

# Sixteenth report to the Sixth Senedd under Standing Order 22.9

October 2024



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# About the Committee

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

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Current Committee membership:



**Committee Chair:**  
**Hannah Blythyn MS**  
Welsh Labour



**Mick Antoniw MS**  
Welsh Labour



**Peredur Owen Griffiths MS**  
Plaid Cymru



**Samuel Kurtz MS**  
Welsh Conservatives

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



**Mark Drakeford MS \***  
Welsh Labour

\* Mark Drakeford was a member of the Committee at the time but had recused himself from Committee activities and therefore did not take part in the consideration of the report.

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## 1. Introduction

**1.** The terms of reference of the Standards of Conduct Committee (“the Committee”) are set out in Standing Order 22<sup>1</sup>. In accordance with the functions set out in Standing Order 22.2, the Committee must:

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

**2.** This report is made to the Senedd under Standing Order 22.9 and paragraph 8.23 of the Procedure for Dealing with Complaints against Members of the Senedd (“the Procedure”)<sup>3</sup> in relation to a complaint made to the Commissioner for Standards (“the Commissioner”).

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<sup>1</sup> Standing Orders

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

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

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## 2. Consideration of the Complaint

**3.** The Commissioner received a complaint in relation to a Member's conduct at a public meeting. The complaint set out that the Member had falsely accused the complainant of having "spreading lies about {the member} for years" and alleged the Complainant was "a vile person".

**4.** The Complainant set out their view that asking questions at a public meeting "... should not have resulted in me publicly being called a vile [person] and accused of spreading lies"

**5.** The Commissioner made the complaint admissible as he was satisfied that the alleged conduct may have taken place and that, if proved it might amount to a breach of rules two and six of the Code of Conduct:

*Rule 2 - Members must act truthfully.*

*Rule 6 - Members must not subject anyone to personal attack – in any communication (whether verbal, in writing or any form of electronic or other medium) – in a manner that would be considered excessive or abusive by a reasonable and impartial person, having regard to the context in which the remarks were made*

**6.** The Committee met on 23 September 2024 to consider the Commissioner's report and reach its conclusion in respect of this complaint.

**7.** The Committee has included the relevant parts of the Commissioner's report within this report to protect the anonymity of those involved in this complaint in accordance with the procedure.

**8.** This report sets out the details of the complaint and the Committee's deliberations in arriving at its decision.

**9.** A copy of this report has been provided to the Member concerned and the Complainant.



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

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

**11.** In considering whether a breach took place, the Committee reviewed the findings of the Commissioner as set out in his report.

**12.** The Member did not avail themselves of the opportunity to make written or oral representations to the Committee.

**13.** The Committee noted the supporting information provided by the Complainant in relation to this complaint.

**14.** The background to the complaint was based around the implementation of a scheme to improve energy efficiency and eradicate fuel poverty, and the Member's actions to address concerns with the scheme when issues arose with the work carried out. The Commissioner's findings of fact, relevant to the Committee's decision, were as follows:

1. In 2016 the Member met with a male and female constituent seeking his assistance in connection with the poor standard of work carried out on their homes under the Arbed scheme. Whilst the female constituent was calm and listened to what the Member said the male constituent was abusive and accused the Member of being involved in corruption regarding the Arbed Scheme. In light of these false accusations the Member and [the MP], agreed on how best to share responsibility for work on the Arbed scheme. They agreed that the MP would deal with individual cases whilst the Member would take responsibility for engaging with the Welsh Government.
2. Following that agreement, constituents who contacted the Member regarding poor work on their home were, with their consent, referred to [the MP]. In accordance with GDPR, the Member has deleted all records of these contacts with constituents.
3. [The Member] discussed the matter informally with CBC and on 25 January 2021 [the Member] wrote to the Leader of CBC noting that the Ombudsman's ongoing investigation was ongoing, but urging the Council *"to follow through on this offer of funding with all possible urgency, in order that affected residents may have their homes restored to a good state."*

4. [The Member] also discussed the possible remediation scheme with the Welsh Government. [The Member] met with [the] responsible Minister, on 10 March 2021 and on 12 April 2021. On 26 May 2021 [the Member] wrote to [the] Minister for Climate Change, seeking [] support for [] proposed multi-agency approach to remediation. Later [the Member] sought a meeting with [the Minister] to discuss the issue. [The Member] maintained pressure on the Welsh Government [...].
5. In a post [in] December 2020 the Complainant implied that the Member put the interests of his party before those of [] constituents, that [the Member] was *protecting “the Labour Party Councillors who have been involved in this scandal”* and that [the Member] had done nothing to help those adversely affected by the Arbed scheme during the previous eight years.
6. The Member wrote to the Complainant the next day making clear [their] frustration at the delay in remedying the faulty workmanship but declining to comment further in view of the ongoing investigation by the Public Service Ombudsman for Wales.
7. The Complainant responded on social media asserting that *“local councillors, MP’s and SM’s”*, of whom the Member was one, had not taken action to assist affected residents.
8. In a post [in] February 2021 the Complainant said that [they] would shortly *“highlight the total disdain that senior [Political Party] politicians have treated the people of [] affected by the Arbed scandal.”*
9. [In] January 2021 the Complainant submitted an FOI request to CBC for the *“last 6 pieces of correspondence from”* the Member *“ to CBC regarding the Arbed Scheme.* The only document provided in the response dated 19 February 2021 was an email from the Member to Cllr [name] dated 25 January 2021
10. On 10 March 2021 the Member wrote to the Complainant and the [Council] Independents Group members, referring to the *“allegations and assertions on social media which are not only factually incorrect but potentially libelous”* and asking that the posts be withdrawn and that they *“desist from posting unsubstantiated and factually incorrect allegations.”*

11. The Complainant did not respond denying posting incorrect and potentially libelous comments about the Member nor did [the complainant] desist from the practice.
12. On 18 March 2021, in response to a post by [the MP], the Complainant repeated [the] insinuation that the Member had done nothing to help those affected by the Arbed scheme.
13. In a post on 23 April 2021 the Complainant insinuated that the Member had done nothing to help the Arbed victims other than send an email to CBC on 25 January 2021.
14. In a post on 26 April 2021 the Complainant stated "*Perhaps [the Member] should be helping the victims of the Arbed Scandal that [the Member] ignored for years.*".
15. On 7 May 2021, in response to a post by the Member on his re-election, the Complainant posted "*Ask [the Member] about Arbed and the many residents who asked [the Member] for help from 2016. ask(sic) [the Member] when [the Member] sent [their] one and only email regarding this to scandal? Oh, I forgot it was you and dated 25/01/2021. [the Member]'s a disgrace.*"
16. In a post of 21 August 2021, the Complainant stated that the Member was one of a number of Labour politicians "*who was aware of the Arbed Scandal in [place name] and have done nothing to help residents for fear of exposing their comrade a former Cabinet Member who obtained the £315,000 contract under Spurious (sic) circumstances. When this Senedd Member was asked for help by many residents in 2015/16 he chose to ignore them for over 5 years until he was caught out on a Facebook post and a FOI revealed that he hadn't sent one email asking CBC to do anything until January 2021. .... The residents of [place name] are still living in abhorrent conditions more than 8 years later, deserted by the people who are supposed to be their representatives.*"
17. On 2 September 2021 the Complainant emailed a member of the Member's staff asking if it was true that the Member had resigned from the [Political] Party "*due to the disgraceful response from politicians at all levels to the Arbed scandal and the upcoming tribunal involving Cllr [name]?*"

18. On 7 February 2022, referring to a BBC discussion of the Arbed scheme, the Complainant posted *"You missed the point I'm afraid...there has been a massive coverup by the [political party] led administration at CBC and the Senedd Member took 7 years to send [their] first email to CBC asking what was being done .#PartyBefore People."*
19. On 22 March 2023 the Complainant posted *"[The Member] you really need to get this sorted before you runaway from it. It's a disgrace and it's what you the two senior [Political Party] politicians will always be remembered for."*
20. The following month in response to an article in the [local newspaper] the Complainant posted *"Your article isn't the complete truth [author name]. A CBC [ ] Cabinet member purloined the Arbed Contract(sic) with no paper trail or tender process and somehow was paid £315,000 by CBC. [The Councillor] went on to eventually cause damage to 104 properties and was facing sanctions for 13 breaches of the code of conduct. It's been covered up by [Political party] and CBC refuse to disclose the report which names people involved and will only release a summary of the report. One senior [Political party] politician who represents the area did absolutely nothing to help as he wanted to protect his comrade and his flawed [Political] Party. [The Member] paid them lip service for 7 years but didn't send one piece of correspondence asking CBC what was happening until 25/01/2021 and only after he had been found out!"*
21. In addition to the posts identified above, there were numerous other posts of a similar nature by the Complainant relating to the Arbed scheme prior to the meeting on 6 October about the [local energy] project. These have since been deleted.
22. In 2021, [a company], proposed the construction in [location] of a plant to produce, store and supply green hydrogen. That proposal had met with significant local opposition. The scheme had an estimated cost in excess of £30M.
23. There was no connection between the Arbed scheme and the [green hydrogen proposal].
24. [In] October 2023 public meeting was held in [location] to discuss the Green hydrogen proposal. It was attended by between 30 and 40

persons by far the greater number of whom were opposed to the proposal.

25. Amongst those present were the Complainant and the Member. The Complainant was then, and remains, a councillor for the [name of] ward of CBC and [position held] of that Council. [The Complainant] is a member of the [] Independent Group of councillors, a number of whom were also present at the meeting. The Complainant did not attend until the meeting was well underway. []
26. After an introduction the Chair, the Member and Councillors [name] and [name], both members of the [] Independent Group, accepted the Chair's invitation to address the meeting
27. Towards the end of Cllr [name]'s address a member of the audience asked [the councillor] a number of questions and appeared to be unwilling to accept [the councillor's] answers.
28. That person then questioned the Member but continually interrupted as the Member was answering. The Member had to raise [their] voice so [they] could be heard.
29. The Complainant arrived whilst these exchanges between the questioner and the Member were taking place and had heard none of the Member's address.
30. Others [were] present then, but questions [were asked] to the three elected representatives who had spoken. Almost all of these were put to the Member who answered them respectfully.
31. The Complainant, after referring to the woman referred to in Finding 3 above, asked the Member if [the Member] represented [their] Party or the people whom [the Member] was elected to represent to which the Member responded that [they] represented the people.
32. The Complainant then said *"I doubt very much the people or the victims of Arbed in [place] would think that right."*
33. The Member said in a tone that the Complainant considered aggressive *"Now I know who you are ... this [complainant]'s been telling lies about me for years, [the complainant]'s a vile person."*
34. Whilst in [the] complaint the Complainant took exception to being called a vile person, at interview [the complainant] said *"[the Member]'s*

*entitled to [the Member's] opinion on what [the member] thinks of me but I will not accept [the member] calling me a liar because I am not" and "vile person' is fine, but I haven't been telling lies at all." .*

35. The exchange between the Complainant and the Member, which lasted for several minutes, was a distraction from the purpose of the meeting. The Chair was eventually successful in bringing the meeting back to the agenda. The Member then left the meeting.

- 15.** The Commissioner found that on the facts established, in relation to rule six he was satisfied that:

*"... the Member did subject to Complainant to a personal attack by accusing [the complainant] of lying and being a vile person. I am not, however, satisfied that a reasonable and impartial person being aware of the context would consider that what the Member said was either excessive or abusive. In reaching that opinion I had regard to all the surrounding circumstances. Amongst these were the campaign of abuse, innuendo and half-truths waged by the Complainant against the Member for almost two years before the meeting at which the remarks were made. I also had regard to the fact that both the Member and the Complainant were politicians and as such enjoyed an enhanced degree of protection of their right to freedom of expression under Article 10 of ECHR. As the courts have made clear, politicians about whom comments are made are expected to have a thicker skin than others and to tolerate comments about them which if made about persons outside the political sphere would be unacceptable. "*

- 16.** The Commissioner's findings of fact set out that the Complainant posted numerous social media posts making allegations against the Member despite having been told by the Member that they were factually inaccurate and potentially libelous. The Commissioner therefore found in relation to rule two:

*"... when he accused the Complainant of lying the Member believed that to be true. There was no element of moral turpitude. So even if it was the case that the Complainant's inaccurate comments about [the Member] were not strictly speaking lies, and I found it unnecessary to decide that matter, they were false and describing them as 'lies' was, at worst, a slight exaggeration. As the courts have made clear that when*

*considering comments made by politicians about matters in the political sphere “a degree of the ...exaggerated ... and aggressive, that would not be acceptable outside that context, is tolerated.”*

Having considered the information available and all the representations, the Committee agreed with the conclusion of the Commissioner that there was no breach of the Code of Conduct.