

Fourteenth report to the Sixth Senedd under Standing Order 22.9

September 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



Mark Drakeford MS *
Welsh Labour



Peredur Owen Griffiths MS
Plaid Cymru



Samuel Kurtz MS *
Welsh Conservatives

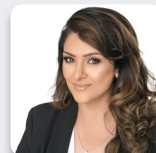
* Following his appointment as Cabinet Secretary for Finance and Welsh Language on 11 September 2024, Mark Drakeford MS formally recused himself from all Committee activity.

* Samuel Kurtz MS was not a member of the Committee during this inquiry.

The following Members were also members of the Committee during this inquiry:



Former Committee Chair:
Vikki Howells MS
Welsh Labour



Natasha Asghar MS *
Welsh Conservatives

* Natasha Asghar MS did not participate in any of the considerations of the complaint.

The following Member attended as a substitute during this inquiry:



Sam Rowlands MS
Welsh Conservatives

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Recommendation

Recommendation 1. The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure, that a breach has been found and the Member be censured under Standing Order 22.10(i).Page 10

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 Senedd³ (“the Procedure”) in relation to a complaint made against Natasha Asghar MS.

3. The report from the 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. As a member of the Committee, the Member concerned, Natasha Asghar MS, recused herself from consideration of the complaint. In her place, Sam Rowlands MS considered the complaint as her nominated alternate under Standing Order 22.5.

5. This report sets out the details of the complaint and the Committee’s deliberations in arriving at its decision.

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

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

7. The Commissioner received a complaint in relation to the conduct of Natasha Asghar MS in Plenary on 20 March 2024 in using the phrase “blanket” in relation to the application of the 20 mph speed limits, as well as characterising them in this way on social media.

8. As the complaint about conduct in Plenary was not referred to the Commissioner by the Llywydd, the Commissioner was only able to consider the conduct on social media.

9. The Complainant asserted that 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 Conduct⁴.

10. The Commissioner noted the rules identified by the Complainant. In his assessment of the complaint he considered the following rules from the Code of Conduct as the most relevant:

- Rule 1 - Members must uphold the Overarching Principles.
- Rule 2 – Members must act truthfully.
- Rule 3 - Members must not act or behave in a manner that brings the Senedd, or its Members generally, into disrepute.

11. The Committee met on 8 July to consider the Commissioner’s report and reach a conclusion in respect of the complaint.

⁴ Code of Conduct on the Standards of Conduct of Members of the Senedd

3. The Committee's Consideration of its Decision

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

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

14. The Member did not avail herself of the opportunity to make oral representations to the Committee. The Member made written representations to the Committee setting out her reasons for not agreeing with the Commissioner's view, which were considered by the Committee in reaching its decision.

The Committee's Decision

15. The Committee noted the finding of the Commissioner that Natasha Asghar MS had not accepted that this was a breach of the Code of Conduct, and she had instead submitted, in reference to the Committee's Eighth Report to the Sixth Senedd⁵, that

"... 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. The Committee noted Natasha Asghar MS's participation in the consideration of the Eighth Report to the Sixth Senedd on the conduct of a Member who had used the "blanket" descriptor. The Committee agreed that the Committee's previous conclusions which follow, was therefore something the Member was very familiar with, that:

⁵ [Standards of Conduct Committee Eighth Report to the Sixth Senedd under Standing Order 22.9](#)

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

and

“... 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”.

17. The Committee agreed with the Commissioner that the Member’s conduct, having agreed the Committee’s Eighth report and shortly afterwards acting in contradiction to it, brings the Senedd into disrepute and fails to show the leadership expected of Members.

18. Therefore, having considered the Commissioner’s findings and conclusions, along with the supporting evidence provided, the Committee agreed that a breach of the Code of Conduct as identified by the Commissioner had occurred.

The Committee finds that Natasha Asghar MS breached Rules 1, 2 and 3 of the Code of Conduct.

The Committee’s Recommendation

19. The Committee considers a breach of the Code of Conduct by any Member of the Senedd to be 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 through their actions.

20. Social media use has become increasingly prevalent among elected representatives and acts as an important method for communication and debate. However, it also presents challenges for Members, given the potential for misuse. Members should make every effort to ensure that they continue to embody the leadership principles whilst using social media.

21. In reaching its decision, the Committee took into account the fact that the Member had not only known about the Committee’s decision in relation to the

term “blanket” when used to describe the 20 mph speed limits, but was an active participant in the consideration of the complaint and had not recused herself.

Recommendation 1. The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure, that a breach has been found and the Member be censured under Standing Order 22.10(i).

4. Matters of general principle

22. This is the fifth substantive report this Senedd relating to social media. It is incumbent on all Members to uphold the high standards expected of them as elected representatives when debating issues in the public domain, including on social media.

23. Members will be familiar with the responsibility of the Llywydd in dealing with the conduct of Members during plenary sessions of the Senedd and in committees and with the duty to abide by her rulings. When using social media to engage in debate beyond the Chamber, it is incumbent on Members to pay commensurate attention to the recommendations of this Committee and the findings of the Standards Commissioner relating to the interpretation of the Code of Conduct and the standards expected of Members. As highlighted in this case, Members should take care to not intentionally make statements which are imprecise and inaccurate.

24. The Committee would like to remind Members of their personal responsibility regarding the consideration of any potential interests before participating in committee business. It is incumbent on Members to declare any relevant interests and, where necessary, recuse themselves from proceedings.

25. The Committee wishes to note that, in accordance with the requirements of the National Assembly for Wales Commissioner for Standards Measure 2009, the Commissioner treats complaints as confidential, therefore the Committee is not made aware of any other active or pending investigations when it is considering a complaint report from the Commissioner. The Committee will be considering the requirements of the Act as part of its inquiry into the Standards Framework.

Annex A: Report from the Commissioner for Standards

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