

Report 01 -20 by the Committee on Standards of Conduct to the Senedd under Standing Order 22.9

September 2020



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September 2020



About the Committee

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

Committee Chair:



Jayne Bryant MS
Welsh Labour

Current Committee membership:



Rhun ap Iorwerth MS
Plaid Cymru



Andrew RT Davies MS
Welsh Conservatives



David J Rowlands MS
Brexit Party

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Recommendations

Recommendation 1. The Committee recommends to the Senedd, in accordance with 7.12(iii) of the Procedure for Dealing with Complaints against Members of the Senedd, that a breach has been found but that no further action should be taken.

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Introduction

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

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

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

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.

5. The complaint relates to a meeting of the Labour Party Group in November 2019, and the use of Senedd Resources (namely a room in Ty Hywel) for party political purposes. It was made against Vikki Howells MS, in her capacity as Chair of the Labour Party Group.

6. Jayne Bryant MS, Standards of Conduct Committee Chair, attended the Labour Party Group meeting which is the subject of this complaint. She, therefore, absented herself from all Committee deliberations relating to this complaint under Standing Order 22.5. The alternate committee member was also present at the meeting, and therefore did not attend for the same reason. Andrew R T Davies MS therefore chaired the relevant agenda items as the Committee’s agreed temporary Chair in accordance with paragraph 10.2 of the complaints procedure.

7. This report was finalised in March 2020, but it was delayed being laid before the Senedd due to the COVID 19 pandemic.

¹ Standing Orders

² Standing Order 22.2(i)

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

1. Consideration of the Complaint

8. The complaint alleged that the Member concerned, Vikki Howells MS failed to comply with paragraph 10 of the Code of Conduct, which states:

“Members are required to comply with the ‘Rules and Guidance on the Use of [Senedd] Resources’ and any guidance on the use of [Senedd] resources specifically relating to an election campaign.”

9. In particular, the complaint alleged that at the Labour Party Group meeting on 12 November 2019, Louise Magee, Welsh Labour General Secretary was allowed to use the Senedd Estate for party political purposes contrary to the guidance issues in relation to the General Election in December 2019.

10. The Committee met on Tuesday 3 March 2020 for an initial consideration of the complaint and to take oral evidence from Vikki Howells MS, and Tuesday 10 March 2020 to consider and reach its conclusion in respect of this complaint.

Committee’s Consideration of its Decision

11. The Committee considered whether the Member was in breach of Standing Order 22.2(i).⁴

12. In considering whether a breach took place, the Committee reviewed the facts found by the Commissioner and set out in his report, the Commissioner’s opinion that a breach had taken place and the oral representations from Vikki Howells MS in response to the Commissioner’s findings.

Having reviewed the report from the Commissioner for Standards the Committee finds that a breach of paragraph 10 the Code of Conduct by Vikki Howells MS, while acting as Chair of the Labour Party Group.

Committee’s Recommendation – Sanctions available.

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

⁴ Standing order 22.2(i)

14. Nevertheless the Committee believes that in this instance that the breach was inadvertent, and in part the result of a lack of clarity around the guidance issued.

Recommendation 1. The Committee recommends to the Senedd, in accordance with 7.12(iii) of the Procedure for Dealing with Complaints against Members of the Senedd, that a breach has been found but that no further action should be taken.

15. A copy of this report has been provided to the Member concerned, who was also notified of her right to appeal under section 8 of the procedure, which was not pursued.⁵

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

Matters arising from this complaint

17. Paragraph 10 of the Code of Conduct states:

“Use of [Senedd] Resources

10. Members are required to comply with the 'Rules and Guidance on the Use of [Senedd] Resources' and any guidance on the use of [Senedd] resources specifically relating to an election campaign.”

18. The Committee agrees with the finding of the Commissioner that the effect of this paragraph is that different provisions might apply during election periods.

19. Following the announcement of the General Election, guidance was sent out on 5 November 2019 to all AMs setting out the use of Senedd resources during the election period. This guidance contained stricter provisions relating to use of Senedd meeting rooms.

20. In her communication with the Commissioner, Vikki Howells MS had set out that she was of the opinion she had not broken the rules as the address by Louise Magee:

⁵ The Senedd's Procedure for Dealing with Complaints Against Members of the Senedd.

“... was not inappropriate and did not constitute a primary or substantial part of the meeting. The room was not also used to campaign for a political party.”

21. We note that although all Members and group offices were emailed on 5 November 2019 with the guidance for the election period, there was no explanation of the difference between the election guidance and the guidance applying at other times.

22. The Commissioner notes that while there is a proviso in the normal rules for the use of Senedd resources that ‘...a room must not be booked primarily or substantially for the purpose of promoting the work of any political party’⁶, this proviso is not included in the election guidance. The Commissioner set out that he considered:

“...It almost inconceivable that at any party meeting during an election period there will not be some discussion of the forthcoming election.”

23. The Commissioner further suggested in his report that consideration should be given to whether an absolute prohibition during election period is reasonable and/or realistic. The Committee has considered this, and agrees that this is an unrealistic requirement given that we operate in a political environment. We would like the “primarily or substantially” proviso contained in the rules and guidance for use of Senedd resources to be included in the guidance for elections.

24. The Commissioner reflects in his report that it is not surprising that Vikki Howells MS failed to appreciate the stricter provisions in the election guidance. He sets out that the guidance ‘makes no attempt to assist Members by highlighting the differences between the provisions that apply during an election period and those that apply at other times’.

25. Vikki Howells MS explained to the Committee in her oral representations that she was aware of the different rules for the election period, but that her interpretation of them was different to that of the Commissioner. She also said that as a Chair of a political group, she would welcome the opportunity to engage

⁶ Assembly Commission: The rules and guidance on the use of Assembly Resources, Paragraph 21 (May 2016)

with Commission officials prior to an election period to ensure the rules and guidance are clearly understood.

26. It is a Member's responsibility to be aware of the rules and any changes to these, however for the absence of doubt, the Committee considers that Members should be made aware of differences between the rules applicable during an election period and those applying at other times. As such, we recommend that the Senedd Commission:

- Outlines the differences between the rules and guidance for use of Senedd resources and the guidance for an election period in communications to Members.
- Liaises with Chairs and officers of Political Groups to ensure that any changes to the rules, either during the election period or otherwise, are clearly understood.
- States the authority under which any future guidance is issued. 'The rules and guidance on the use of Senedd Resources' clearly states: *'The information has been approved by the Chief Executive and Clerk of the Senedd in her capacity as Principal Accounting Officer for the Senedd Commission'*. However, there was no such statement in the election guidance.

Annex A: Report from the Commissioner for
Standards

REPORT OF INVESTIGATION

by

**THE ACTING COMMISSIONER FOR
STANDARDS**

on a complaint by

NEIL McEVOY AM

against

VIKKI HOWELLS AM

1. INTRODUCTION

1.1. This is the report of my formal investigation of the complaint against Vikki Howells AM by Neil McEvoy AM.

1.2. The main points of the evidence considered are identified in the report with footnote references to the primary source. Where they are of no evidential value the personal details of persons referred to in the documents have been redacted to protect their identities. Details of the discussion at the Labour Group meeting on 12 November 2019 have been redacted where they are of no evidential value.

1.3 The documents relied upon in my consideration of this complaint are at Annex A.

2. THE COMPLAINT

2.1 On 10 December 2019 Neil McEvoy AM wrote to me complaining about the conduct of five Members.¹ He attached an anonymous letter² he had received together with a copy of the minutes of a Labour Group meeting on 12 November 2019.³ Four of his complaints lacked sufficient substance to justify further investigation. The fifth complaint alleged a contravention of the provisions on the use of Assembly resources through the use of rooms for party political and/or election purposes. On 9 January 2020, following an exchange of correspondence, Mr McEvoy refined that complaint by identifying Vikki Howells AM as the person against whom his complaint was directed.

3. THE RELEVANT PROVISIONS

3.1 Paragraph 10 of the Code of Conduct provides –

‘10. Members are required to comply with the ‘Rules and Guidance on the Use of Assembly Resources’ (“the Rules”) and any guidance on the use of Assembly resources specifically relating to an election campaign.’

3.2 Paragraph 12 of the Rules provides –

¹ Document 1

² Document 2

³ Document 3

'12. Assembly Members must ensure that they use Assembly Resources for the purpose of their activities as Assembly Members only and not for any of the purposes listed below, which are prohibited:

- *personal, business or commercial communications;*
- *party political activity of any kind, for example, party-political fund-raising, recruitment of party members and the organisation and publicising of party political meetings; and*
- *campaigning for the election or re-election of particular candidates for any public office (including the Member in question).'*

3.3 Paragraphs 21 of the Rules provides –

*'21. Assembly Members may book meeting rooms for their activities as Members only. Meeting rooms must not be booked for party political purposes i.e. a room must not be booked **primarily or substantially** for the purpose of promoting the work of any political party.'* [my emphasis]

3.4 The 'Guidance on the use of Assembly Resources during a local or UK general election' ("the Election Guidance") contains the following provisions -

'This guidance applies to Assembly Members' use of Assembly resources during the run-up to local and UK general elections and takes effect immediately.

Whilst Assembly Members may wish to campaign for a particular outcome in the local or general election, this is not part of the duties of an Assembly Member and therefore any resources or funds provided by the Assembly cannot be used for this purpose. Assembly resources include provisions made available to Members within the Determination, as well as centrally provided Assembly support.

Booking of rooms

Meeting rooms within the Assembly estate (which includes the Senedd, Ty Hywel, the Pierhead Building and Colwyn Bay premises) must only be used for the purposes of Assembly Business and not for campaigning for votes for any political party, campaigning for a particular outcome in a local or general election, or promoting or encouraging support for any political party.'

4. THE INVESTIGATION

4.1 On 10 January 2010 I wrote to Vikki Howells informing her of the complaint and affording her the opportunity to make any representations she considered relevant

about its admissibility. Along with her response⁴ she provided me with copies of the agenda⁵ for and minutes of the meeting of the Labour Group that had been held on 12 November 2019. She asserted that no breach of the provisions had occurred. Having taken legal advice on the proper interpretation of the relevant provisions I determined that the complaint was admissible and informed Neil McEvoy and Vikki Howells of my decision.

4.2 I afforded Neil McEvoy the opportunity to provide me with any additional information he considered relevant. He did not avail of that opportunity. I arranged to meet Vikki Howells but at her request interviewed her over the telephone on 27 January 2020. She subsequently agreed a note of the interview.⁶ I obtained relevant information from MBS.⁷

5. THE FACTS

5.1 I found the following facts admitted or proved –

- i. Vikki Howells was first elected to the National Assembly in May 2016. She became Chair of the Labour Group in November 2017.
- ii. As Chair she was responsible for approving the agenda for the weekly group meetings and for chairing these meetings.
- iii. In 2016 Conference Rooms C and D were booked for the weekly Labour Group meetings until the end of the current session. Vikki Howells played no part in that booking. The booking complied with the '*Guidance on the Use of Assembly Resources*'.
- iv. On 31 October 2019, pursuant to section 1 of the Early Parliamentary General Election Act 2019, a general election was set for 12 December 2019. Dissolution took place on 5 December.
- v. On 5 November 2019 a copy of '*Guidance on the use of Assembly Resources during a local or UK general election*' was sent to every Assembly Member. Vikki Howells was aware of that Guidance and that different provisions might apply during an election period.
- vi. On 7 November 2019 she approved the agenda for the group meeting on 12 November.
- vii. That agenda made no mention of anything connected with the general election.
- viii. The minutes of the meeting on 12 November 2019 are an accurate summary of what took place albeit the amount of text for each item does not reflect the time spent on it. Whilst the meeting lasted 69 minutes the

⁴ Document 4

⁵ Document 5

⁶ Document 6

⁷ Document 7

- time spent on Item 876/19 '*General Election Update from Louise Magee, Welsh Labour General Secretary*' was between five and ten minutes.
- ix. Other than Louise Magee all those who attended the meeting were Assembly Members, their AMSS or Special Advisers. All present were Labour Party members.
 - x. Louise Magee had a standing invitation to attend group meetings. When she attended was a matter entirely for her.
 - xi. Vikki Howells first became aware of Louise Magee's attendance when she saw her entering the room some minutes after the meeting had started.
 - xii. She first became aware that Louise Magee wished to address the meeting when she asked to do so at the end of the discussion on '*This week's business & whip announcements*' (Item 875/19 of the minutes).
 - xiii. Vikki Howells did not attempt to prevent Louise Magee addressing the meeting about the general election because she believed that as the address was not the primary or substantial purpose of the meeting it was permissible at a private meeting of Labour party members.

6. CONSIDERATION

6.1 I have no doubt that the address and discussion referred to at Item 876/19 of the minutes and headed '*General Election Update from Louise Magee, Welsh Labour General Secretary*' was within the description of '*campaigning for votes for any political party, campaigning for a particular outcome in a local or general election, or promoting or encouraging support for any political party*' set out in the Election Guidance. I am unable to accept Vikki Howells' contention that because the meeting was private and attended only by Labour Party members it was permissible to discuss party political and/or election matters at it. There is simply no basis for such a contention.

6.2 Had the use of the conference rooms on 12 November 2019 been governed by Rule 21 of the Rules there might have been some merit in the contention of Vikki Howells that the use of the rooms, for between seven and fourteen percent of the time of the meeting, was not '*primarily or substantially*' for election purposes and so was permissible.

6.3 It is neither necessary nor appropriate for me to express a view on that matter. That is because, having taken legal advice, I am clear that the use of the rooms was governed not by Rule 21 but by the provisions of the Election Guidance sent to all Members on 5 November. That Guidance imposes an absolute prohibition on the use of Assembly resources for '*campaigning for votes for any political party, campaigning for a particular outcome in a local or general election, or promoting or encouraging support for any political party.*' The Election Guidance contains no wording equivalent to the '*primarily or substantially*' proviso in Rule 21.

6.4 It is not surprising that different, stricter provisions apply to the use of Assembly resources during election periods. Paragraph 10 of the Code plainly envisages that different provisions might apply during election periods. Vikki Howells was aware that the Election Guidance had been issued but it appears that she failed to appreciate that it imposed stricter provisions on the use of rooms than applied outside an election period.

6.5 Her failure to appreciate that stricter provisions applied is not surprising. The Guidance makes no attempt to assist Members by highlighting the differences between the provisions that apply during an election period and those that apply at other times. Nor does the Guidance make clear the authority under which it is issued. This is in stark contrast to the Rules which state '*2. The information has been approved by the Chief Executive and Clerk of the National Assembly in her capacity as Principal Accounting Officer for the Assembly Commission.*'

7. CONCLUSION

7.1 I am satisfied that as Chair of the meeting Vikki Howells was in breach of the Election Guidance and so of paragraph 10 of the Code by allowing the rooms to be used for the address by Louise Magee and the ensuing discussion.

8. ISSUES OF GENERAL PRINCIPLE

8.1 This complaint makes clear the need for consideration of the circumstances in which Assembly resources may be booked and used for party political and/or election purposes. Rule 12 of the Rules appears to impose an absolute prohibition on the use of Assembly resources for such purposes. The first sentence of Rule 21 mirrors that absolute prohibition. However, the second sentence weakens that absolute prohibition by introducing the '*primarily or substantially*' proviso. Although no mention is made of it, the proviso is plainly intended to apply also to the use of rooms. The proviso recognises that Assembly business is political and its discussion within the recognised structure of a party group can legitimately canvass the political response of that group to the business before the Assembly. It is almost inevitable that at any meeting of Members of a party and their staff there will be some brief comments of a party political nature. The proviso prevents such brief departure from the discussion of Assembly business being a contravention of Rule 21. However the Election Guidance contains no such proviso and imposes an absolute prohibition. I think it almost inconceivable that at any party meeting during an election period there will not be some discussion of the forthcoming election. It is for consideration whether such an absolute prohibition is either reasonable or realistic. It is unclear whether it was intended that there should be an absolute prohibition during the

period of an election or whether the omission of the proviso was an oversight. It matters not for the purposes of this complaint. The Commissioner is required to apply the provisions as they were at the relevant time.

8.2 Another document '*The use of meeting rooms in the Senedd, Ty Hywel, Pierhead and North Wales office*' issued in January 2019 creates further uncertainty when it provides under the heading '*General Principles*

- *Meeting rooms are to be booked for Assembly Business only.*
- *Meeting rooms must not be booked for party political purposes i.e. a room must not be booked **solely** for the purpose of promoting the work of any political party.* [my emphasis]

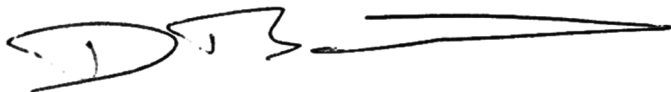
This would appear to permit the booking, and presumably use, of rooms for purposes that are '*primarily and substantially*' party political or electoral provided there is some content, however small, that is Assembly Business. It is impossible to reconcile this with Rule 21 of the Rules.

8.3 I was pleased to learn that a review of these conflicting provisions is being taken forward as a matter of some urgency.

9. PROCESS

9.1 Neil McEvoy and Vikki Howells have been provided with the final draft of this report and afforded an opportunity to comment on its factual accuracy. I accepted three minor revisions sought by Vikki Howells. Neil McEvoy did not comment on the factual accuracy of the report.

9.2 A copy of the final report will be sent to each of them at the same time as it is submitted to the Committee.



Douglas Bain CBE TD

Acting Commissioner for Standards

24 February 2020

DOCUMENTS RELIED UPON

No	Description
1	Email Neil McEvoy – Acting Commissioner 10 December 2019
2	Anonymous letter – Neil McEvoy undated
3	Minutes Labour Group meeting 12 November 2019
4	Letter Vikki Howells – Acting Commissioner 15 January 2020
5	Agenda Labour Group meeting 12 November 2019
6	Note of Interview Vikki Howells
7	Email PaVVS to Acting Commissioner's Office 6 January 2020

From: McEvoy, Neil (Aelod Cynulliad | Assembly Member) <[REDACTED]>

Sent: 10 December 2019 17:26

To: Bain, Douglas (Standards Commissioner) <[REDACTED]> s>

Subject: Complaint against Labour AMs

Dear Mr Bain,

Please find attached a letter sent to me by an anonymous person [REDACTED]

[REDACTED]

The anonymous person has included what they claim are minutes of a Labour Group meeting in the National Assembly, which looks authentic to me. The meeting is alleged to have taken place on the 12th of November 2019.

Within the minutes, the Welsh Labour General Secretary, Louise Magee, is noted as being in attendance. The minutes include an update from her on Labour's General election campaign and records the following statement: 'The General Secretary thanked Members who had allowed staff to be seconded to Welsh Labour for the duration of the campaign and to Ministers who were giving up time to visit constituencies'.

[REDACTED]

I would also like to complain about the Welsh Labour General Secretary being allowed to use the Assembly Estate for party political purposes. [REDACTED]

[REDACTED]

Best wishes,
Neil McEvoy AM

Neil McEvoy AM
AM – South Wales Central
National Assembly for Wales
Cardiff Bay, Cardiff

Dear Neil,

Please find attached a copy of the minutes from the Labour Group in the Welsh Assembly which I think you will be interested in. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Concerned.

Minutes of the one hundred and twenty third meeting of the Fifth National Assembly for Wales Labour Group held on Tuesday 12th November 2019 at the National Assembly for Wales, Cardiff Bay.

25 Members in attendance as follows. [REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	Vikki Howells	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Also in attendance:

[REDACTED] - Group Staff	[REDACTED] - Group Staff
[REDACTED] - Group Staff	Louise Magee - Welsh Labour General Secretary
[REDACTED] - Special Advisor	[REDACTED] - Special Advisor
[REDACTED] - Special Advisor	[REDACTED] - Special Advisor
[REDACTED] - Special Advisor	[REDACTED] - Special Advisor
[REDACTED] Special Advisor	[REDACTED] - Special Advisor
[REDACTED] - Special Advisor	

The Group meeting convened at 11.06am and finished at 12.15pm

872/19 Welcome

- The Chair welcomed Members to the meeting.

873/19 Minutes of the previous meetings and matters arising

- The minutes of the previous meetings were agreed. There were no matters arising.

874/19 Chair's Update

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

875/19 This week's business and whip announcement

[REDACTED]

876/19 General Election Update from Louise Magee, Welsh Labour General Secretary

- Louise Magee updated the Group on the campaign so far, including the launch last week.
- The General Secretary stated that the Party had experienced good levels of activity despite the challenging inclement weather and that they would be looking to increase levels of activity up until polling day.
- Members were urged to assist in motivating party members to help in the campaign and a the phone bank at Transport House was now operational should any Members wish to assist with telephone canvassing.
- The Group was also updated regarding the freepost and direct mail which Welsh Labour was co-ordinating.
- **The General Secretary thanked Members who had allowed staff to be seconded to Welsh Labour for the duration of the campaign and to Ministers who were giving up time to visit constituencies.**
- Louise Magee stated that the campaign would include a big focus on North Wales and she encouraged as many Members as possible to help out. Members were asked to inform the Group Office of their availability for campaign activity, which would have to be co-ordinated with Assembly business.
- A discussion ensued about the campaign.

877/19 Minister for Economy and Transport

[REDACTED]

■ [REDACTED]
■ [REDACTED]

878/19 Welsh Government Updates

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

There being no further business, the meeting finished at 12.15pm



15 January 2020

Dear Commissioner,

Thank you for your letter dated 10th January regarding the complaint against me by Neil McEvoy AM and for the opportunity to respond in writing.

The meeting to which the complainant is referring - the National Assembly Labour Group meeting of 12th November 2019 - was, I believe, in full compliance with the *'Rules and Guidance on the use of Assembly Resources'* and the *'Guidance on the use of Assembly Resources during a local or UK general election'*.

By means of background, we hold weekly Group meetings - as do the other political groups - in order to discuss and facilitate Assembly business. These meetings are private meetings open only to Labour Assembly Members, with authorised staff in attendance.

As the attached agenda of the meeting of 12th November 2019 shows, the purpose of the meeting on 12th November was to discuss items relating to our responsibilities as Assembly Members, including our approach to the week's Assembly business and a report from the Minister for Economy & Transport.

A brief, unscheduled / ad hoc report and discussion regarding the General Election campaign arose during the course of the meeting, but this was not a formal part of the agenda and was not one of the purposes of holding the meeting.

I am clear that this brief discussion was not inappropriate and did not constitute a primary or substantial part of the meeting. The room was not also used to campaign for a political party.

As such, I believe that the meeting was in full compliance with the terms set out for the use of Assembly resources in the relevant guidance and rules.

I hope that this helps to clarify the situation.

Your sincerely,

Vikki Howells AM/AC
Assembly Member for Cynon Valley/Aelod Cynulliad dros Cwm Cynon

NATIONAL ASSEMBLY LABOUR PARTY
LABOUR GROUP of the NATIONAL ASSEMBLY for WALES
Tuesday 12th November 2019
Conference Room C & D, First Floor, Ty Hywel, Cardiff Bay
WEEKLY MEETING - 11am

11.00 - 11.05 MINUTES OF THE MEETING OF NOVEMBER 5th AND MATTERS ARISING

11.05 - 11.10 CHAIR'S UPDATE

11.10 - 11.20 THIS WEEK'S BUSINESS & WHIP ANNOUNCEMENTS

Tuesday

- Questions to the First Minister (45 mins)
- Questions to the Deputy Minister and Chief Whip (15 mins)
- Business Statement and Announcement (30 mins)
- Statement by the Deputy Minister for Housing and Local Government: Marking Remembrance Day and supporting our Armed Forces community (45 mins)
- Statement by the Minister for Environment, Energy and Rural Affairs: The Welsh National Marine Plan (45 mins)
- Statement by the Minister for Economy and Transport: The Proposed Future Delivery Model for the Business Wales Service (45 mins)
- The Public Health (Minimum Price for Alcohol) (Minimum Unit Price) (Wales) Regulations 2019 (15 mins)
- Debate: Digital Connectivity (60 mins)

Wednesday

- Questions to the Minister for Environment, Energy and Rural Affairs (45 mins)
- Questions to the Minister for Housing and Local Government (45 mins)
- Topical Questions (20 mins)
- 90 Second Statements (5 mins)
- Motions to amend Standing Orders (10 mins)
- Motions to alter the remits of Committees (10 mins)
- Motion to approve the Assembly Commission's Budget 2020-21 (30 mins)
- Short Debate: Neil Hamilton (Mid and West Wales) (30 mins)
- Debate on Stage 3 of the Senedd and Elections (Wales) Bill (180 mins)

11.20 - 11.50 MINISTER FOR ECONOMY & TRANSPORT

11.50 - 12.00 WELSH GOVERNMENT UPDATES

12.00 - 12.10 ANY OTHER BUSINESS

VIKKI HOWELLS AM INTERVIEW

By prior arrangement I interviewed Vikki Howells AM (“VH”) over the telephone on 27 January 2020. The call started at 11.01am and ended at 11.35am.

After exchanging greetings I explained the process to be followed during the interview and thereafter VH confirmed that she was content and had no questions.

VH told me that she had been an Assembly Member since 2016 and that she had a working knowledge of the Code of Conduct.

VH told me that prior to the meeting on 12 November 2019 she was fully aware that paragraph 10 of the Code required Members to comply with the Rules and Guidance on the Use of Assembly Resources and any guidance issued on the use of Assembly Resources specifically relating to an election campaign. She agreed that different rules might apply to the use of resources during an election period and at other times.

VH told me that there was a long standing booking for these two rooms for the weekly private party meetings. She had no involvement in making the booking. I responded that I was satisfied that the booking of the rooms was entirely proper.

VH told me that she had been Chair of the Labour Group since November 2017. She confirmed that one of her duties was to agree the agenda for weekly Group meetings. Normally she agreed the agenda on Thursday for the meeting the following Tuesday.

VH agreed that another of her duties as the Chair was to control what took place at the meetings.

I thanked VH for providing me with a copy of the agenda for the meeting on 12 November. She told me that she had approved it the previous Thursday (i.e. 7 November). She confirmed that there was no mention of anything to do with the General Election on the agenda.

I thanked VH for sending me a copy of the minutes of that meeting which recorded that the meeting started at 11.06am and ended at 12.15am. She confirmed that the minutes had been approved without amendment. VH told me that the amount of text for each agenda item was not a true reflection of the time spent on each. For example, the time taken for Item 877/19 Minister for Economy and Transport was much greater than for Item 876/19 General Election update from Louise Magee (“LM”), Welsh Labour General Secretary. The discussion of 876/19 had taken only 5 to 10 minutes.

VH agreed that there was no mention of LM addressing the meeting on the agenda. She told me that she had not known that LM was going to attend until she saw her entering the room some minutes after the meeting had started. LM attended the

weekly meetings as necessary. She had a standing invitation to attend. VH told me that she first knew that LM wished to address the meeting when she asked to do so at the end of Item 875/10. VH told me that she was content for LM to speak about the general Election as it was a private meeting attended by people who were all Party members. They would not be influenced to vote in a particular way by anything LM said. There was nothing new in urging those present to assist in motivating party members. The second last bullet point of Item 876/19 related to Members' Assembly responsibilities as any time spent campaigning would have to be co-ordinated with Assembly business. The brief discussion that concluded that Item focussed on policy matters in the manifesto and the need to align what was said with Welsh Government policy.

VH did not accept the proposition that in her address LM did promote and encourage support for the Labour Party. Her comments were made at a private meeting of Labour AMs and staff who were all party members.

VH told me that it was difficult to know what, if any, action she would take if the same situation arose again. At the time she did not think there was anything wrong with what was happening. As Chair, she told me, she was looking to see who wished to speak next and it was difficult to decide whether to intervene on a speaker, especially when you had no prior notice of what was going to be said and their contribution was essentially a staccato list of quick fire bullet points.

I referred VH to her letter to me dated 15 January 2020 and asked whether she had believed that the 'primary and substantial' criteria in Rule 21 of the Rules and Guidance on the Use of Assembly Resources applied in the present case and that the Rule had not been breached because LM's address was not the primary or substantial use of the rooms. She responded that she did not believe that the Rule had been broken as LMs address was not the primary or substantial use of the room, and everything that took place was in a private meeting, and the item was an unscheduled, brief part of the proceedings. She had not appreciated that the Election Guidance could be interpreted as imposing stricter requirements on private group meetings during an election period, and thought that the key test of the appropriateness of a room booking would still be the purpose of the meeting in question.

When asked if there was anything she wished to add VH said there was a need for greater clarity in the various rules and guidance, and there was a need for training for AMs and Group Chairs if the guidance, particularly the General Election guidance, was going to be interpreted as applying to private meetings, including Group meetings. It should be clear what was and what was not allowed. I concurred.

I told VH that I would send her a draft note of the interview as soon as possible.

ENDS

(Staff Comisiwn y Cynulliad | Assembly Commission Staff)

From: [REDACTED] (Staff Comisiwn y Cynulliad | Assembly Commission Staff)
Sent: 06 January 2020 15:47
To: [REDACTED] (Staff Comisiwn y Cynulliad | Assembly Commission Staff)
Subject: Meeting 12th November

Hi [REDACTED]

I've extracted the below information from our recurring booking database, the booking was made in 2016 as highlighted below to run until 06/04/2021, we took on this existing recurring booking from EFM (when room booking responsibility was transferred to PaVVS).

Party Group Meetings	Organiser	PaVVS agent	Time	Location
Labour Group Meeting	[REDACTED]	[REDACTED]	1000 - 1300	Conf Room C&D

PaVVS transferred the recurring booking into our Outlook Rooms system and it was last extended on 28/08/18 as highlighted below:

Recurring Meeting:

Attendance Numbers:	45
Layout:	Require 31 chairs around the table in Conf Room C and the current set up on the conference room D side is fine.
Catering: (Buffet, Refreshments or Water)	
Translation:	
Equipment:	
Frequency:	Every Tuesday (during term and last week of recess)
Beginning:	
Ending:	End of 5 th Assembly
Desire to renew:	Y
Organiser:	[REDACTED]
Booking agent:	LF 28.8.18
Notes:	C&D opened up

Room booking guidance page with all links: <https://cynulliad.sharepoint.com/sites/mem-te/SitePages/holding-event-meeting.aspx>

Link to our [Policy](#)

I can't find any communication that relates specifically to this meeting.

Let me know if I can help with anything else.

Thank You



Cynulliad Cenedlaethol Cymru
National Assembly for Wales

0300 200 [redacted]

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Cynulliad Cenedlaethol Cymru yw'r corff sy'n cael ei ethol yn ddemocrataidd i gynrychioli buddiannau Cymru a'i phobl, i ddeddf Cymru, i gytuno ar drethi yng Nghymru, ac i ddwyn Llywodraeth Cymru i gyfrif.

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

Croesewir gohebiaeth yn Gymraeg neu Saesneg. | We welcome correspondence in Welsh or English.

Dylid ystyried unrhyw ddatganiad neu sylw a geir yn y neges hon fel un personol ac nid o reidrwydd yn fynegiant o safbwynt Cynulliad Cenedlaethol Cymru, unrhyw ran ohono neu unrhyw gorff cysylltiedig.

Any of the statements or comments made above should be regarded as personal and not necessarily those of the National Assembly for Wales, any constituent part or connected body.