

Fifteenth 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

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

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 22¹. 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.”²

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”)³ in relation to a complaint made to the Commissioner for Standards (“the Commissioner”).

¹ [Standing Orders](#)

² [Standing Order 22.2\(i\)](#)

³ [The Senedd’s Procedure for Dealing with Complaints Against Members of the Senedd](#)

2. Consideration of the Complaint

- 3.** The Commissioner received a complaint in relation to feedback left by a Member on a public platform. The complaint set out that the Member had posted false information questioning the sellers accuracy and honesty selling an item to [the Member] on eBay.
- 4.** The Complainant set out that they had sold two Waterford crystal glasses to the Member, who then disputed that the objects matched the description on the sellers public profile without using any of the official channels provided by the platform. The complainant set out that this questioned their “integrity, reliability & honesty”.
- 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 Rule two of the Code of Conduct.
- 6.** The Commissioner set out in his report that:

“At first sight this whole matter might appear trivial. Why should a disagreement between a seller and buyer of two glasses costing £9.99 be the subject of a complaint about a Member of the Senedd? However, the matter is one of concern to the Complainant who believes that her reputation as an eBay seller may be damaged by the allegedly untruthful feedback report posted by the Member who was the buyer.”
- 7.** The Committee met on 23 September 2024 to consider the Commissioner’s report and reach its conclusion in respect of this complaint.
- 8.** 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.
- 9.** This report sets out the details of the complaint and the Committee’s deliberations in arriving at its decision.
- 10.** A copy of this report has been provided to the Member concerned and the Complainant.

3. Committee's Consideration of its Decision

- 11.** The Committee considered whether the Member was in breach of Standing Order 22.2(i).
- 12.** In considering whether a breach took place, the Committee reviewed the findings of the Commissioner as set out in his report.
- 13.** The Member did not avail themselves of the opportunity to make written or oral representations to the Committee.
- 14.** The Committee noted the request of the Complainant to meet and examine the glasses in question. The Committee agreed it already had sufficient evidence to make a decision in relation to this complaint.
- 15.** The Commissioner's findings of fact were as follows:
- i. Depending on the date of manufacture, first quality Waterford crystal items are 'signed' with an etching either of the word 'Waterford' or an image of a seahorse.
 - ii. On 12 December 2023 the Complainant advertised two glasses for sale on eBay.
 - iii. In the advertisement the glasses were described as "Stunning PAIR Waterford Kylemore small liquer (sic) etc, glasses, signed and in super condition, cut glass excellent quality. The glasses are in exc. condition no signs of use, please see plenty daylight photos. Height is 4inc/10cm, width 4cm at mouth. Discontinued line."
 - iv. The price for the pair was £9.99.
 - v. On 9 January 2024 the Member purchased the glasses which were delivered to [the Member] some days later
 - vi. On 13 January 2024 the Member sent a private message to the Complainant, via the Ebay private messaging service, stating that the glasses were "not as described, smaller and not signed."
 - vii. In the private messages over the following days the Complainant asserted that the glasses were as described and sought evidence from the Member that they were not;

- viii. The Member did not respond to these messages and on or about 21 January 2024 posted the following Feedback on eBay “Wrongly described and they are not signed. Will not deal with this E bay (sic) seller again.”
- ix. The same day the Complainant submitted a Feedback review request to eBay stating “Glasses ARE the size stated and ARE signed.”
- x. The Member chose not to respond to that request to review the Feedback.
- xi. The Complainant offered to replace the glasses and, although the Member had not requested it, left two replacement glasses at the constituency office. These replacement glasses were signed. The Member did not accept the replacements which were taken back by the Complainant.
- xii. On 4 March 2024 the Member told the Complainant that [the Member] had accidentally broken one of the glasses;
- xiii. On 17 April 2024 the remaining glass was examined by my Investigator and project Manager who could find no trace of any etching or mark;
- xiv. The Complainant declined to accept the outcome of that examination.
- xv. During a telephone call with me on 8 May 2024, the Complainant said that the glasses were smaller than the sherry glasses [the Member] had expected to receive;
- xvi. On 20 June 2024 the glass was examined by an independent expert selected by me but subsequently recommended by the Complainant. In his report, he found that the glass - · was a crystal liqueur glass, cut in ‘Kylemore’ pattern, on a hexagonal section baluster stem and 16 point star-cut circular base;· was 9.8cm high and 4cm diameter;· had no visible Seahorse or ‘Waterford’ mark; and· was on the balance of probabilities, manufactured by Waterford and was not a fake; and
- xvii. That inspection report was accurate.

16. The Commissioner found that on the facts established, in relation to rule two he was satisfied that:

“... even if, as the Complainant asserts, the height of the glass was within tolerance and there was some vague mark which

could have been the remnants of a Waterford Crystal mark, it would still be my opinion that there had been no breach of Rule 2. I am satisfied that the Member's feedback report, even if it was factually incorrect, was honestly given. There is no evidence of any deceit, fraud or moral turpitude. Whilst it may, on the Complainant's account, have been imprecise and inaccurate it was not untruthful."

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.

4. Matters of General Principle

17. The matter in this report serves as a useful reminder that the Code of Conduct applies to Members holding the public office of a Member of the Senedd at all times, including in Members' personal and private lives.

18. This means that it is incumbent on Members to be mindful of the Code of Conduct in all their interactions.