

Twelfth Report to the Sixth Senedd Under Standing Order 22.9

May 2024



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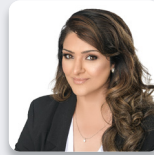
About the Committee

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

Current Committee membership:



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



Natasha Asghar MS
Welsh Conservatives



Mark Drakeford MS *
Welsh Labour



Peredur Owen Griffiths MS
Plaid Cymru

* Did not participate in any of the considerations of the complaint.

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



John Griffiths MS
Welsh Labour

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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 a Member incorrectly telling the Complainant that representations had been made to the local authority on his behalf in relation to a planning matter, when in fact they had not.
- 4.** The Complainant set out their view that the Member had not acted truthfully nor had the Member ensured the same of their staff. The Complainant alleged that the Member's private associations with other constituents in a neighbouring street (in particular a "canvasser") meant the Member sought to confer an advantage in representing one group over another. These actions may have amounted to a breach of Rule 2 of the Code of Conduct (duty to act truthfully).
- 5.** The Committee met on 15 April 2024 to consider the Commissioner's report and reach its conclusion in respect of this complaint.
- 6.** 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.
- 7.** This report sets out the details of the complaint and the Committee's deliberations in arriving at its decision.
- 8.** A copy of this report has been provided to the Member concerned and the Complainant.

3. Committee's Consideration of its Decision

- 9.** The Committee considered whether the Member was in breach of Standing Order 22.2(i).
- 10.** In considering whether a breach took place, the Committee reviewed the findings of the Commissioner as set out in his report.
- 11.** The Member did not avail themselves of the opportunity to make written or oral representations to the Committee.
- 12.** The Commissioner's findings of fact were as follows:
- i. On 21 October 2021 and 21 January 2022, the Member met with a group of residents of [a development within the constituency] to hear their concerns regarding a number of planning issues. The Member was accompanied by a caseworker.
 - ii. Following these meetings, the Member contacted the County Borough Council ("CBC") regarding these issues.
 - iii. On 2 January 2023 the Complainant, who was a resident of development in question, emailed the Member's office asking [the Member] to make representations to CBC in relation to a number of planning issues.
 - iv. Numerous emails are received in the Member's office each week. They are allocated by the staff according to their subject matter and are not normally seen by the Member.
 - v. In accordance with that practice the Complainant's email was allocated to the caseworker.
 - vi. The caseworker mistakenly believed that the email was about the issues raised by a group of residents when in fact it was about quite different planning issues at [the development].
 - vii. As a result of that misunderstanding the caseworker acknowledged the email and told the Complainant that the Member had raised the concerns with CBC.

- viii. Between 3 January and 3 October 2023, the Complainant sent 12 emails to the Member's office and/or to the caseworker providing further information or seeking an update.
- ix. Several of these emails were quarantined by the Senedd IT system and some were neither released from quarantine nor read.
- x. The Senedd IT system considers the whole content of an email not just its subject title when deciding whether or not it should be quarantined or go to the addressee's inbox. Accordingly, it is possible for messages with the same subject title to go either to the inbox or to be quarantined.
- xi. Neither the Member nor any of their staff were aware that 'genuine' emails could be quarantined. Mistakenly, they assumed that any message that was quarantined was spam and did not require to be opened or read.
- xii. On 4 October 2023 the Complainant emailed the Member and her caseworker informing them that the copy letter to CBC that he had been sent in response to an earlier email was nothing to do with the issue he had asked the Member to raise with the Council. It was in fact about issues of concern to the group of residents that the Member had met in 2021 and 2022.
- xiii. That email was quarantined but, fortuitously, on 5 October the Member saw the automated warning and released it [and] immediately informed the caseworker.
- xiv. On 14 October 2023 the Member emailed CBC telling them, for the first time, of the issues raised [] by the Complainant that January. [The Member] copied the email to the Complainant.
- xv. There is no evidence that the manner in which the Complainant's correspondence was dealt with was, as asserted by the Complainant, influenced by either [] personal relationships with constituents or the relationship between one of [the Member's] staff and the Chair of CBC Development Control Committee.
- xvi. The Member was unaware of the full extent of the shortcomings in how the Complainant's correspondence had been dealt with until [the Member] met with the Commissioner on 16 January 2024. On 22

January [the Member] wrote to the Complainant explaining and apologising for the failings that had occurred.

13. The Commissioner found that he:

“... had no hesitation in concluding that what happened was due to administrative error and not any attempt to favour other residents over the Complainant. Whilst the Caseworker was wrong when she told the Member that representations had been made to []CBC on his behalf, I am satisfied that is what she believed. Neither she, nor the Member, was untruthful in their dealings with the Member. Whilst I understand why the Complainant formed the view that the Member was deliberately favouring the residents of [name of road] and deliberately not responding to his correspondence, he was unable to produce any evidence to support his view.”

14. The Commissioner also noted that:

“The Member has accepted that the standard of service provided to the Complainant was far below the required standard and has apologised to him for it. Poor service provided to a constituent cannot amount to a breach of the Code of Conduct or of any other relevant provision.”

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

15. The Committee noted that part of the issue in this complaint was that some of the emails sent to the Member were quarantined and not released from the quarantine folder. The Commissioner found that:

“The Senedd IT system considers the whole content of an email not just its subject title when deciding whether or not it should be quarantined or go to the addressee’s inbox. Accordingly, it is possible for messages with the same subject title to go either to the inbox or to be quarantined.”

16. This report highlights the importance of reviewing quarantined messages, given the potential for emails to be quarantined that may be relevant to Members of the Senedd.