

Y Pedwerydd adroddiad ar ddeg i'r Chweched Senedd o dan Reol Sefydlog 22.9

Medi 2024



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Y Pedwerydd adroddiad ar ddeg i'r Chweched Senedd o dan Reol Sefydlog 22.9

Medi 2024



Am y Pwyllgor

Sefydlwyd y Pwyllgor ar 23 Mehefin 2021. Ceir ei gylch gwaith yn:
www.senedd.cymru/SeneddSafonau

Aelodau cyfredol y Pwyllgor:



Cadeirydd y Pwyllgor:
Hannah Blythyn AS
Llafur Cymru



Mark Drakeford AS *
Llafur Cymru



Peredur Owen Griffiths AS
Plaid Cymru



Samuel Kurtz AS *
Ceidwadwyr Cymreig

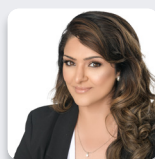
* Ar ôl iddo gael ei benodi'n Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg ar 11 Medi 2024, esgusododd Mark Drakeford AS ei hun yn ffurfiol o holl weithgareddau'r Pwyllgor.

* Nid oedd Samuel Kurtz AS yn aelod o'r Pwyllgor yn ystod yr ymchwiliad hwn.

Roedd yr Aelodau a ganlyn hefyd yn aelodau o'r Pwyllgor yn ystod yr ymchwiliad hwn:



Cyn-Gadeirydd y Pwyllgor:
Vikki Howells AS
Llafur Cymru



Natasha Asghar AS *
Ceidwadwyr Cymreig

* Ni chymerodd Natasha Asghar AS ran yn y broses o ystyried y gŵyn.

Mynychodd yr Aelod a ganlyn fel dirprwy yn ystod yr ymchwiliad hwn:



Sam Rowlands AS
Ceidwadwyr Cymreig

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Argymhelliad

Recommendation 1. Mae'r Pwyllgor yn argymhell i'r Senedd, yn unol â pharagraff 8.22(a) o'r Weithdrefn, fod achos o dorri'r Cod wedi'i ganfod ac y dylai'r Aelod gael ei cheryddu o dan Reol Sefydlog 22.10(i).Tudalen 10

1. Cyflwyniad

1. Nodir cylch gorchwyl y Pwyllgor Safonau Ymddygiad ("y Pwyllgor") yn Rheol Sefydlog 22.¹ Yn unol â'r swyddogaethau a nodir yn Rheol Sefydlog 22.2, rhaid i'r Pwyllgor:

*"mewn perthynas ag unrhyw gŵyn a gyfeirir ato gan y Comisiynydd Safonau...ymchwilio i'r gŵyn, cyflwyno adroddiad arni ac, os yw'n briodol, argymhell camau mewn perthynas â hi."*²

2. Lluniwyd yr adroddiad hwn ar gyfer y Senedd yn unol â Rheol Sefydlog 22.9 a pharagraff 8.23 o'r Weithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau o'r Senedd³ ("y Weithdrefn") ac mae'n ymwneud â chwyn yn erbyn Natasha Asghar AS.

3. Mae adroddiad y Comisiynydd Safonau ("y Comisiynydd") ar ei ymchwiliad i'r gŵyn wedi'i atodi yn Atodiad A. Mae'n nodi manylion y gŵyn a chasgliadau ymchwiliad ffurfiol y Comisiynydd.

4. Fel aelod o'r Pwyllgor, esgusododd yr Aelod dan sylw, sef Natasha Asghar AS, ei hun o'r trafodaethau ynglŷn â'r gŵyn. Trafododd Sam Rowlands AS y gŵyn yn ei lle, a hynny fel ei dirprwy enwebedig o dan Reol Sefydlog 22.5.

5. Mae'r adroddiad hwn yn nodi manylion y gŵyn a thrafodaethau'r Pwyllgor wrth ddod i benderfyniad.

6. Darparwyd copi o'r adroddiad hwn i'r Aelod dan sylw ac i'r Achwynydd.

¹ Rheolau Sefydlog

² Rheol Sefydlog 22.2(i).

³ Gweithdrefn y Senedd ar gyfer ymdrin â chwynion yn erbyn Aelodau o'r Senedd

2. Ystyried y gŵyn

7. Cafodd y Comisiynydd gŵyn mewn perthynas ag ymddygiad Natasha Asghar AS yn y Cyfarfod Llawn ar 20 Mawrth 2024, pan wnaeth hi ddefnyddio'r term "cyffredinol" ("blanket") i ddisgrifio'r broses o gymhwyso'r terfynau cyflymder 20 mya, yn ogystal â disgrifiadau cyffelyb a wnaed ganddi ar y cyfryngau cymdeithasol.

8. Ni chyfeiriodd y Llywydd y gŵyn am ymddygiad yr Aelod yn y Cyfarfod Llawn at y Comisiynydd. Felly, dim ond ymddygiad yr Aelod ar y cyfryngau cymdeithasol oedd yn gallu bod yn destun ymchwiliad gan y Comisiynydd.

9. Honnodd yr Achwynydd fod yr Aelod wedi torri Rheol 2 o'r Cod Ymddygiad (y ddyletswydd i weithredu'n onest), a Rheol 22 (y ddyletswydd i beidio â chamliwio unrhyw ganfyddiadau neu adroddiad gan y Comisiynydd Safonau).⁴

10. Nododd y Comisiynydd y rheolau y cyfeiriodd yr Achwynydd atynt. Yn ei asesiad o'r gŵyn, ystyriodd y rheolau a ganlyn o'r Cod Ymddygiad fel y rhai mwyaf perthnasol:

- Rheol 1 – Rhaid i Aelodau gynnal yr Egwyddorion Cyffredinol.
- Rheol 2 – Rhaid i Aelodau weithredu'n onest.
- Rheol 3 – Ni chaiff Aelodau ymddwyn mewn modd sy'n dwyn anfri ar y Senedd neu ei Haelodau yn gyffredinol.

11. Cyfarfu'r Pwyllgor ar 8 Gorffennaf er mwyn trafod adroddiad y Comisiynydd ac er mwyn dod i gasgliad mewn perthynas â'r gŵyn.

⁴ Cod Ymddygiad ar Safonau Ymddygiad Aelodau o'r Senedd

3. Y broses o drafod Penderfyniad y Pwyllgor

- 12.** Bu'r Pwyllgor yn trafod a dorrodd yr Aelod Reol Sefydlog 22.2(i).
- 13.** Wrth drafod a fu achos o dorri'r Cod, adolygodd y Pwyllgor ganfyddiadau'r Comisiynydd fel y'u nodir yn ei adroddiad.
- 14.** Ni fanteisiodd yr Aelod ar y cyfle i wneud sylwadau llafar i'r Pwyllgor. Cyflwynodd yr Aelod sylwadau ysgrifenedig i'r Pwyllgor a oedd yn nodi'r rhesymau pam nad oedd yn cytuno â barn y Comisiynydd. Cafodd y rhesymau hyn eu trafod gan y Pwyllgor wrth iddo ddod i'w benderfyniad.

Penderfyniad y Pwyllgor

- 15.** Nododd y Pwyllgor ganfyddiad y Comisiynydd nad oedd Natasha Asghar AS yn derbyn ei bod wedi torri'r Cod Ymddygiad, a'i bod wedi dweud yn hytrach, meddai, wrth gyfeirio at yr Wythfed Adroddiad i'r Chweched Senedd gan y Pwyllgor,

"... when she used the blanket descriptor she had been expressing an opinion which in view of the enhanced protection of the right to freedom of expression that she enjoyed, had to be tolerated."

- 16.** Nododd y Pwyllgor fod Natasha Asghar AS wedi cymryd rhan yn y trafodaethau ar yr Wythfed Adroddiad i'r Chweched Senedd, a oedd yn ymwneud ag ymddygiad Aelod a oedd wedi defnyddio'r term "cyffredinol" ("blanket"). Cytunodd y Pwyllgor, felly, fod yr Aelod yn gyfarwydd iawn â chasgliadau blaenorol y Pwyllgor, sef:

"...the description of the new default speed limit on restricted roads as a "blanket" was imprecise and inaccurate"

ac

"...mae'n ddyletswydd ar bob Aelod i gynnal y safonau uchel a ddisgwylir gennym fel cynrychiolwyr etholedig wrth drafod materion cyhoeddus, boed hynny ar y cyfryngau cymdeithasol"

neu yn rhywle arall. Mae hyn yn golygu y dylai Aelodau ofalu nad ydynt o fwriad yn gwneud datganiadau sy'n annelwig ac yn anghywir”.

17. Cytunodd y Pwyllgor â'r Comisiynydd fod ymddygiad yr Aelod, yn sgil y ffaith ei bod wedi cytuno ar wythfed adroddiad y Pwyllgor ac wedi ymddwyn yn groes iddo yn fuan wedi hynny, yn dwyn anfri ar y Senedd. Cytunwyd hefyd nad oedd yr Aelod wedi dangos y math o arweinyddiaeth a ddisgwylir gan Aelodau.

18. Felly, ar ôl ystyried canfyddiadau a chasgliadau'r Comisiynydd, a'r dystiolaeth ategol a ddarparwyd, cytunodd y Pwyllgor y bu achos o dorri'r Cod Ymddygiad, yn unol â chanfyddiadau'r Comisiynydd.

Mae'r Pwyllgor yn canfod bod Natasha Asghar AS wedi torri Rheolau 1, 2 a 3 o'r Cod Ymddygiad.

Argymhelliad y Pwyllgor

19. Mae achos o dorri'r Cod Ymddygiad gan unrhyw Aelod o'r Senedd yn fater difrifol ym marn y Pwyllgor. Mae enw da Senedd Cymru, a ffydd a hyder y cyhoedd yn y sefydliad, yn dibynnu ar allu'r Aelodau i ddangos uniondeb ac arweinyddiaeth drwy eu gweithredoedd.

20. Mae wedi dod yn fwyfwy cyffredin ymhlith cynrychiolwyr etholedig i ddefnyddio'r cyfryngau cymdeithasol, ac mae'n ddull pwysig o gyfathrebu a dadlau. Fodd bynnag, mae'r cyfryngau cymdeithasol hefyd yn cyflwyno heriau i'r Aelodau, o ystyried y potensial i'w camddefnyddio. Dylai Aelodau wneud pob ymdrech i sicrhau eu bod yn parhau i ymgorffori'r egwyddorion arweinyddiaeth wrth ddefnyddio'r cyfryngau cymdeithasol.

21. Wrth ddod i'w benderfyniad, rhoddodd y Pwyllgor ystyriaeth i'r ffaith bod yr Aelod nid yn unig yn ymwybodol o benderfyniad y Pwyllgor mewn perthynas â'r defnydd o'r term "cyffredinol" ("blanket") i ddisgrifio'r terfynau cyflymder 20 mya, ond hefyd y ffaith ei bod wedi chwarae rhan weithredol yn y broses o drafod y gŵyn honno ac yna heb esgusodi ei hun yn ddiweddarach.

Recommendation 1. Mae'r Pwyllgor yn argymhell i'r Senedd, yn unol â pharagraff 8.22(a) o'r Weithdrefn, fod achos o dorri'r Cod wedi'i ganfod ac y dylai'r Aelod gael ei cheryddu o dan Reol Sefydlog 22.10(i).

4. Materion o egwyddor gyffredinol

22. Dyma'r bumed adroddiad o sylwedd gan y Senedd hon sy'n gysylltiedig â'r cyfryngau cymdeithasol. Mae'n ddyletswydd ar bob Aelod i gynnal y safonau uchel a ddisgwylir ganddynt fel cynrychiolwyr etholedig wrth drafod materion cyhoeddus, gan gynnwys ar y cyfryngau cymdeithasol.

23. Bydd yr Aelodau'n gyfarwydd â chyfrifoldeb y Llywydd wrth ymdrin ag ymddygiad yr Aelodau yn ystod Cyfarfodydd Llawn y Senedd ac mewn pwyllgorau, a'r ddyletswydd i lynu wrth ei dyfarniadau. Wrth ddefnyddio'r cyfryngau cymdeithasol i gynnal dadleuon y tu hwnt i'r Siambr, mae'n ddyletswydd ar yr Aelodau i roi sylw cymesur i argymhellion y Pwyllgor hwn a chanfyddiadau'r Comisiynydd Safonau ynghylch dehongli'r Cod Ymddygiad a'r safonau a ddisgwylir gan Aelodau. Fel sydd wedi dod i'r amlwg yn yr achos hwn, dylai Aelodau ofalu nad ydynt o fwriad yn gwneud datganiadau sy'n annelwig ac yn anghywir.

24. Hoffai'r Pwyllgor atgoffa'r Aelodau o'u cyfrifoldebau personol o ran ystyried unrhyw fuddiannau posibl sydd ganddynt cyn cymryd rhan ym musnes y pwyllgorau. Mae'n ddyletswydd ar Aelodau i ddatgan unrhyw fuddiannau perthnasol ac i esgusodi eu hunain o'r trafodion, lle bo angen.

25. Mae'r Pwyllgor yn dymuno nodi bod y Comisiynydd, yn unol â gofynion Mesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009, yn trin cwynion yn gyfrinachol. Felly, nid yw'r Pwyllgor yn cael gwybod am unrhyw ymchwiliadau gweithredol eraill neu ymchwiliadau sydd ar y gweill pan fydd yn ystyried adroddiad gan y Comisiynydd mewn perthynas â chwyn. Bydd y Pwyllgor yn trafod gofynion y Ddeddf fel rhan o'i ymchwiliad i'r Fframwaith Safonau.

Atodiad A: Adroddiad gan y Comisiynydd Safonau (Saesneg yn unig)

REPORT

by

SENEDD COMMISSIONER FOR STANDARDS

of the investigation of a complaint against

NATASHA ASGHAR MS

Introduction

1. This is the report of my investigation of a complaint by Lee Waters MS about the conduct of Natasha Asghar MS which I have considered the complaint in accordance with the Procedure for Dealing with Complaints against Members of the Senedd ("the Procedure").
2. As required by paragraph 7.4(e) of that Procedure the complaint and all the evidence I relied upon in forming my opinion are at Appendix A. Footnote references have been provided to the evidence where appropriate.

The Investigation

3. On 18 April 2024 Mr Waters (the Complainant) submitted a complaint to me about the conduct of Nathasa Asghar MS ("the Member").¹ In it he complained that during plenary on 20 March 2024 the Member had said -

“You’ve imposed blanket 20 mph speed limits across the country despite the public—[Interruption.] With all due respect, Minister, and I’m going to remind you again, this was reported to the standards commissioner, who actually said in his report that anyone who has a problem with the word ‘blanket’ needs to tolerate it. Once and for all—there’s no hate included—tolerate it”.

4. The Complainant asserted that by so doing the Member had breached Rule 2 (Duty to act truthfully) and Rule 22 (Duty not to misrepresent any findings or report of the Standards Commissioner) of the Code of Conduct.
5. The Complainant also said that in plenary on 20 March 2024 the Member had said –

“You’ve imposed blanket 20 mph speed limits across the country”

and that she had repeated that characterisation of the default speed limit on social media and in the press.

6. On 22 April I told the Complainant that I could not consider his complaint about conduct during plenary unless it was referred to me by the Llywydd and that his complaint about using the blanket descriptor on social media was at present

¹ Complaint

inadmissible as he had provided no evidence in support of it. I allowed him 14 days to provide that evidence.²

7. The Complainant responded the same day providing four screenshots of posts on social media in two of which the Member described the default speed limit as a blanket limit.³
8. On 23 April I informed the Complainant that I had suspended my consideration of this complaint pending the outcome of another complaint that raised the same issues.⁴ I copied that letter to the Member the following day along with copies of the screenshots.⁵
9. On 13 May I told the Complainant that I had resumed my consideration of this complaint, that I had decided that insofar as it related to conduct outside the Siamb it was admissible and that I had started my investigation of it. I asked the Complainant to provide me, within 14 days, with any further evidence he wished me to consider and the contact details of any persons whose evidence he believed I should take.⁶ He did not provide any further evidence nor inform me of the contact details of any potential witnesses.
10. The same day I told the Member that I had resumed my consideration of this complaint, that I had decided that insofar as it related to conduct outside the Siamb it was admissible and that I had started my investigation of it. I asked her to provide me, within the same period, with any evidence she wished me to consider and the contact details of any persons whose evidence she believed I should take. I also offered her a meeting to discuss the investigative process.⁷
11. The Member did not take up that offer, nor did she provide any evidence or the contact details of any potential witnesses. But in her letter of 15 May 2024 the Member denied any wrongdoing and, under reference to the Committee's Eight Report, submitted that when she used the blanket descriptor she had been expressing an opinion which in view of the enhance protection of the right to freedom of expression that she enjoyed, had to be tolerated.⁸
12. On 4 June I sent my Findings of Fact to both parties, advised them that they had 14 days within which to submit written representations or corrections concerning them and that if no such representations were made the facts were, in accordance with paragraph 7.3 of the Procedure, deemed admitted. I also told them both that in the particular circumstances of this complaint, that after the Findings had been finalised, I was minded to afford them an opportunity to make written or oral submissions to

² Letter Commissioner – Complainant 22 April 2024

³ Email Complainant – Commissioner with screenshots attached

⁴ Letter Commissioner – Complainant 23 April 2024

⁵ Email Thomas – Member 24 April 2024

⁶ Letter Commissioner – Complainant 13 May 2024

⁷ Letter Commissioner – Member 13 May 2024

⁸ Letter Member – Commissioner 15 May 2024

me on whether the facts I had found established amounted to a breach of any relevant provision.^{9 10}

13. By return the Complainant informed me that he did not wish to make any representations regarding the Findings of Fact.¹¹ The same day the Member responded seeking an addition to the Findings but making no representations or corrections to them.¹²
14. On 5 June, having considered the responses, I made the addition requested by the Member and sent a copy of the final Findings to both parties. I told them that I was affording both them an opportunity to make written or oral submissions to me on whether the facts I had found established amounted to a breach of any relevant provision. I suggested that they might *“wish to consider whether the making of a statement knowing that it was ‘imprecise and inaccurate’ could be said to be in good faith and whether, ignoring the Committee’s admonition that Members should not intentionally make imprecise and inaccurate statements, was conduct that brought the Senedd into disrepute, and so breached Rule 3 of the Code.”*^{13 14}
15. On 7 June the Complainant submitted written representations including *“It is clear that as a Member of the Standards Committee Natasha Asghar was very well placed to understand the ruling and her decision to keep misrepresenting the 20mph policy was a conscious and deliberate one.”*¹⁵
16. The Member did not avail of the opportunity afforded her.

Findings of Fact

17. I found the following facts, which except for Findings VI and VII, are deemed to be admitted by both parties, established –
 - i.* On 9 October 2023 I told the Member that I had suspended my consideration of a complaint against her about her description of the default speed limit as a “blanket” limit pending the Committee’s decision on a very similar complaint against another Member.
 - ii.* On 25 October 2023 I told the Member that I was undertaking a preliminary investigation of another complaint about her use of the ‘blanket’ descriptor. I took no action on that complaint pending the Committee decision on the very similar complaint against another Member.
 - iii.* On 11 December 2023 the Committee made its decision that there had been no breach of Rule 2 of the Code (Duty to be truthful) or of any other relevant

⁹ Letter Commissioner – Complainant 4 June 2024

¹⁰ Letter Commissioner – Member 4 June 2024

¹¹ Email Complainant – Commissioner 4 June 2024

¹² Letter Member – Commissioner 4 June 2024

¹³ Letter Commissioner – Complainant 5 June 2024

¹⁴ Letter Commissioner – Member 5 June 2024

¹⁵ Email Complainant – Commissioner 5 June 2024

provision when a Member (not the Member in this complaint)) described the 20mph default speed limit on restricted roads as a “blanket” limit.

- iv. On 19 January 2024 the Committee agreed the terms of its Report on that complaint.
- v. On 23 January 2024 that Report was published as the Committee’s Eighth Report.¹⁶
- vi. At paragraph 14 of its Report the Committee quoted from my Report to it including –

“ I am satisfied that the description of the new default speed limit on restricted roads as a “blanket” was imprecise and inaccurate. But being imprecise and inaccurate is not synonymous with being untruthful.

Untruthfulness, like dishonesty, requires some element of deceit, fraud or moral turpitude. Whilst all untruthful statements are imprecise and incorrect not all imprecise and incorrect statements are untruthful. Given the clear evidence, which the Complainant is deemed to have accepted, that ‘The Member has on several occasions made clear that there were exceptions to the new general speed limit on restricted roads’ I cannot be satisfied that there was any element of deceit, fraud or moral turpitude. Accordingly, I am not satisfied that the conduct complained about was untruthful.”

The Member also asserted that when [they] described it as a “blanket” limit [they were] expressing [an] opinion and that even if [their] opinion was incorrect [the] right to freedom of expression under Article 10 of ECHR protected [them]. As a politician commenting on a matter that was most certainly in the political arena the Member enjoyed an enhanced protection and could say things that included a “degree of the ... exaggerated ... that would be unacceptable outside that context.” However, a distinction has to be drawn between statements of fact and comments on matters of public interest involving a value judgement. The enhanced protection does not normally apply to statements of fact. But the courts have made clear that “what amounts to a value judgement as opposed to fact will be generously construed in favour of the former; and even where something expressed is not a value judgement but a statement of fact that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it.” I am satisfied that the comments complained of should properly be regarded as involving a value judgement and that the Member ...was expressing [an] opinion about the 20mph default speed limit on restricted roads. I am satisfied that the Member believed, in my opinion incorrectly, that a restriction that applied to 97% of restricted roads could properly be described as a “blanket “limit and that [the Member] described the limit in that way in good faith. I am satisfied that due to ... enhanced protection under Article 10 of ECHR [the Member’s] incorrect usage of the phrase has to be tolerated.” “

- vii. At paragraph 19 of its Report the Committee stated –

¹⁶ [Standards of Conduct Committee Eighth report to the Sixth Senedd under Standing Order 22.9](#)

“However, it is incumbent on all Members to uphold the high standards expected of us as elected representatives when debating issues in the public domain whether on social media, or elsewhere. This means Members should take care to not intentionally make statements which are imprecise and inaccurate.”

- viii. Ms. Asghar was a member of the Committee throughout its consideration of that complaint.
- ix. She was present when the Committee agreed its Report.
- x. She did not dissent from any part of the Committee’s Report.
- xi. On 24 January 2024, one day after the Report was published, the Member, in a post on social media referred to the default speed limit as the *“blanket 20mph speed limit”*
- xii. On 25 January 2024 the Member posted a video on social media in which she referred to the default speed limit as the *“blanket 20mph scheme”* and the *“blanket 20mph speed limit”*.
- xiii. On 26 January 2024, believing that Ms. Asghar had recused herself from consideration of the complaint that was the subject of the Committee’s Report, I wrote to her drawing her attention to that Report and informing her that in light of the Committee’s decision I had decided that the complaints referred to in Findings i and ii were not admissible.
- xiv. When she posted material in Findings xi and xii the Member knew the contents of the Committee’s Eighth Report.
- xv. The Record of Proceedings shows that since the Committee’s Report was published the Member has used the blanket descriptor in Plenary on 30 January and twice on 20 March and that four other Members have used that descriptor on at least 5 occasions without being called to order
- xvi. On 9 May 2024 the Llywydd wrote to all Members reminding them *“that they should not intentionally make imprecise and inaccurate statements in the Senedd or elsewhere.”*

Consideration

18. In the course of my investigation of this complaint it came to my attention that, when the Committee was considering the complaint that was the subject of its Eighth Report, the Member had neither declared an interest nor recused herself despite knowing that there were two complaints against her about her use of the blanket descriptor that was the central issue in that complaint. Having taken advice I decided that I could not, in the absence of a complaint, consider whether her conduct was a breach of Standing Order 17.24A (Duty in committee to declare relevant interests). I, accordingly, confined my consideration to whether the admitted conduct of the Member was a breach of the Leadership Principle in Rule 1 of the Code and of Rules 2 and 3.

19. Rule 2 of the Code provides –

“Members must act truthfully.”

It has been accepted by the Member that when she made the statements on social media, she knew that the Standards of Conduct Committee, of which she was a Member had, only days earlier, said that the description of the default speed limit as a blanket limit was *“inaccurate and imprecise.”* She has also accepted that she was aware of the Committee’s admonition to all Members to *“take care to not intentionally make statements which are imprecise and inaccurate.”*

20. As the Committee agreed in its Eighth Report *“Untruthfulness, like dishonesty, requires some element of deceit, fraud or moral turpitude.”* Given the circumstances in which the Member posted the comments complained of, I am satisfied that there was a degree of moral turpitude.

21. I have considered whether, as submitted by the Member, her statements were expressions of opinion that have to be tolerated in light of her enhanced right to freedom of expression under Article 10 of ECHR. I am satisfied that they do not. I note that the Heesom case the court stated *“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.”*¹⁷ The Member agreed the Eighth Report of the Committee in which it agreed that the use of the blanket descriptor was *“imprecise and inaccurate.”* She knew that describing the default speed limit in that way was false. She did not make the statements honestly.

22. Rule 3 of the Code provides –

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

I note that the Member did not avail of the opportunity afforded her to make representations to me on this matter. I am satisfied that by flying in the face of the Committee’s report, which she as a member of that Committee had agreed, the Member was in effect saying one thing and doing the opposite. I have no doubt that such conduct is unacceptable and that it brings the Senedd into disrepute.

23. Rule 1 of the Code provides –

“Members must uphold the Overarching Principles.”

The Leadership Principle is as follows *“Members must promote and support these Principles by leadership and example, and be willing to challenge poor behaviour wherever it occurs.”*

24. As an experienced member of the Standards of Conduct Committee it was incumbent of the Member to set a good example and to scrupulously follow the guidance given by the Committee. She was a Member of the Committee that agreed the Eighth Report which included the admonition *“that Members should take care to*

¹⁷ Heesom v Public Service Ombudsman for Wales [2014] EWHC 1504 (Admin) per Higginbottom J, para 38

not intentionally make statements which are imprecise and inaccurate.” She ignored that admonition on two occasions within days of the Eighth Report being published. By so doing, she failed to give the leadership required of her.

Opinion

25. It is my opinion that the conduct complained of and found established amounted to a breach of Rules 1, 2 and 3 of the Code of Conduct.

Douglas Bain CBE TD

Senedd Commissioner for Standards
26 June 2024

Documents relied upon in forming opinion or referred to in Report

Document Number	Title
1	Complaint
2	Letter Commissioner – Complainant 22 April 2024
3	Email Complainant – Commissioner with screenshots attached
4	Letter Commissioner – Complainant 23 April 2024
5	Email Thomas – Member 24 April 2024
6	Letter Commissioner – Complainant 13 May 2024
7	Letter Commissioner – Member 13 May 2024
8	Letter Member – Commissioner 15 May 2024
9	Letter Commissioner – Complainant 4 June 2024
10	Letter Commissioner – Member 4 June 2024
11	Email Complainant – Commissioner 4 June 2024
12	Letter Member – Commissioner 4 July 2024 but received 4 June 2024
13	Letter Commissioner – Complainant 5 June 2024
14	Letter Commissioner – Member 5 June 2024
15	Email Complainant – Commissioner 5 June 2024