to me to do. And when I was summoned to see the Commissioner for the Welsh Assembly, Sir Roderick Evans, I agreed to take the video down because of the factual errors that were contained in the video. So at that point I did take it down. But it didn't occur to me prior to that to take it down because the Dignity and Respect Policy had come into being. That wouldn't have crossed my mind.

ACTING STANDARDS COMMISSIONER: I can understand that, but I'll just go back and press you a little more on the point. Again, you've accepted that you had no reason to believe that the conduct was wanted by Mrs Watson...

GARETH BENNETT: Yes, yeah.

ACTING STANDARDS COMMISSIONER: And you can't deny the suggestion that she was upset by it, her dignity was affected by it: you've no information, one way or another.

GARETH BENNETT: No, no.

ACTING STANDARDS COMMISSIONER: So, if it was the case that her dignity was affected by the text and the imagery, and if it was the case that the video was unwanted by her, how was its publication after the policy came into force not a breach of the policy?

GARETH BENNETT: I don't think that the policy can be applied to this kind of case, because when we devised this policy on the Committee, this was a policy that was supposed to be protecting members of staff of the Assembly. And it was largely, what we had in mind largely was the relationships between Members and staff, and other members of staff or people who were senior to them, or members of staff and Assembly Members, or people visiting the estate and Assembly Members. It was something to do with people's relationship in a working environment. It wasn't something that was supposed to be applied to films that were made by Assembly Members criticising other Assembly Members. That, to my mind, would have been an absurd application of the Dignity and Respect Policy. And if people on that Committee at that time had any notion that it was going to be applied in that way then we might not have even brought in the dignity and Respect Policy with that wording. Perhaps we were remiss in allowing it to be too broad in its wording. But of course, the Leader of the UKIP Group at the time, Neil Hamilton, he did oppose the Dignity and Respect Policy because he's said it would lead to problems. Perhaps, in retrospect, if you are going to apply it in these cases, he was right.

ACTING STANDARDS COMMISSIONER: Well, whatever may have been your thinking on the intention on bringing it in, the fact is the Assembly did approve it...

GARETH BENNETT: They did, yes...

ACTING STANDARDS COMMISSIONER: In terms that applied it to the conduct of all Assembly Members at all times, including when they were making comments, or videos in your case, about another Assembly Member.

GARETH BENNETT: So it sounds like we're heading to trouble with this policy then.

ACTING STANDARDS COMMISSIONER: So going back to the scenario that I gave you, how do you now say that your publication of the video was not in breach of the policy?

GARETH BENNETT: I don't believe it, I don't believe it was in breach of the policy, personally, because I don't think the policy was intended to be applied in such a way as you're suggesting it might be.

ACTING STANDARDS COMMISSIONER: Well, if you take it from me for the purposes of the, these questions, that as a matter of law, whatever the intentions may have been, the policy does apply to all conduct of an Assembly Member...

GARETH BENNETT: Yeah

ACTING STANDARDS COMMISSIONER: Including publishing videos about another Assembly Member. And if you accept that Mrs Watson's dignity was affected by the video and the text, and that it was unwanted by her, how do you say that your action was not in breach of the policy?

GARETH BENNETT: Well in the way you're suggesting the policy could be applied it sounds as if it was in breach of the policy.

ACTING STANDARDS COMMISSIONER: Thank you. You told me when we last met, and I'm not quoting your exact words and no doubt you'll correct me if I've got the import of what you said wrong, that although you didn't formally know of the complaint until Sir Roderick told you about it...

GARETH BENNETT: I can't remember if he did actually tell me. I'm not...

ACTING STANDARDS COMMISSIONER: He told you about it not, didn't tell you

GARETH BENNETT: Oh sorry, oh right, he told me about the complaint but I'm not sure he told me who the complainant was...

ACTING STANDARDS COMMISSIONER: No, no, no, I accept that. But although you weren't formally aware of the existence of a complaint until he told you about it, you were aware before that from I think what you'd heard on the grapevine that...

GARETH BENNETT: I don't, no...

ACTING STANDARDS COMMISSIONER: Mrs Watson was distressed by it

GARETH BENNETT: I think we discussed it and you suggested this might have been the case but I couldn't remember that. I can't, I can't actually remember if I knew anything about Joyce Watson's views on it prior to the meeting with Sir Roderick Evans. It doesn't ring any bells with me that we discussed what Joyce thought about it. I don't think we had any, you know, nothing had come back to me about what she thought about it. Um, I'm not sure – I'm trying to remember now, the complaint – I'm not sure I knew who the complainant was. I suppose there could have been a presumption it was her but I didn't have any direct knowledge. She hadn't said anything in the media about it so I had no clue. I don't lines of much gossip with the Labour Group, so it wouldn't have been anything anyone would have told me from the Labour Group and I can't remember anyone else telling me that.

ACTING STANDARDS COMMISSIONER: Did you then at any time before you took down the video, or had it taken down, give any thought to whether the text and imagery was demeaning, distressing or humiliating to Mrs Watson?

GARETH BENNETT: Well, I'd already taken the view when I made the film that it wasn't and so that view didn't change afterwards.

ACTING STANDARDS COMMISSIONER: Did you care whether it caused her distress?

GARETH BENNETT: I'm not sure it crossed my mind what her reactions to it were going to be. You know, it was a video, as I pointed out earlier, about the Labour Party. Joyce Watson was just something... There's a phrase in – you alluded earlier to my background in journalism. There was a phrase that I learned in journalism that was a story needs a hook to hang it on. So to me, the story was about the hypocrisy of the Labour Party but the hook to hang it on was 'oh, Joyce Watson missed her committee trip to Westminster. That was just the introduction to the whole thing. So I don't think it would have been uppermost in my mind what Joyce Watson was thinking of the video.

ACTING STANDARDS COMMISSIONER: Of course, the alternative to that version is the hook was your false allegations about wasting public money, but that was an excuse for a revenge attack targeting Joyce Watson because of the 'Rabid Dogs' remark.

GARETH BENNETT: But when I reviewed – you made that point last time. Now when I viewed the video just now, she’s only actually really in the video in the early part of it. It does get broader and broader as you carry on watching it. And there are more and more broader political points as you go through the video. So I actually do refute what you say there.

ACTING STANDARDS COMMISSIONER: Now, in December you told me that you had apologised for the part of the video that was factually wrong. To whom did you make that apology?

GARETH BENNETT: There was a press release wasn’t there, and it was distributed to different outlets so the apology went to those outlets.

ACTING STANDARDS COMMISSIONER: Well, that was a corrective press release but I don’t recall it saying you apologised. Perhaps it did.

GARETH BENNETT: ‘A UKIP AM has apologised’...

ACTING STANDARDS COMMISSIONER: Oh, sorry...

GARETH BENNETT: ‘for falsely claiming’...

ACTING STANDARDS COMMISSIONER: You’re quite correct. But the person wronged by the false statement was Mrs Watson.

GARETH BENNETT: Yes.

ACTING STANDARDS COMMISSIONER: Have you apologised to her...

GARETH BENNETT: No...

ACTING STANDARDS COMMISSIONER: For falsely accusing her of wasting public money?

GARETH BENNETT: Um, what, to her personally? Face to face?

ACTING STANDARDS COMMISSIONER: Well, or by sending her a text or a letter, or...?

GARETH BENNETT: No, I haven’t apologised to her in that sense.

ACTING STANDARDS COMMISSIONER: Do you intend to apologise to her personally?

GARETH BENNETT: Um, no.

ACTING STANDARDS COMMISSIONER: You could make a statement couldn’t you, in Plenary, apologising.

GARETH BENNETT: Well, I’ve already done the press release which is what the Commissioner asked me to do so I believe I’ve fulfilled what was required of me.

ACTING STANDARDS COMMISSIONER: Do you intend to make any apology for any other text or imagery in your video?

GARETH BENNETT: Um, no.

ACTING STANDARDS COMMISSIONER: Because – tell me if you think this is wrong – because you think there’s nothing wrong with it.

GARETH BENNETT: Correct.

ACTING STANDARDS COMMISSIONER: Now, do you wish to take this opportunity to offer any explanation or excuse for walking out of the interview on 6 December?

GARETH BENNETT: Um, I shouldn't have walked out of the interview because, Um, I was bound to answer your questions. But I did find that the atmosphere became too oppressive and I couldn't deal with the situation, which is why I walked out. But I shouldn't have done so, so I apologise to you on this occasion for walking out of the previous interview.

ACTING STANDARDS COMMISSIONER: Now, do you wish to add to or correct anything you have said either at the interview on 6 December or today?

GARETH BENNETT: I can add other things about the political context of the video, but I'm not sure...

ACTING STANDARDS COMMISSIONER: If you wish to, it's entirely a matter for you

GARETH BENNETT: Well can I quote something from the end of the video which is a direct quote?

ACTING STANDARDS COMMISSIONER: By all means.

GARETH BENNETT: If I can – I apologise – I wrote this down in shorthand so I've got to try and get my head around it because we didn't have much time to get back.

Right, this is where I was moving from Joyce Watson to the wider Labour Party.

'But Joyce Watson, odd creature that she is, is actually representative of many people in today's minority obsessed Labour Party, the party that rails against racism but which systematically abuses Jewish people.'

That was a direct quote from the video. It was accompanied by a clip of Ruth Smeeth, a Jewish Labour MP leaving a Labour Party meeting in tears.

'The party', this is going back to a quote from the video, *'The party that purports to be for peace but whose leaders stand shoulder to shoulder with terrorists.'* End of quote, accompanied by a picture of the Labour Party Leader, Jeremy Corbin standing next to Jerry Adams, the IRA former, reputed former IRA terrorist. I'm glad you laughed at that – so that was just to demonstrate that obviously you're familiar with Northern Ireland. That was just to demonstrate the wider political context so I would like that to go on record.

ACTING STANDARDS COMMISSIONER: Yes

GARETH BENNETT: And the video was called 'The Rabid Dogs of Brexit.' That's Joyce Watson's pronunciation. Your pronunciation is 'rabid'. I'm not sure which – it may be either or, I mean, I tend to say 'rabid' but I might be wrong. So it did refer, um, you know, you've raised the point, revenge. I refute it was revenge but it did refer to previous remarks that she's made about us so it was in the political context of her previous attacks, verbal attacks, on UKIP. That was part of the political context for the videos. So I would like to make those points.

ACTING STANDARDS COMMISSIONER: Okay, no, these are all noted. Now do you have any complaints to make, either about the last interview or this interview?

GARETH BENNETT: I have no complaint to make. I'm unfamiliar with the process, I'm new to the process. I have no complaint to make at this point. I think, I think, you

know, unfortunately events unfolded as they did in the last one for which I've apologised to you. I, you know, I don't, you know, wish to make any complaint. That was just what happened.

ACTING STANDARDS COMMISSIONER: As soon as possible I'll send you my version of the transcript of the first interview, along with the transcript of today's interview. If you have bits of it that you think we've got wrong, then if you can let me know within seven days...

GARETH BENNETT: Okay.

ACTING STANDARDS COMMISSIONER: of receiving them. After that I'll go ahead and proceed on the basis that they're correct.

GARETH BENNETT: Okay.

ACTING STANDARDS COMMISSIONER: Obviously, If you've got corrections, we'll consider them and listen to the tape and decide. The time is now 13.10 and the interview has ended.

ENDS 13.10



[Redacted]

Dyddiad | Date: 17 October 2018

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

Pwnc | Subject: **Joyce Watson Video**

Dear Sir Roderick,

I would like for the comments I wish to make regarding the video of Joyce Watson by Gareth Bennett to be noted.

The video was, in my opinion both sexist and ageist. Joyce is a lady of pensionable age and to place her head on the body of a scantily clad younger body not only highlights ageism and sexism but also stereotypes what a barmaid is supposed to look like.

The commentator stated "You wouldn't fancy popping in for a quick one if Joyce was behind the bar" yet again leaves the meaning open to interpretation and therefore treats the recipient of such innuendo with total disrespect.

It should also be noted that in past performances by the person who made the video that men are not subjected to such behaviour and it would appear his sexist views regarding this person urgently need addressing.

I was disappointed to see the length of time this video was left in the public domain which may have devastating consequences for Ms. Watson should she wish to be re-elected as it wrongly implies she has been dishonest in seeking reimbursement for a meeting she did not attend.

Yours sincerely,
[Redacted Signature]
[Redacted Name]
[Redacted Address]



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UKIP apology to Labour AM over member's 'tacky' video

By David Deans
BBC News

26 May 2018



Three UKIP AMs - including their leader - have said sorry for a "tacky" YouTube attack on a Labour politician made by a party colleague.

But the video's creator, AM Gareth Bennett, would not apologise for the clip which criticised Joyce Watson for calling the group "rabid dogs".

The video includes derogatory comments about Ms Watson.

UKIP group leader Caroline Jones said she would have been offended if a similar video had been made about her.

She said she, Michelle Brown and David Rowlands had apologised to Ms Watson, who is Labour AM for Mid and West Wales.

Welsh Labour has been asked to comment.

The trio are the same individuals who **backed deposing UKIP assembly leader Neil Hamilton** and installing Ms Jones.

- **Hamilton 'told by text' he lost UKIP job**
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- **Bennett's speech ban is lifted**
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Mr Bennett, who represents South Wales Central, said the video row was a "red herring" and accused the three of trying to "bypass party democracy by getting themselves automatically reselected as assembly candidates".

Ms Jones said Mr Bennett should look at the "positive action" going on in UKIP and accept "he now has a new leader".

The clip, published prior to the change of leadership, criticised backbencher Ms Watson's use of the term "rabid dogs" during an assembly debate in May 2017.

The derogatory comments used by Mr Bennett about Ms Watson coincide with an image of her head superimposed over a picture of a barmaid.

Ms Jones said: "I wouldn't expect someone to do a video of me like that, I would be most offended.

"Members of UKIP did feel annoyed at UKIP being called rabid dogs, so that's not on either."

Mr Rowlands said the AMs would have liked to have seen the video's contents, adding: "It was far too personal a video. I just think it was a little tacky, to be quite honest with you, to be doing that sort of thing."

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Sexism row over Gareth Bennett AM's 'buxom barmaids' video

By Paul Martin and David Deans

BBC News

26 September 2018



A row has broken out after a video featuring a barmaid wearing a low-cut top with an AM's head superimposed on it was deemed to not be sexist.

The video about Labour's Joyce Watson was posted on YouTube by UKIP assembly group leader Gareth Bennett.

He referred to the fact Ms Watson used to run a pub, and made derogatory comments about her appearance.

She complained to the assembly's standards commissioner who decided it was not sexist or misogynistic.

There have now been calls for Sir Roderick Evans, who took up the role in 2016, to reconsider his decision.

In the video, which has since been taken down, Mr Bennett, who represents South Wales Central, said Ms Watson used to run a pub but "you wouldn't guess that from looking at her".

He added: "She doesn't look like the life and soul of the party. I'm not sure I would fancy popping in for a quick one at the local if I saw her pulling pints at the bar."



Following the commissioner's decision, Ms Watson, the AM for Mid and West Wales, wrote to him saying: "You do not find it to be 'sexist or misogynistic'.

"I appreciate that you are not the 'arbiter of the level of political debate'.

"However, I maintain that the video falls outside the parameters of robust debate - and that the allusion to 'buxom barmaids' is inherently sexist.

"Subjective as these things are, though, I believe it would have been appropriate to refer my case to the Assembly's Standards Committee, for wider consideration, especially in light of the new Dignity and Respect policy."

AMs from the three main parties have told the BBC's Wales Live programme they think the video is sexist.

- **UKIP apologises over AM's 'tacky' video**
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- **UKIP AM Bennett deviates from the norm**

Plaid Cymru's Bethan Sayed, AM for South Wales West, said: "I think with all due respect the standards commissioner himself probably hasn't experienced sexism or misogyny in his

lifetime and I think if you're a woman and you've been treated in that way then I think they would rightly say 'that's sexist'.

"I don't think that has a place in Welsh politics at all and that decision should really be reconsidered."

Gwendolyn Sterk, from Welsh Women's Aid, also wants the commissioner to explain how he reached the decision which she said sends the wrong signal.

"We know young women are put off going into politics purely because of the online abuse they experience and we know that's a significant reality for women," she said.

'Not his area'

Former Welsh Government adviser Cathy Owens said the assembly does not have the right system in place to deal with complaints about sexual harassment.

"He's an absolutely delightful man but this is not his area of expertise," she said.

"He's in a situation where the assembly have asked him to be the sole arbiter of a situation which is really very complex about sexual harassment in politics in Wales."

A spokesman for the standards commissioner said: "The way in which complaints against assembly members are dealt with is presently the subject of review by the standards committee, as is the code of conduct for assembly members and how it relates to the assembly's dignity and respect policy.

"The commissioner does not comment on individual cases but reports he submits to the standards committee are published and are publicly available."

Watch Wales Live at 22:35 BST on Wednesday on BBC One Wales

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UKIP apology to Labour AM over member's 'tacky' video

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Why questions should be asked if undeniably sexist 'buxom barmaid' video is deemed acceptable | Carolyn Hitt

It comes after the "bizarre" YouTube skit posted by UKIP assembly group leader Gareth Bennett

By Carolyn Hitt 17:29, 29 SEP 2018

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Gareth Bennett pictured in his interview at WalesOnline (Image: Rob Browne)

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RECOMMENDED



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When is St Dwynwen's Day and what's so special about Dwynwen anyway?

If the video of a "buxom barmaid" with the head of Labour AM Joyce Watson superimposed on it is not sexist then I'm Jim Davidson.

The bizarre YouTube skit posted by UKIP assembly group leader Gareth Bennett made Confessions of a Window Cleaner look like an Ingmar Bergman film. From start to finish it portrays a female politician in purely sexualised terms and judges her solely on her appearance. There couldn't be an easier definition of a sexist slur.

Bennett refers to the fact Watson used to run a pub, adding but "you wouldn't guess that from looking at her".

Presumably to represent what Bennett believes pub landladies should look like, we then see Watson's head joined to the body of a woman wearing an outfit that would be described as "saucy bierkeller costume" in the fancy dress section of Amazon.

As Bennett's choice of hostelry is apparently decided by whether he finds the barmaid attractive, he continues: "She doesn't look like the life and soul of the party. I'm not sure I would fancy popping in for a quick one at the local if I saw her pulling pints at the bar."

Popping in for a quick one? Only a fnaar fnaar guffaw from Sid James is missing. It's puerile. It's bitchy. And it's undeniably sexist. Would a male AM's head be stuck on Poldark's torso by a female opponent and sneered at for his lack of sexual appeal? Of course not.

The National Assembly for Wales established a Dignity and Respect policy this year as part of its commitment to provide an "inclusive culture that is free from harassment". In 2016 the assembly appointed Sir Roderick Evans as its standards commissioner.

When Joyce Watson complained to the commissioner about the UKIP leader's video of her, I'd have thought this was an open and shut case for the former judge. Yet Sir Roderick did not deem the video sexist or misogynist.

But after all, he may have been one of Wales' leading legal eagles but he is also a 71-year-old male and, with respect, has he ever actually experienced sexism in his life?

Does he know what it feels like for a woman attempting to fulfil an important role in public life to be reduced to a comedy picture of a cleavage?

Just as I wouldn't dare tell a person of colour I believe they haven't been on the receiving end of racism, is he best placed to tell a woman that she has not been subjected to sexism?

No wonder Joyce Watson is asking for further action on this incident.

► Ukip's new Assembly leader Gareth Bennett walked out when we challenged him on immigration

The AM for Mid and West Wales wrote to Sir Roderick, saying: "You do not find it to be 'sexist or misogynistic'. I appreciate that you are not the 'arbiter of the level of political debate'. However, I maintain that the video falls outside the parameters of robust debate - and that the allusion to 'buxom barmaids' is inherently sexist. Subjective as these things are, though, I believe it would have been appropriate to refer my case to the Assembly's Standards Committee, for wider consideration, especially in light of the new Dignity and Respect policy."



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RECOMMENDED

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AMs from across the political spectrum have told the media this week that they consider the video to be sexist. While robust sparring is part of politics, elected representatives expect their opponents to be above the level of online trolls. As do the public.

It would help if the standards commissioner would explain how he reached a decision which, as women's charities have stressed, sends entirely the wrong signal to a generation who are already disillusioned with a political arena that can be toxic for females.

As Gwendolyn Sterk from Welsh Women's Aid pointed out: "We know young women are put off going into politics purely because of the online abuse they experience and we know that's a significant reality for women."

As he won't comment on individual cases, we can only speculate why the standards commissioner did not consider the buxom barmaid video to be sexist. Did he think it merely postcard humour or Benny Hill-style banter – you know, the kind of nonsense that died out circa 1974.

 [READ MORE](#)

But normalising sexism in the Senedd is a dangerous step. This might seem a small incident to him but it's part of a huge problem for female politicians. The scale of the hatred towards women in politics is devastating.

Female journalists get a taste of it, but I would never consider a career in politics because life is just too short to put up with the kind of sexist invective women in this sphere endure. I know scores of women who could make a valuable contribution to Welsh public life who feel the same.

And I admire those who pursue political careers regardless, though I do wonder how much psychological pain they put up with privately and the impact that may have in their future.

[▶ Everything the experts don't know about Brexit](#)

Leanne Wood, who lost the Plaid Cymru leadership race on Friday, was targeted several times with the most extreme form of misogynistic abuse after she became the first woman to lead her party. In July 2016, a man was jailed for 12 weeks after referencing rape in messages to Wood as she appeared on a television EU referendum debate.

Speaking about her experiences at the Hay Festival, Wood said: "I am seeing more misogyny now than I have ever seen in my political life. This seems to be a phenomena of today. It seems to come out online, on social media, but it seems to be reflecting something else that is going on in society."

A survey conducted by the Electoral Reform Society earlier this year revealed the majority of female politicians in Wales say they have been abused or harassed.

The study, entitled "New Voices: How Welsh politics can begin to reflect Wales" was based on surveys of over 250 Welsh representatives, as well as in-depth interviews with key party figures.

Launching the report, Jess Blair, ERS Cymru director, said: "This report offers a shocking account of the realities of being a politician in Wales. The scale of abuse faced by elected representatives is appalling. That over half of female politicians who took part in our report have said they have been abused in office suggests so

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RECOMMENDED

Police mishandled one of 'worst domestic abuse' cases ever seen

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Domestic abusers 'should be monitored like registered sex offenders'

many scandals we simply don't know about. But given the situation it's no wonder that many people look at politics and think it's not for them.

"We need to look at modernising our institutions, and to work with parties to identify and develop a more diverse set of candidates. Alongside this we also need to take the levels of abuse and harassment that politicians are facing seriously, with clear complaint and enforcement procedures that can effectively deal with this.

"We hope that this report acts as a wakeup call for political parties, institutions and even social media companies. Our recommendations may make uncomfortable reading for parties who currently take little action on diversity – but they are vital to create a politics in Wales that reflects the people here."

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Among the experiences detailed in interviews with politicians in the report was this one from Plaid Cymru AM Bethan Sayed, describing how racism can now accompany the sexist trolling she has endured: "Since I have got married to somebody from India, I've experienced perhaps more racial attacks in their tone that I have obviously never experienced before. So you have to deal with that as well and because, you know, do you report those types of things? Do you just accept it, saying that I don't want to become a victim, or then are you part of the problem because you are not reporting them? I think it's a very difficult position to be in as an elected representative."

And as a female politician what happens when you do report an incident but nothing is done about it? Joyce Watson AM is experiencing the frustration of that scenario right now.

Questions should be asked of the standards of the standards commissioner himself if a video as tacky, inappropriate and undeniably sexist as this is deemed acceptable in Welsh political life.

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Watchdog reviews 'buxom barmaids' video after sexism row

2 October 2018



The assembly's standards watchdog is to review a complaint by a Labour AM about a video he deemed not to be sexist.

UKIP Senedd leader Gareth Bennett's video superimposed Joyce Watson's face on a woman in a low-cut top.

The Standards Commissioner Sir Roderick Evans faced cross-party and ministerial pressure to explain and reconsider his decision.

Mr Bennett's spokesman declined to comment.

BBC Wales Live revealed last week that Sir Roderick Evans believed that the video was **neither sexist or misogynistic**.

Following the story a number of Labour AMs came forward to criticise the decision, including **ministers and candidates for the Welsh Labour leadership**.

Sir Roderick said he was reviewing the video in light of plans to incorporate the assembly's new dignity and respect anti-harassment policy into the members' code of conduct.

Ms Watson, who said the video's allusion to 'buxom barmaids' was "inherently sexist", welcomed the review.



In the video Mr Bennett made derogatory comments about Ms Watson's appearance.

Sir Roderick said he is working with members of the standards committee to ensure the AMs code of conduct is formally aligned with the new dignity and respect policy "as soon as possible".

"With that in mind, and as we are in a period when the relationship between the Dignity and Respect policy and Code of Conduct has not yet been defined, I have decided to review my decision on a complaint submitted by Joyce Watson AM, and, if appropriate, to produce a report on the relevant issues for the consideration of the Standards Committee," he said in a statement.

The comments were welcomed by Plaid Cymru AM Helen Mary Jones, but criticised by former Welsh Government special advisor Cathy Owens.

"With the greatest respect, this is beautifully written, disingenuous guff," she said on **Twitter**.

She said the Presiding Officer Elin Jones, the assembly and party leaders "know that where it relates to misogyny and harassment the complaint process not fit for purpose, and have failed to act."

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Ministers pressure watchdog over 'buxom barmaids' video

1 October 2018

Wales

**Document 17: Email Committee Clerk -
Joyce Watson AM 02 May 2018**

Emails between JW and Clerk

From: [REDACTED] (Staff Comisiwn y Cynulliad | Assembly Commission Staff)
Sent: 02 May 2018 07:31
To: Watson, Joyce (Aelod Cynulliad | Assembly Member) <Joyce.Watson@assembly.wales>
Subject: Re: CCERA Committee meetings with counterpart committees in Westminster

Morning Joyce, we can recover the cost of the ticket, [REDACTED]

From: Watson, Joyce (Aelod Cynulliad | Assembly Member)
Sent: 01 May 2018 21:15
To: [REDACTED] (Staff Comisiwn y Cynulliad | Assembly Commission Staff)
<[REDACTED]>
Subject: Re: CCERA Committee meetings with counterpart committees in Westminster

Hi [REDACTED]

I am unable to join you tomorrow and as it's such short notice am happy to pay any costs that are not recoverable

Joyce

Sent from my iPhone

From: [REDACTED]
Sent: 13 August 2018 16:43
Subject: Press Release from Gareth Bennett AM

PRESS RELEASE

FOR IMMEDIATE RELEASE

A UKIP AM has apologised for falsely claiming that a Labour Assembly Member had wasted public money.

Gareth Bennett, UKIP Member for South Wales Central, made a video in which he stated that Labour Member Joyce Watson had wasted money by not attending a Committee visit to Westminster.

Bennett claimed that she had wasted the cost of a train ticket. However he has now apologised and accepted that the price of the ticket was recovered by the Welsh Assembly.

“I’m very sorry that I made this claim, which I accept is incorrect. I made the statement in good faith, as I believed at the time that the cost of the train ticket was not recoverable. However I now understand that the cost was recovered by the Welsh Assembly. In addition, Joyce had actually contacted the Committee clerks to inform them that she wouldn’t attend the evening before.”

---- ENDS ----

Information for Editors

For further information or interview requests, contact [REDACTED]
[REDACTED]

[REDACTED]
Chief of Staff, UKIP Wales
Pennaeth Staff, UKIP Cymru

Senior Advisor to Gareth Bennett AM
Uwch Ymgynghorydd i Gareth Bennett AC

National Assembly for Wales | Cynulliad Cenedlaethol Cymru

 [REDACTED] [REDACTED] (please note change of mobile
telephone number)

 [REDACTED]
 Cardiff Bay, Cardiff, CF99 1NA

Croesewir gohebiaeth yn Gymraeg neu Saesneg

We welcome correspondence in Welsh or English

Strictly Private and Confidential

Gareth Bennett AM
National Assembly for Wales
Tŷ Hywel
Cardiff Bay
CF99 1NA

3 October 2018

Dear Gareth Bennett AM,

You will, I know, recall that a few months ago I received complaints about a video you created about Joyce Watson AM. We met to discuss the video and you issued a correction to one of the assertions you made in the video. I concluded that complaints that the video was sexist and misogynistic were not made out.

I have now received a number of requests to review my decision. Each of these requests makes a complaint about the content of the video and each is within the time frame for the lodging of a complaint presently set by the Procedure for dealing with complaints against Assembly Members. I am writing to let you know that, in these circumstances, what I intend to do is to treat these requests as new complaints and to consider the video afresh in light of them.

The complaints now made are:

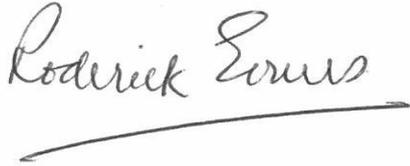
- You made offensive remarks about Ms Watson's appearance
- You made an implicit sexual innuendo relating to Ms Watson's former role as a publican ("pop in for a quick one")
- The buxom barmaid imagery was intended to belittle and offend
- The video was sexist and/or misogynistic
- You made the video with Assembly resources

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—
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I should be grateful for your comments on these complaints. It would be helpful if you were to put your response in writing but if, in the first instance, you think a meeting would be helpful perhaps you could ask your office to contact [REDACTED] [REDACTED] of my office to arrange a convenient time to meet.

Yours sincerely,

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

Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner



ASSEMBLY – RESTRICTED

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

Dyddiad | Date: 14 October 2018

Dear Sir Roderick,

Pwnc | Subject: Video

Thank you for your letter dated 3 October 2018. I note that you have now decided to review your decision in respect of the video I made about Joyce Watson AM. As requested, I have detailed below my response to the new complaints that you say you have received.

- The remarks about Ms Watson's appearance were offensive

I do not consider that in the video I made any direct reference about Ms Watson's personal appearance. Of course, any such commentary is subjective. My comments in the video were intended to draw attention to my view of the incongruity between Ms Watson's reputation as a rather humourless left wing prominent feminist politician, and her previous rather unlikely role as a publican. So the point was this incongruity, rather than her physical appearance – on which subject I made no comment whatever.

- I made an implicit sexual innuendo relating to Ms Watson's former role as a publican ("pop in for a quick one")

I utterly reject that this was in any way a sexual innuendo, and can assure you that the thought had never crossed my mind. The actual quote from the video was "I wouldn't want to pop in for a quick one if she was pulling pints behind the bar". The reference is therefore clearly in relation to her serving a beverage. I therefore consider that this line has been taken completely out of context in order to formulate a vexatious complaint. In fact, the sexual aspect is present only in the mind of the complainant, rather than the person who made the video.

- The buxom barmaid imagery was intended to belittle and offend.

There was no intention whatsoever to cause offence. The imagery which appeared in the video, fleetingly, was simply intended to be satirical. It was purely a visual representation of the incongruity which I described above. I did not consider it any different to caricatures portrayed, for example, by "Spitting Image", or cartoons which regularly appear on shows such as "Have I Got News for You". Indeed, I seem to recall that when we initially met to discuss the video, you mentioned "Have I Got News for You" in the context of our deliberations about Ms Watson's original complaint.





- The video was sexist and/or misogynistic

There were various aspects to this video. I only made the video in the first place because of Ms Watson's ludicrously overheated hostility to UKIP, which she has expressed on several occasions, most publicly when she called us "rabid dogs" in the Chamber. I did not target Ms Watson because she was a woman. I targeted her because of her utter hostility to UKIP, and the way in which she has expressed this hostility. I believe her behaviour has not been very democratic – notably when she prevented David Rowlands AM from speaking at a Cross Party Group event – and it was this aspect that I was highlighting in the video. The fact that Ms Watson is female is merely incidental.

With particular reference to her use of the term "rabid dogs", which she used to describe UKIP Assembly Members in a Plenary debate on 17 May 2017¹, Ms Watson has consistently failed to apologise for this unacceptable and unparliamentary language, and in fact has subsequently denied using those words².

- I made the video using Assembly Resources

This is incorrect, and there is no evidence to support such an allegation. In fact, the video was filmed using an iPad and edited using a MacBook computer, neither of which were Assembly Commission property. The fact that it was filmed in my Ty Hywel Office is permitted under Paragraph 27 of Section 2.3 of the Code of Conduct for Assembly Members, which clearly permits the use of Members' offices for party political content in relation to filming. I can also confirm that the staff involved in the production of the video were working in their own time, and not being paid using Commission funds.

I would like to add one further point. You have previously dealt with the material aspects of this case, and the initial complaint which was made by Ms Watson. Now you say that you are reviewing your decision in light of further complaints which you have received. I fail to see how any of these new complaints raise any new material issues. Therefore I wonder on what basis you are now revisiting a decision you have already made. For my part, I can only conclude that these latest "complaints" are politically motivated.

I do not feel that I have anything further to add to your deliberations but of course should you have any further enquiries I shall do my best to assist.

Yours sincerely

Gareth Bennett

Gareth Bennett
Assembly Member for South Wales Central
Aelod Cynulliad dros Canol De Cymru

¹ <http://record.assembly.wales/Plenary/4291#A227>

² <http://record.assembly.wales/Plenary/4980>



STRICTLY CONFIDENTIAL

Gareth Bennett AM
Tŷ Hywel
National Assembly for Wales
Cardiff
CF99 1NA

24 October 2018

Dear Mr Bennett,

Re: Video complaints

Thank you for your letter of 14th October 2018 and for your comments on the recent complaints about the video.

In the last paragraph of your letter you ask on what basis I am revisiting a decision I have already made. As you are aware, I received requests to reconsider the decision I came to on the complaint made by Joyce Watson AM about the video. There is no provision in the procedure laid down by the Assembly for reconsideration of a complaint either at the request of the original complainant or a third party. However, each of the requests contained a complaint about the video and I decided that each request should, therefore, be treated as a fresh complaint.

However, as I have already made a decision on the original complaint I thought it preferable that these new complaints be considered by someone other than me and I have, therefore, asked that an Acting Commissioner be appointed to consider them in accordance with the provisions of the 2009 Measure. I shall, of course, ensure that the Acting Commissioner has all the information relevant to his or her consideration of the complaints including your letter of 14th October 2018.

Yours sincerely,



Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner

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**Document 22: Email AMSS - Standards Commissioner Staff
Member 18 December 2018**

Tue 18/12/18 15:12

[REDACTED] (Staff Cymorth Aelod Cynulliad | Assembly Member Support Staff)

Re: Acting Commissioner for Standards: Notice of intention

To [REDACTED] (Staff Comisiwn y Cynulliad | Assembly Commission Staff)

 You forwarded this message on 18/12/18 15:43.

Hi [REDACTED]

I have met with Gareth today. He advises me that he has given the matter due consideration, but on the basis that he feels the video and his previous interview should be sufficient, he does not consider that a further meeting with the Acting Commissioner would add anything.

Kind regards

[REDACTED]

[REDACTED]

Chief of Staff, UKIP Wales
Pennaeth Staff, UKIP Cymru

National Assembly for Wales
Cynulliad Cenedlaethol Cymru

[REDACTED]

[REDACTED]

Cardiff Bay, Cardiff, CF99 1NA

Sent from my iPhone

Strictly Private and Confidential

Gareth Bennett AM
National Assembly for Wales
Tŷ Hywel
Cardiff Bay
CF99 1NA

06 July 2017

Dear Gareth Bennett,

Thank you for coming to see me on Tuesday to discuss a complaint made to me about you arising out of a video about her which you posted on social media.

Our discussion focussed on that part of the video which referred to Ms Watson's non-attendance on a visit to London on 2nd May 2018. You said that your assertions on the video that Ms Watson's absence was unexplained and that her absence had caused a waste of public money were based on what you were told by a clerk on the train.

My enquiries reveal that Ms Watson, at 9.15.14pm the previous evening, had emailed one of the clerks dealing with the visit to inform her that she was unable to be part of the visit and later provided the reason for her absence. In the same email Ms Watson offered to pay any costs that were not recoverable caused by her decision not to join the visit. At 7.31 on the morning of the visit the clerk emailed Ms Watson to say that the cost of the train ticket was recoverable.

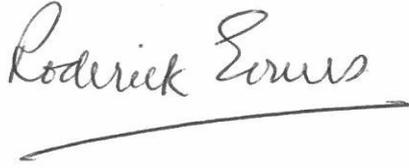
In the event the cost of the train ticket of £240.20 was recovered less an administration fee of £20 which is recoverable from Ms Watson in accordance with her offer to reimburse unrecoverable costs. The taxi booked to carry Ms Watson to the station was used by another and no loss was incurred in that regard.

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I gave you a broad summary of this position when we met and in the light of this information you said that you would issue a corrective press release. I look forward to seeing a copy of the release in due course. You also told me that you would take the video down and I believe that that has already been done.

Yours sincerely,

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

Sir Roderick Evans
Y Comisiynydd Safonau
Standards Commissioner