

# **Eighth report to the Sixth Senedd under Standing Order 22.9**

January 2024



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# About the Committee

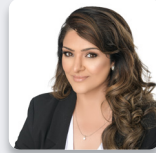
The Committee was established on 23 June 2021. Its remit can be found at:  
[www.senedd.wales/SeneddStandards](http://www.senedd.wales/SeneddStandards)

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Current Committee membership:



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



**Natasha Asghar MS**  
Welsh Conservatives



**John Griffiths MS**  
Welsh Labour



**Peredur Owen Griffiths MS**  
Plaid Cymru

Welsh Parliament  
**Standards of Conduct Committee**

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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 series of tweets posted by a Member of the Senedd which referred to the change of general speed limit on restricted roads in Wales from 30mph to 20mph as a ‘blanket’ speed limit, which the complainant considered to be “...absolutely untruthful.”
- 4.** The Complainant set out their view that by tweeting something which was not truthful the Member had breached Rule 2 of the Code of Conduct.
- 5.** The Commissioner took representations from the Member and Complainant before making the complaint admissible.
- 6.** The Committee met on 11 December 2023 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 22.1(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 Commissioner's findings of fact were as follows:

*1. Section 81 of the Road Traffic Regulation Act 1984 empowers the Welsh Ministers to increase or reduce the general speed limit of 30mph on restricted roads in Wales.*

*2. The Restricted Roads (20 mph Speed Limit) (Wales) Order 2022, which came into effect of 17 September 2023, was made in exercise of that power.*

*3. That Order reduced the general speed limit on restricted roads in Wales from 30mph to 20mph.*

*4. Approximately 30% of all roads in Wales are restricted roads.*

*5. Under section 82 of the Road Traffic Regulation Act 1984 local authorities in Wales are empowered to make orders exempting specified restricted roads from the reduction of the general speed limit to 20mph.*

*6. Where such an order is made the speed limit on the specified road remains at 30mph.*

*7. Orders under that section have been made in respect of approximately 3% of restricted roads on Wales.*

*8. On several occasions since 17 September 2023, the Member and a number of other politicians have referred to the new general speed limit as a 'blanket' speed limit.*

*9. Since that date there has been a vociferous and sometimes intemperate debate between those in favour and those*

*opposed to the reduction in the general speed limit on restricted roads.*

*10. In the course of that debate, it has been asserted on numerous occasions that the Member's description of the new speed limit as a blanket limit was untruthful.*

*11. The Member has rejected these assertions and has maintained that [the] description is correct.*

*12. On several occasions since 15 September 2023, the Member has made clear that their reference to a blanket limit was to a blanket limit on restricted roads.*

*13. The Member has never stated that the new general speed limit applied to all roads in Wales or to roads other than restricted roads.*

*14. The Member has on several occasions made clear that there were exceptions to the new general speed limit on restricted roads.*

**14.** The Commissioner found that:

*"The Member contends that referring to the limit as a "blanket" limit was not the same as referring to it as a universal limit. [The Member] asserted that dictionary definitions support [this] contention and referred me to a number of dictionaries. Having considered the definitions provided I am unable to agree with the Member's interpretation. The Collins Dictionary definition, for example, is "applying to or covering a wide group or variety of people, conditions or situations." Significantly it does not say applying to or covering almost all of a large group etc. None of the other definitions provided suggest that 'blanket' means other than providing universal coverage. 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 or 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.”*

- 15.** The Committee noted the Commissioner’s finding that “...the description of the new default speed limit on restricted roads as a “blanket” was imprecise and inaccurate” but that this is not synonymous with being untruthful.

**16.** The Committee noted the Commissioner's comments previously on dishonesty<sup>4</sup> and where he 'sets the bar' on a breach of the Code of Conduct relating to the honesty principle. In its previous report, the Committee set out that it agreed with the Commissioner about the wider legal concept of honesty being more than an incorrect or careless statement. Therefore, absent clear evidence of intent to misled, the Committee agreed the 'threshold' had not been met on this occasion.

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.

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<sup>4</sup> See Committee's report – Seventh Report to the Sixth Senedd under Standing Order 22.9

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## 4. Matters of General Principle

**17.** This is the second report where the Committee has found that there was no breach of the Code of Conduct in relation to a Member having tweeted something which was incorrect. In the Standards of Conduct Committee seventh report to the Sixth Senedd under Standing Order 22.9, the Committee noted representations from the Commissioner that for a statement to breach the honesty principle in the code it must be dishonest. The Commissioner defined dishonesty as follows:

*“Dishonesty is normally defined as including some element of deceit, fraud or moral turpitude. Whilst all dishonest statements are incorrect not all incorrect statements are dishonest.”*

**18.** The Committee agreed with this statement, and considers it applies in this instance. Without this bar, it becomes difficult to have open and frank debate on matters which are important.

**19.** 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. The Committee would like to remind Members that there is support available to Members in dealing with, and using correctly, Social Media. This should be utilised to avoid matters such as that covered in the report reoccurring.