



MEETING : STANDARDS SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 13 DECEMBER 2016
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE SUB-COMMITTEE

Councillors P Boylan, B Deering, C Woodward

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing committee.services@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

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AGENDA

1. Appointment of Chairman

To appoint a Chairman for this meeting.

2. Apologies

To receive any apologies for absence.

3. Chairman's Announcements

To receive any Chairman's announcements.

4. Declarations of Interest

5. Minutes (Pages 7 - 10)

To approve the Minutes of the meeting held on 29 November 2016.

6. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

7. Exclusion of the Press and Public

To move that under Section 100 (A) (4) of the Local Government Act 1972 the press and public be excluded from the meeting during the discussion of item 8 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the said Act:

It is for the Sub-Committee to determine whether or not this item should be considered in public and the report made available for public information. Until a decision is taken, please regard the report as confidential.

8. Investigation on a Complaint Against a Former District Councillor (Pages 11 - 70)
9. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

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MINUTES OF A MEETING OF THE
STANDARDS SUB-COMMITTEE HELD IN
THE ROOM 1.13, WALLFIELDS, PEGS
LANE, HERTFORD ON TUESDAY 29
NOVEMBER 2016, AT 10.00 AM

PRESENT: Councillor C Woodward (Chairman)
Councillor P Boylan

OFFICERS IN ATTENDANCE:

Martin Ibrahim	- Democratic Services Team Leader
Kevin Williams	- Acting Head of Legal and Democratic Services

ALSO IN ATTENDANCE:

Nicholas Moss	- Independent Person
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1 APPOINTMENT OF CHAIRMAN

It was agreed that Councillor C Woodward be appointed
Chairman for this meeting.

RESOLVED – that Councillor C Woodward be
appointed Chairman for this meeting.

2 APOLOGIES

An apology for absence was submitted on behalf of Councillor
B Deering.

3 MINUTES

RESOLVED – that the Minutes of the Standards Sub-
Committee meeting held on 25 April 2016, be approved

as a correct record and signed by the Chairman.

4 EXCLUSION OF THE PRESS AND PUBLIC

The Sub-Committee considered whether or not to pass a resolution to exclude the press and public from the meeting during the discussion of the item at Minute 5 below on the grounds that it involved the likely disclosure of exempt information as defined in provisions of the Local Government Act 1972.

The Sub-Committee also considered whether or not to make the associated report publically available.

The Sub-Committee determined to exclude the press and public from the meeting during the discussion of the matters at Minute 5 below and not to make the associated report publically available.

RESOLVED – that (A) under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting during discussion of the business recorded at Minute 5 below on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act, and

(B) the report associated with the business recorded in Minute 5 below, be not made public by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

5 INVESTIGATION UNDER THE LOCALISM ACT

The Sub-Committee considered a report on a complaint to the Council's Monitoring Officer regarding an alleged breach of the Code of Conduct by a Ware Town Councillor.

The Sub-Committee noted the details of the complaint and the employment of an independent investigator to review the allegations made. The Sub-Committee also considered a

letter of the investigating officer as detailed at Essential Reference Paper 'B' of the Monitoring Officer's report.

The investigator had suggested that constructive action needed to be taken and to this end, he had recommended an action plan that sought to improve the functioning of the Town Council over any potential unfairness to Officers or Town Councillors. The action plan was detailed at Essential Reference Paper 'C' of the report submitted as follows:

- The appointment of an independent person / consultancy to review the Town Council's processes and procedures and review the relationship between the Town Council, the Priory Trust and Ware Priory Trading Limited;
- the training / mentoring of Officers and Councillors to identify and rectify any weakness in their understanding of the Town Council's procedures and the Code of Conduct; and
- training and guidance on conflict resolution with a view to improving working relations between elected Members and Town Council officers through more effective communication and improved conduct. Parties need to work together on a Member / Officer protocol that establishes and ingrains agreed parameters.

The Sub-Committee considered the investigator's recommendations. This consideration also included a telephone conference call involving the absent Councillor B Deering. The Sub-Committee also considered the advice of the Monitoring Officer and the Independent Person.

The Sub-Committee concluded that on the basis of the investigation officer's letter, it would be minded to determine that a breach of the Code of Conduct had occurred. However, given the suggestion by the investigating officer, the Sub-Committee supported the complaint being dealt with informally by the Council's Monitoring Officer. The Sub-Committee also

agreed the suggested action plan subject to a three month deadline and a report back that satisfactory progress was being made.

The Sub-Committee approved the recommendations now detailed.

RESOLVED – that (A) the complaint be dealt with informally by the Council’s Monitoring Officer;

(B) all Town Council Members and Officers be involved in the process; and

(C) the Town Council fund and implement an Action Plan as identified within Essential Reference Paper ‘C’ of the report submitted, to address the concerns identified within the report and that any necessary training, conciliation and mentoring be available to all Town Council Members and Officers, subject to implementation within three months and a report back that satisfactory progress was being made.

The meeting closed at 10.49 am

Chairman

Date

EAST HERTS COUNCIL

STANDARDS SUB COMMITTEE – 13 DECEMBER 2016

REPORT BY ACTING HEAD OF LEGAL AND DEMOCRATIC SERVICES

INVESTIGATION UNDER THE LOCALISM ACT ON A COMPLAINT AGAINST FORMER COUNCILLOR J CARTWRIGHT

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To consider the independent investigator's report on a complaint to the Council's Monitoring Officer regarding an alleged breach of the Code of the Conduct by former Councillor J Cartwright.

<u>RECOMMENDATIONS TO STANDARDS SUB COMMITTEE:</u> that	
(A)	the report of the investigating officer be received; and
(B)	

1.0 Background

- 1.1 Following the submission of a complaint regarding the behaviour of former Councillor, an independent investigator was employed to review allegations of a breach of the Code of Conduct. The investigator's report is attached at **Essential Reference Paper 'B'**.

2.0 Report

- 2.1 The Sub-Committee will recall that in April 2016, it had agreed that former Councillor Cartwright should be investigated for a potential breach of the Code of Conduct, following three separate complaints submitted by David Bromage, Scot Ramsey and Adrian McNeece. The then Monitoring Officer, Catherine Whitehead, appointed ch&i associates to carry out an

independent investigation.

2.2 The investigator's report is attached at **Essential Reference Paper 'B'**. This concludes that former Councillor Cartwright did breach the Members' Code of Conduct when he:

- *made false, disrespectful assertions about Mr Bromage and Mr Ramsey during the investigation into the earlier complaint about his conduct;*
- *sent Mr McNeece offensive text messages; and*
- *continued to make derogatory comments about identifiable individuals on Twitter, both during the investigation and immediately after the Standards Committee considered the matter.*

2.3 The Monitoring Officer has consulted the Independent Person and is satisfied that the investigator's report should be referred to the Sub-Committee to make a formal determination.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers:
None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	The Independent Person has been consulted.
Legal:	The Localism Act 2011 places a statutory duty on the Council to promote and maintain high standards of conduct by Members. The Council has adopted a Members' Code of Conduct and a complaints process in accordance with the Localism Act.
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	None

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**Investigation into a complaint against
Councillor James Cartwright,
East Herts Council**

A report for the Monitoring Officer of
East Herts Council

27 October 2016

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1 Executive Summary

- 1.1 ch&i associates was appointed by Catherine Whitehead, who was at that time the Interim Head of Legal and Democratic Services at East Hertfordshire District Council (the Council), to investigate a number of complaints about the conduct of Councillor James Cartwright¹, a member of the Council.

Scope and focus of the investigation

- 1.2 On 28 January 2016 the Council's Standards Sub-Committee considered a Code of Conduct complaint in respect of Councillor James Cartwright². The Sub-Committee endorsed the Investigating Officer's view that Councillor Cartwright had "failed to treat people with respect" when, on 29 October 2015, he referred to a number of identifiable individuals³ on his Twitter account as "*thick*" and "*illiterate*". In his report⁴ Councillor Cartwright acknowledged that he had made the comments attributed to him, however he defended the remarks by drawing attention to what he claimed to be the 'deeply offensive' conduct of others towards him.
- 1.3 It is not within the scope of this investigation to further consider whether Councillor Cartwright's comments on 29 October 2015 amounts to a breach of the Code. However, having become aware of Councillor Cartwright's attempts to defend his conduct, Mr David Bromage, Mr Scot Ramsay and Mr Adrian McNeece submitted additional complaints to the Council. These are the focus of this investigation and are summarised as follows:
- i. Mr David Bromage and Mr Scott Ramsey alleged that Councillor Cartwright made false, disrespectful assertions about them during the investigation into Mr McNeece's earlier complaint;
 - ii. Mr Adrian McNeece alleged that during the course of the aforementioned investigation, Councillor Cartwright sent him offensive text messages and ignored his request to stop;
 - iii. Mr Bromage and Mr McNeece alleged that Councillor Cartwright continued to make derogatory comments about them and others on Twitter, both during the investigation and immediately after the Standards Sub-Committee considered the matter.
- 1.4 As part of my investigation I have considered whether Councillor Cartwright failed to treat others with respect. I have also considered whether Councillor Cartwright has shown the necessary regard for the core principles of public life; in particular Leadership.

¹ Councillor Cartwright resigned from the Council on 19 July 2016, however for the purposes of this report I will continue to refer to him as Councillor Cartwright.

² The original complainant was made by former Councillor Adrian McNeece on 2 November 2015

³ Including Mr David Bromage and Mr Scot Ramsey

⁴ Found at Annex A of this report

Recommendations

- 1.5 My approach in this case has been to equip the Council to determine the allegations through any of the routes open to it, namely:
- a. The member was *not* acting in councillor capacity therefore the code was not engaged and the member did not breach it;
 - b. The member was acting in member capacity, but did not through their conduct breach any Code paragraph;
 - c. The member was acting in member capacity and breached the Code⁵.
- 1.6 It is my view that Councillor Cartwright was acting in his official capacity and did fail to comply with the Council's Code of conduct. This investigation has found that Councillor Cartwright:
- made false, disrespectful assertions about Mr Bromage and Mr Ramsey during the investigation into the earlier complaint about his conduct;
 - sent Mr McNeece offensive text messages; and
 - continued to make derogatory comments about identifiable individuals on Twitter, both during the investigation and immediately after the Standards Committee considered the matter.
- 1.7 In considering what action the Monitoring Officer should take; I am mindful that Councillor Cartwright has now resigned from office and therefore is not bound by any of the limited sanctions available to the Council. Having said that, his dismissive response to the findings of the previous investigation and lack of involvement in this one suggests that there is little prospect of resolving these matters informally.
- 1.8 My recommendation therefore is that the Monitoring Officer refer this matter to the Council's Standards Sub-Committee so that they can determine whether Councillor Cartwright failed to comply with the Council's Code of Conduct.

2 Official details of Councillor James Cartwright

- 2.1 Councillor James Cartwright was elected to East Hertfordshire District Council in May 2015 as the Conservative member for Puckeridge. He resigned from office on 19 July 2016.
- 2.2 Councillor Cartwright served on the Corporate Business Scrutiny and Audit Committees. He was also a member of the Conservative Party.

⁵ Please note that I am not a lawyer; my considerations of Councillor Cartwright's conduct against the Code of Conduct are based on my extensive experience of conducting standards investigations and is not legal advice.

3 The relevant legislation & protocols

Localism Act 2011

- 3.1 By section 27(1) of the Localism Act 2011 (the Act) a “relevant authority” is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority”.
- 3.2 By section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity”.
- 3.3 Under section 28(1) of the Act a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – the so called “Nolan principles”.
- 3.4 The intention of the legislation is to ensure that the conduct of public life in local government does not fall below a minimum level which engenders public confidence in democracy, as was recognised by Beatson J, as he then was, in *R (Calver) v The Adjudication Panel for Wales* [2012] EWHC 1172 (Admin) when he held that there was a clear public interest in maintaining confidence in local government while at the same time bearing in mind the importance of freedom of political expression or speech in the political sphere.
- 3.5 Under 28(6) of the Act, Local Authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision by the appointment of the authority of at least one “independent person” whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.
- 3.6 Section 28(11) of the Act provides that if a relevant authority finds that a member or a co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

East Herts Council's Code of Conduct

- 3.7 Under Section 27(2) of the Localism Act the Town Council established a Code of Conduct for members (the Code).
- 3.8 The Code adopted by the Council includes the following paragraphs:

As a member or co-opted member of East Hertfordshire District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

A. General obligations

Whenever you are acting as a member or co-opted member of this Council you must act in accordance with the following obligations: ...

Leadership: *Holders of public office should promote and support these principles by leadership and example...*

As a Member of East Hertfordshire District Council, my conduct will in particular address the statutory principles of the code of conduct by: ...

Always treating people with respect, including the organisations and public I engage with and those I work alongside.

4 The investigation

- 4.1 This investigation was conducted by Alex Oram on behalf of the Council's Monitoring Officer. Alex is a director of ch&i associates, a company with a successful track record of conducting complex investigations, assessments and case reviews within the regulatory, charity, NHS and local government sectors. Alex has been conducting member conduct investigations since 2003. He was previously employed by Standards for England as a principal investigator responsible for conducting many of their most complex, politically sensitive and high profile investigations into member conduct.
- 4.2 During the course of this investigation I have; considered various documents received from the complainants and the Council; interviewed Mr McNeece and examined Councillor Cartwright's use of Twitter (there are two Twitter accounts used by Councillor Cartwright that are relevant to this investigation; @james_cllr and @jamesfec⁶.) Councillor Cartwright indicated that given his resignation he did not wish to comment on the allegations against investigation, however reserved the right to do so after considering my draft report and provisional recommendations. The draft report was emailed to the complainants and Councillor Cartwright on 13 October 2016; only Mr McNeece commented on my provisional findings and his comments have been reflected in this final report.

⁶ All Councillor Cartwright's Tweets relevant to this investigation can be found at Annex B of this report

5 The evidence

Background

- 5.1 In May 2015 Mr McNeece, after attending his first meeting as an elected member of the Council, informally approached Councillor Linda Haysey (Leader of the Council) to express his concern about the Council's practice of opening its meetings with prayers. Councillor Haysey told Mr McNeece that while she would give the matter her attention, the prayers were not actually conducted as a formal part of the meeting; they took place before the meeting (and webcast) started.
- 5.2 Mr McNeece told me at interview that he initially agreed to raise his concerns about prayers privately within the Conservative Group⁷, however he became frustrated at Councillor Haysey's subsequent lack of willingness to discuss the matter further.⁸ Mr McNeece said that he strongly felt that the Council chamber was no place for Christian worship, particularly given that members are meant to be representing their entire community. As a result, on 28 October 2015, Mr McNeece submitted the following motion to full Council:

"The meetings of East Herts District Council should be conducted in a manner equally welcoming to all attendees, regardless of their individual religious beliefs or lack of belief. Religious worship should therefore play no part in the formal or informal business of council meetings, on council premises."

The meeting was adjourned so that a secret ballot on the motion could be held; it was defeated with 5 voting for and 42 against.

- 5.3 In the days immediately preceding the Council meeting, Councillor James Cartwright became involved in a discussion on Twitter with several other users about the practice of saying prayers before meetings⁹. Councillor Cartwright was clearly in favour of the practice and challenged a number of Twitter users who promoted the secular argument; these included Mr Scot Ramsey and David Bromage¹⁰.
- 5.4 After attending the Council meeting of 28 October 2015, Councillor Cartwright tweeted: "@StortSkeptic @ScotRamsay @galdam @NatSecSoc @ReynardineFox @davebromage common sense prevails 5 for 42 against the majority has spoken".
- 5.5 There followed a heated exchange on Twitter between Councillor Cartwright and numerous Twitter users about both his comment and religion more generally.

⁷ All the members of the Council are in the Conservative Group

⁸ Mr McNeece told me that he also emailed Councillor Graham McAndrew in July 2015 requesting that the matter be discussed at the next Conservative Group meeting, to be told that there was no room for it on the agenda.

⁹ Using the Twitter account @james_cllr.

¹⁰ @ScotRamsay and @davebromade

During the exchange Councillor Cartwright referred to Mr Bromage and Mr Ramsay (among others) as 'thick', 'illiterate' and 'pathetic'.¹¹

- 5.6 After the rejection of his motion, Mr McNeece resigned from both the Council and the Conservative Party. He told me at interview that he had been shocked not so much by the lack of support for his motion, but by the fact members actually stood and applauded after it had failed. Mr McNeece said that he had been appalled by Councillor Cartwright's offensive behaviour toward members of the public on Twitter afterwards; as a result, on 2 November 2015, Mr McNeece submitted a formal complaint about Councillor Cartwright's conduct.

Matters related to the allegation at 1.4(i) that Councillor Cartwright made false, disrespectful assertions about Mr Bromage and Mr Ramsay during the investigation into the earlier complaint about his conduct;

- 5.7 On 1 December 2015 the investigator appointed to examine Mr McNeece's allegations invited Councillor Cartwright to respond to his complaint of 2 November 2015; primarily an allegation that he had called non-religious members of the public 'thick' and 'illiterate'.
- 5.8 Councillor Cartwright replied by email:

*"Thank you for the opportunity at being able to provide some context around this matter. My comments were directed at three members of the public (only) who were providing deeply offensive remarks aimed at myself and ALL EH councillors involved in the vote regarding prayers. Specifically, all the EH Councillors were called "Ars*hol*s" and "C*nts" by these three tweeters and other remarks such as "I can't believe they f*cking clapped" referring to the reaction of the Councillors to a speech made by the Deputy Leader of the Council, Cllr Gary Jones. - Please note, I have replaced some letters of these words with asterisks, but these were not replaced in the original tweets which can be seen if you follow the Tweet trail - but interestingly not included in the selection of tweets included within the complaint submitted by former Councillor Adrian McNeese [sic].*

I have apologised to any other person / member of the public who were mislead by these three trouble makers in making it appear as if the hash-tags I used (#Pathetic #Illiterate and #Thick) were directed at atheists in general. They were clearly not, but at these three individuals only. In the context of these exchanges, these three descriptions were factually accurate and appropriate descriptions of these individuals.

#Pathetic - dictionary definition - miserably inadequate (or feeble, woeful, sorry, poor, pitiful, lamentable, deplorable, miserable, wretched, contemptible, despicable, inadequate, meagre, paltry, insufficient, negligible, insubstantial, unsatisfactory, worthless

¹¹ As found as fact in the previous investigation report and by the Council's Standards Sub-Committee on 28 January 2016

I maintain many of these attributes were accurate when considering the attitude of these three people towards myself and fellow councillors, especially the ones highlighted by myself above.

#Illiterate - you will notice in one of the tweets they used the word "there" meaning "they are" and they failed to acknowledge many of the arguments I put forward, dictionary definition is "unable to read or write"

#Thick (in this context) meaning "of low intelligence, stupid" - when presented some factual statistics they repeatedly added up the numbers incorrectly to augment their case.

On that basis, I feel entirely justified in using these words towards these three individuals (only) as they are accurate and well deserved. Any inference that I meant atheists in general was not intended and I have already apologised for this misinterpretation."

5.9 On 3 December 2015 the investigator emailed Councillor Cartwright to inform him that he could find no record on Twitter of any of the abusive language to which he referred. Councillor Cartwright was asked to provide the evidence to support his accusations against the three members of the public.

5.10 On 8 December 2015 Councillor Cartwright emailed the investigator screenshots of the following Tweets:

i. *"@james_cllr¹² @galam @davebromage¹³ @ScotRamsay¹⁴ @NatSecSoc The chamber fucking clapped against the motion. Utterly disrespectful".* Posted on Twitter by David James (@StortSkeptic)

ii. *"@james_cllr @galam @davebromage @ScotRamsay @NatSecSoc Politicians who abuse their position to promote religion are assholes."* Posted on Twitter by Carl (@EtTuCarl)

Councillor Cartwright explained that he could not find the most serious abuse ("use of the "C" word") because it had been removed by Twitter after being reported as offensive.

5.11 The investigator contacted Councillor Cartwright to express his concern that the evidence provided did not support his contention that Mr Bromage and Mr Ramsay in particular had made offensive remarks about him. The investigator concluded in his report:

'I have attempted to discover in the interest of fairness the abusive tweets referred to by Councillor Cartwright and confirmed with him that he has no record of any such abusive material originating from those individuals which he has characterised as "thick", "illiterate" and "pathetic".'

¹² Councillor James Cartwright

¹³ Mr David Bromage

¹⁴ Mr Scot Ramsay

5.12 In his complaint Mr Ramsay stated:

"It is clear that Cllr Cartwright has made serious allegations about members of the public that he knew, or should have known, to be false. Furthermore, he has made these allegations within evidence submitted to an independent investigation of his conduct as a councillor. In these circumstances, Cllr Cartwright had a significant duty of care to ensure that information he provided was accurate, complete and true. This duty of care was particularly relevant since Cllr Cartwright knew, or should have known, that his statements would be made public because of the transparency required of Councils when dealing with complaints."

5.13 Mr Bromage made much the same point in his complaint, stating:

"Although the Twitter debate on 29 October was at times heated (after Cllr Cartwright had taken to Twitter to gloat about the 42-5 vote to keep prayers), none of those cited for harassment by Cllr Cartwright used any of the alleged terminology or similar. There were others in the debate and I did see the word "arsehole" used to describe Cllr Cartwright. However, I repeat, this was not used by myself, Scot Ramsay or Gary Aldam, the three tweeters at whom Cllr Cartwright maintains he aimed the "thick" and "illiterate" tweets."

Matters related to the allegation at 1.4(ii) that Councillor Cartwright sent Mr McNeece offensive text messages and ignored his request to stop

5.14 Between the 21- 27 December 2015 Mr McNeece published extracts of the investigator's report (as found at Annex A) on Twitter.

5.15 On 27 December 2015 there was an exchange between various Twitter users about these extracts; Councillor Cartwright made it clear that he did not intend on commenting as the extracts had been taken from a confidential report.

5.16 Mr McNeece had previously used Twitter to question Councillor Cartwright's involvement with the Council's Development Control Committee, suggesting that he had shown bias. During the aforementioned exchanges about the investigation report, Mr McNeece tweeted: *"@StortSkeptic @ScotRamsay @james_cllr Cllr Cartwright is not now known for his honesty, consistency or impartiality on planning applications."*

5.17 Councillor Cartwright responded to Mr McNeece's on Twitter by asking him to evidence his assertion; Mr McNeece tweeted that he had already provided it to the Council. Councillor Cartwright responded on Twitter:

"Look out all - the hapless former Cllr @AdrianMcNeece fresh on the heels of a string of failures is looking for another lost cause!!"

5.18 During these Twitter exchanges Mr McNeece wrote: *"Your actions and sentiments James [Councillor Cartwright] since my resignation should sicken you as much as they do me. You should be ashamed of yourself."*

- 5.19 Councillor Cartwright responded to Mr McNeece directly (and privately) by text message: *“Ashamed? Not a bit of it - pot calling kettle black! You brought it all on yourself. I continue to enjoy overwhelming support.”*
- 5.20 There followed a text message exchange between the two men¹⁵ which included the following comments by Councillor Cartwright:
- i. *“You are a sad deluded man who deserves every insult earned by his pathetic behaviour”*
 - ii. *“At least I have a personality and intellect. Go away and find yet another lost cause to champion – it is all you excel at!”*
- 5.21 Mr McNeece ended the exchange by indicating that he intended to submit another Code of Conduct complaint about Councillor Cartwright’s conduct. He instructed Councillor Cartwright not to text him again.
- 5.22 Three days later, on 30 December 2016, Councillor Cartwright and Mr Ramsay has a conversation on Twitter about the investigation into Councillor Cartwright’s conduct. During the exchange Mr McNeece tweeted: *“@james_cllr @ScotRamsay There might even be something in tomorrow's local press that sheds further light”*
- 5.23 Councillor Cartwright responded to Mr McNeece by text message (rather than Twitter); *“Very much doubt that – rarely anything of interest in there and no-one reads it anyway...”*
- 5.24 Mr McNeece replied by text *“You were asked not to text me again. Do not under any circumstances text me. Do not reply”*; to which Councillor Cartwright retorted: *“I reserve the right to text you at any time”*. Mr McNeece informed Councillor Cartwright that the Police had been notified, to which he responded *“No Problem”*.
- 5.25 Mr McNeece told me that at no time had he invited Councillor Cartwright to contact him directly and that his text messages were *“unexpected and unwelcome”*.

Matters related to the allegation at 1.4(iii) that Councillor Cartwright continued to make derogatory comments about them and others on Twitter, both during the investigation and immediately after the Standards Committee considered the matter.

- 5.26 In their respective complaints, Mr Bromage and Mr McNeece highlighted a number of Tweets posted by Councillor Cartwright¹⁶ during the previous investigation into his conduct¹⁷, including:

¹⁵ Found in full at Annex C

¹⁶ Using two different Twitter accounts: @cllr_james and @jamesfec

¹⁷ Full exchange at Annex A

- i. *"@davebromage @mickynads @galdam "Jeez" an abbr of Jesus. Interesting. Reading the bible and finding it lacking shows a lack of intelligence."*
 - ii. *"@davebromage @galdam @adrianmcneece @scotramsay better to be a sheep than an ass!"*
 - iii. *"@galdam @davebromage @adrianmcneece @scotramsay my belief is entirely based on fact. Perhaps the minority of non-believers are deluded"*
 - iv. *"@davebromage @galdam @adrianmcneece @scotramsay yes I can. Google it. Read a book (if you can)"*
- 5.27 Mr Bromage said that Councillor Cartwright's ongoing conduct demonstrated that he held disparaging views about atheists and was not able to treat them with respect.
- 5.28 On 28 January 2016 the Council's Sub-Committee considered the report into Mr McNeece's earlier complaint. Members concluded that Councillor Cartwright had failed to treat others with respect when referring to identifiable members of the public as 'thick', 'illiterate' and 'pathetic'. They determined that the Council be invited to pass a formal motion of censure against Councillor Cartwright, and that Councillor Cartwright be required to attend social media training by 28 February 2016.¹⁸
- 5.29 On the evening of the 28 January 2016 Councillor Cartwright tweeted:
- '@EastHerts EHDC clearly condone the behaviour of rude, abusive, intimidating bullies directed towards the majority of their elected members.'*
- 5.30 When challenged on Twitter by both Mr Bromage and Mr Ramsay over his response to the Council's consideration of his conduct, Councillor Cartwright tweeted that the Council had not found that his words were either insulting or rude. Councillor Cartwright also tweeted that his use of the words 'thick' and 'illiterate' when describing Mr Bromage and Mr Ramsey had been 'accurate and appropriate descriptions well deserved'.
- 5.31 On 3 February 2015 Councillor Cartwright made it clear on Twitter that he did not intend to apologise for his conduct and that the proposed training would not make any difference as to his views on the matter. Mr Bromage, who is a local journalist, asked Councillor Cartwright to evidence his ongoing assertions that he and Mr Ramsay were bullies; Councillor Cartwright responded "*journalists never seem to be interested in using evidence so I don't feel I have anything to answer to you!!*"

¹⁸ They added that should Councillor Cartwright fail to do so the Council's Conservative Political Group, of which he was a member, be requested to remove him from any seats to which he had been appointed to on committees in accordance with the wishes of that political group until such time as the required training had been satisfactorily concluded.

- 5.32 In response to Councillor Cartwright's comment Mr Ramsay tweeted: *"Our lovely local Councillor likes to insult journalists too. Is there anyone this man doesn't feel is beneath him?"*. Councillor Cartwright responded: *"@ScotRamsay @davebromage @sjpinches @galdam not present company, no!"*
- 5.33 Mr Bromage and Mr Ramsey went on to again challenge Councillor Cartwright on Twitter about the evidence he had provided the investigator to supposedly prove that they had insulted him. Councillor Cartwright insisted that the evidence he had provided proved his case; he also challenged them to wait for the minutes of the Standards Committee meeting to be publicised as they would demonstrate that the investigator had accepted that it supported his claims.
- 5.34 During the exchange, which continued the following day, Councillor Cartwright tweeted the following:
- i. *@ScotRamsay @davebromage @galdam @sjpinches evidence was produced and is in the public domain - and you have the audacity to call me a liar!*
 - ii. *@davebromage Ask the reporter you sent to the meeting. He has a copy of all the evidence you have chosen to ignore and mislead the public.*
 - iii. *@davebromage @ScotRamsay @galdam trawl back through all your pathetic tweets - you'll find the evidence - I did and I produced it*
 - iv. *@ScotRamsay @davebromage @galdam they all saw the evidence in the meeting - that was not the issue. They decided that whatever the... clearly evidenced provocation I should show you "respect" - I disagreed (and still do)*
 - v. *@davebromage @ScotRamsay @galdam he [God] knows I am not lying and so do I. No need to apologise as the committee agreed.*
 - vi. *@sjpinches @ScotRamsay @davebromage @galdam the people my remarks are directed to are clearly not decent people nor do I represent them.*
 - vii. *@sjpinches all normal decent human beings have my utmost respect... @sjpinches @ScotRamsay @davebromage @galdam the shameful behaviour of a small number don't so they will not get any apology.*
- 5.35 Twitter user @sjpinches tweeted: *"@james_cllr I give up. However very unhappy my council tax will end up paying for your Twitter training. No wonder young people disengage."* Councillor Cartwright responded: *"@sjpinches I agree - total waste of public money - I have declined to attend on that basis."*

- 5.36 Mr Ramsay said in his complaint that Councillor Cartwright's response to the findings of the Council's Standards Sub-Committee was inappropriate in a number of ways:

"(i) It is disrespectful to all of the councillors, officers and staff of EHDC, accusing them, without justification, of condoning rude, abusive, intimidating and bullying behaviour.

(ii) It is disingenuous in that it states that "EHDC clearly condone" such behaviour. The Standards sub-committee, (whose decision prompted the outburst from Councillor Cartwright), was considering and opining upon Councillor Cartwright's behaviour, not that of anyone else.

(iii) The Investigating Officer did not find that there was any "rude, abusive, intimidating bullying behaviour directed towards the majority of their elected members...

(iv) It is dismissive of, and shows contempt for the Councillors Code of Conduct, repeating in more extreme form the disrespectful behaviour for which Councillor Cartwright had only just been censured by his colleagues on the Standards sub-committee, based upon a report by an Independent Investigating Officer. Councillor Cartwright has also extended his disrespectful conduct to include his colleagues and the officers and staff of EHDC in addition to members of the public."

- 5.37 Mr Bromage pointed out in his complaint that Councillor Cartwright has insisted on repeatedly accusing him, Mr Ramsey and Mr Aldam of bullying and harassment without any evidence. Mr Bromage said that in his view Councillor Cartwright's derogatory comments about the members of the public he is bound to serve are indefensible.

- 5.38 Mr Bromage added that in his view Councillor Cartwright targeted him specifically, implying that he was both unintelligent (because he does not believe in the Bible) and immoral (because he is a journalist). Mr Bromage said that he took issue with this, asking Councillor Cartwright to publicly retract his accusation. Mr Bromage highlighted his exchange with Councillor Cartwright as follows:

[Councillor Cartwright] added that as I was a journalist, I was at the "opposite end of the moral spectrum". I responded pointedly that: "It's so black & white. Journalist = immoral; atheists = thick; secularism = pathetic; disagreement= bullying", to which Cllr Cartwright replied: "You're learning fast."

- 5.39 Mr McNeece told me that Councillor Cartwright's conduct was particularly concerning given that much occurred after it had been made clear by those involved that his comments were unacceptable. Mr McNeece said that Councillor Cartwright's response to the findings of the Standards Committee brought the entire Council and the standards framework into disrepute.

6 Have there been failures to comply with the Code?

Official Capacity

- 6.1 Before I make a recommendation as to whether Councillor Cartwright's conduct amounts to a failure to comply with the Code of Conduct, I need to decide if he was acting as a councillor (i.e. acting in his official capacity) when posting the comments relevant to this investigation on Twitter.
- 6.2 Section 27(2) of the Localism Act 2011 requires all relevant authorities to adopt a code of conduct "*dealing with the conduct that is expected of members ... when they are acting in that capacity*" (my emphasis). The Council has reiterated this in its own Code.
- 6.3 The essence of these complaints relate to Councillor Cartwright's social media posts and private text messages, where the capacity issue is far from clear cut. Members may use social media or text each other in their official capacity or in a personal capacity; some may participate in both capacities. In offering my views on this I recognise that the Localism Act is vague on the key point of what '*acting in that capacity*' means. In addition, we have no case law arising from the Localism Act to assist us in this. Having said that, while the wording in the current Code varies slightly from the previous codes of conduct, cases concerning the previous codes remain of relevance to what 'official capacity' means and we have well-established case law from earlier hearings to assist us.
- 6.4 Previous rulings have consistently found that the range of activities that might be considered within capacity should be '*narrowly construed*'. In the decision of the Adjudication Panel for England in APE0458 (Sharratt), the tribunal observed:
- "The dedication of many councillors to activities in public life means that often their social and professional lives are shaped by their roles as councillors and in turn shape how they approach those activities. However, while they may always be conscious of their office as councillor and carry out a wide range of activities in which that is a factor in their thinking, no reasonable observer would conclude that they are carrying out the business of the office of councillor; a test which, in the light of the decision in Livingstone¹⁹, should be narrowly construed."*
- 6.5 The Livingstone judgment was considered in detail in 'Bartlett v Milton Keynes Council [2008] APE 0401' in an appeal from the local standards committee. In the Tribunal's view, the Livingstone judgment established that for a councillor to be acting in an official capacity:
- (a) *the councillor should be engaged in business directly related to the Council or constituents;*
 - (b) *the link between the councillor's office and the conduct should have a degree of formality.*

¹⁹ Livingstone v Adjudication Panel for England [2006] EWHC 2533

- 6.6 Clearly those who engaged with him on Twitter knew that Councillor Cartwright was a member of the Council. Case precedents are clear however that being known as a councillor in the relevant situation is not sufficient to engage the Code of Conduct unless the context is sufficiently related to council or constituency business to bring the individual within the ambit of the Code.
- 6.7 As part of this investigation I have reviewed Councillor Cartwright's use of Twitter. Most of the tweets relevant to this investigation relate to his '@james_cllr' account. Councillor Cartwright could hardly be said to have been directly conducting Council business when posting on Twitter; he had never been instructed by the Council to comment on the original motion submitted by Mr McNeece or engage further with other Twitter users. In addition, Councillor Cartwright never purported to be representing the Council when expressing his views. Clearly his opinion was his own and not that of his authority. Members are free to engage with others using social media in their private capacity and I note that it was Councillor Cartwright and not the Council who set up the Twitter account.
- 6.8 Having said that, I consider it relevant to my considerations that Councillor Cartwright chose to use the 'cllr' abbreviation within the name of his Twitter account and that his profile stated: "*East Herts District Councillor representing Puckeridge Ward*". This account was set up despite Councillor Cartwright already having a Twitter account (@jamesfec), which pre-dated his election to office. This suggests he created the account @jame_cllr so that he could Tweet in his elected role as a representative of his community. The nature of the tweets on each account supports this view, with @jamesfec being largely used for personal tweets and @james_cllr for council related business.
- 6.9 Turning to the specific tweets relevant to this investigation: There is no doubt that the initial interactions between the relevant parties directly concerned Council business; Mr McNeece's motion to end prayers before Council meetings. In considering Mr McNeece's complaint of 2 November 2015, the Council's Standards Sub-Committee concluded that Councillor Cartwright had been acting in his official capacity when referring to members of the public as 'thick' and 'illiterate' on Twitter. I agree with this conclusion and consider that all of the subsequent tweets relevant to this investigation are an extension of that conduct.
- 6.10 In my view, if a member wants to try to involve themselves in their personal capacity in matters closely related to council business, they should make it explicitly clear when doing so that they are not acting as a councillor. Councillor Cartwright did not do this; indeed, nearly all his tweets were posted on the Twitter account most closely associated with his role as a councillor. Given the concrete links between Councillor Cartwright's Tweets and Council business, it is my view that he was acting in his official capacity in relation to all the Tweets referred to above, including those left on his @jamesfec Twitter account.

Was Councillor Cartwright's conduct contrary to the Code?

- 6.11 The intention of the Code is to ensure that the conduct of public life at the local government level does not fall below a minimum level which engenders public confidence in democracy. In adhering to the principles set out in the Code there is an expectation that members will treat their fellow councillors, Council officers and members of the public with respect. This is not to say that councillors should not be encouraged to engage in vigorous public debate on matters pertaining to the Council, however the impact of such debate is diminished, rather than accentuated, when it is cast in abusive or offensive terms.
- 6.12 Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurred are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurred, who observed the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompted the alleged disrespect.
- 6.13 In considering whether Councillor Cartwright failed to comply with the Code, a line must be drawn between the requirement for members to treat others with respect and the freedom members have to disagree with the views opinions and actions of others. It is inevitable that members will disagree with members of the public from time to time and these disagreements may manifest themselves in criticism of each other. While ideas, policies, recommendations and advice may be challenged and criticised, individuals should not be subject to unreasonable or excessive personal attack.
- 6.14 During the previous investigation Councillor Cartwright was given the opportunity to respond to the complaint that he had failed to treat atheists in general with respect by referring to them as 'thick' and 'illiterate'. Councillor Cartwright's response was to insist that his comments were targeted at specific individuals, including Mr Bromage and Mr Ramsay. His justification was that these individuals had abused him (along with members of the Council generally) first and in a more offensive manner.
- 6.15 As stated previously, it is not within the scope of this investigation to further consider whether Councillor Cartwright's comments on 29 October 2015 amounts to a breach of the Code; this decision was made on 28 January 2016. I do think it would be useful though to repeat the considerations of the investigator who reported on that matter:

"Provocation which might explain the use of language such as 'thick' or 'illiterate' in exchanges between members of the public cannot excuse such use by Councillors. The Members Code requires a higher standard of behaviour on the part of Councillors. The attempt to justify the use of such language by reference to dictionary definitions is not helpful. Even if the language used were accurate it can nevertheless be disrespectful. I understand that Councillor Cartwright did not attend the Members training session on social media. This is regrettable. A brief review of

examples of Guidance to Members online on the subject of the dangers of social media discloses warnings such as ‘Don’t enter into unhelpful online arguments; remember all of your followers and friends will be witnessing this on line. Ignore people or block them if they persist in vexatious comment’. One mans vexatious comment is another’s reasonable comment and Members need to avoid being drawn in to heated exchanges on social media during which the quality of comment deteriorates.” [sic]

- 6.16 In considering whether Councillor Cartwright’s attempts to justify his earlier conduct by making disparaging comments about others amounts to a breach of the Code, I am mindful of the fact that he was under investigation and had a right to defend his own actions. It is not disputed that Councillor Cartwright did face a certain amount of hostility on Twitter after publicly stating his opposition to Mr McNeece’s proposal. The investigator was correct in saying though that while such provocation might be used in mitigation, it is not material when considering whether a councillor failed to comply with the Code. Councillors are required to set standards and not descend to the level to which they perceive others may have fallen.
- 6.17 When defending his earlier conduct Councillor Cartwright made a number of specific allegations against the people he had referred to as ‘*thick*’ and ‘*illiterate*’. When subsequently challenged as to the truthfulness of these assertions, Councillor Cartwright continued to argue their veracity on Twitter despite all the available evidence to the contrary. Councillor Cartwright appears to have interpreted the investigator’s reference to ‘*provocation*’ in his reasoning as confirmation that his evidence had been accepted. The earlier investigation clearly established however that the people Councillor Cartwright targeted were not responsible for the offensive comments he cited to justify his own conduct.
- 6.18 When considering Councillor Cartwright’s conduct against the Code, a key consideration ethically is whether he made these accusations against the complainants in good faith – did Councillor Cartwright genuinely believe that they were the Twitter users who were personally responsible for making the offensive comments referred to above? Despite Councillor Cartwright’s determined stance, it seems to me that this would be difficult to argue; particularly given that it was Councillor Cartwright himself who provided the evidence that disproved his own assertions. While it is clear that the complainants were involved in argumentative exchanges with Councillor Cartwright and were mentioned in the relevant tweets, the offensive comments which Councillor Cartwright cited as provocation were obviously made by others.
- 6.19 Based on the evidence I have seen I am satisfied that Councillor Cartwright could not have reasonably believed in the truth of the allegations he was making against Mr Bromage and Mr Ramsay. Two of the key underlying principles of public life (the Nolan principles), which the Council’s Code explicitly requires its members to uphold, are the principles of honesty and leadership. It is the duty of Councillors not merely to give voice to concerns they may have; they should reflect on them, consider their validity, apply critical thinking and consider the evidence on which they are based. I do not believe that Councillor Cartwright did

so in this case. Rather than take responsibility for his own conduct, Councillor Cartwright chose to unfairly denigrate the two members of the public he had already publicly insulted. In addition, I consider that Councillor Cartwright's use of the various dictionary definitions in his response to the investigator compounded the offence.

- 6.20 In considering Councillor Cartwright's exchange with Mr McNeece via text message, it is in my view relevant that Mr McNeece was not a regular member of the public; he had until recently been a member of the Council and Councillor Cartwright's political group. When becoming a councillor and then publicly involving himself in the ongoing 'debate', Mr McNeece to an extent opened himself up to be robustly criticised; indeed, it could be argued that such criticism is preferably made privately via text rather than publicly on Twitter.
- 6.21 Having said that, Councillor Cartwright had agreed to abide by the Council's Code and an aspect of that is being respectful of others. Councillor Cartwright appears to be of the view that he can choose which people deserve his respect; the Code however makes no such provision. In my view while the circumstances set out in paragraph 6.20 allowed Councillor Cartwright to argue robustly with Mr McNeece about the issues at hand, it did not allow him to personally abuse Mr McNeece in the manner that he did. I consider the texts set out in paragraph 5.20 to be examples of such abuse. Further, when he was told in no uncertain terms to desist, Councillor Cartwright refused.
- 6.22 It was also alleged that Councillor Cartwright continued to make derogatory comments about the complainants and others on Twitter, both during the investigation and immediately after the Standards Committee considered the matter.
- 6.23 Having reviewed the various tweets by Councillor Cartwright, my own view is that the majority would be considered acceptable in the context of a vigorous debate. Councillors should be passionate about issues they care about and are perfectly entitled to 'take a side'. Some of the Tweets highlighted in this report however demonstrate further examples of Councillor Cartwright attacking an individual's personal characteristics rather than their opinions; it is important that a councillor differentiates between the two and that any 'attacks' are aimed at the opposing arguments and not the person making them.
- 6.24 Of additional concern to me is Councillor Cartwright's dismissive response to the Standards Committee's findings and recommendations of 28 January 2016. Councillor Cartwright not only misrepresented their conclusions on Twitter, he publicly rejected their recommendations. Furthermore, he continued to demonstrate the behaviours that the Council had made clear were not acceptable. I fail to see how this can have done anything but damage the reputation of the Council and in particular the effectiveness of the standards regime.

Freedom of expression

- 6.25 In considering whether Councillor Cartwright breached the Code I must also have regard to Article 10 of the European Convention on Human Rights (ECHR) which provides:

“(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers....

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of...the protection of the reputation or rights of others ...”

- 6.26 In considering these matters it is also important to note the words of Collins J in *Livingstone v The Adjudication Panel for England* [2006] EWHC 2533 (Admin) [at para.39]:

“The burden is on [the Adjudication Panel for England] to justify interference with freedom of speech. However offensive and undeserving of protection the appellant’s outburst may have appeared to some, it is important that any individual knows that he can say what he likes, provided it is not unlawful, unless there are clear and satisfactory reasons within the terms of Article 10(2) to render him liable to sanctions”.

- 6.27 The right to freedom of expression is a crucially important right in a democratic society and it is clear that it may only be interfered with where there are convincing and compelling reasons within the terms of Article 10(2) justifying that interference. A key issue for determination is thus whether a finding of a breach of the Code on the facts as found, would represent no greater an impairment to an elected member’s right to freedom of expression than is necessary to accomplish the legislative objective of the Code. In assessing the extent to which a councillor’s use of Twitter should be restricted, I have to bear in mind the importance of freedom of political expression in the political sphere.
- 6.28 In *Heesom v Public Service Ombudsman for Wales* Mr Justice Hickinbottom considered a councillor’s right to free speech in some detail.²⁰ His considerations drew attention to a number of earlier cases in which the following propositions could be derived:

- While freedom of expression is important for everyone, it is especially so for an elected representative of the people. He represents his electorate, draws attention to their preoccupations and defends their interests.

²⁰ Full judgment <http://www.landmarkchambers.co.uk/userfiles/Heesom.pdf>

- The enhanced protection applies to all levels of politics, including local.
- Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated
- 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.
- The protection goes to “political expression”; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views, but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others.
- Past cases draw a distinction between fact on the one hand, and comment on matters of public interest involving value judgment on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgments are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgment as opposed to fact will be generously construed in favour of the former; and, even where something expressed is not a value judgment but a statement of fact (e.g. that a council has not consulted on a project), 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, “reasonableness” here taking account of the political context in which the thing was said
- As article 10(2) expressly recognises, the right to freedom of speech brings with it duties and responsibilities. However, any restriction must respond a “pressing social need”.

6.29 Any finding that Councillor Cartwright breached the Code in relation to his comments on Twitter would automatically amount to a restriction to his right of freedom of speech. In this investigation I have considered whether his comments related to matters within his legitimate concerns as a councillor (political or quasi-political comment which would benefit from a high level of protection), or whether they were no more than an expression of personal anger and personal abuse. In the latter case, the high degree of protection set out in case law would not be engaged.

6.30 In considering whether a breach finding would amount to a disproportionate restriction on Councillor Cartwright’s right to freedom of expression I am firstly mindful that under the Localism Act the range of sanctions is very limited; as such any interference is likely to be minimal. In addition, I consider that the

circumstances of this case warrant intervention; while some of Councillor Cartwright's comments would receive the higher level of protection afforded political debate, the specific concerns raised by the complainants do not relate to those aspects. Their concerns relate to comments about themselves and others that could be better described as personal insults and abuse. As such it I have no doubt that Councillor Cartwright would have little protection under Article 10 of the ECHR.

7 Recommendations

7.1 It is my view that Councillor Cartwright was acting in his official capacity and did fail to comply with the Council's Code of conduct. The Code provides that a councillor has a duty to conduct themselves in a way that demonstrates they are:

- *Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.*
- *Always treating people with respect, including the organisations and public I engage with and those I work alongside.*
- *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.*

For the reasons stated above I have found that Councillor Cartwright breached these provisions when he:

- made false, disrespectful assertions about Mr Bromage and Mr Ramsey during the investigation into the earlier complaint about his conduct;
- sent Mr McNeece offensive text messages; and
- continued to make derogatory comments about identifiable individuals on Twitter, both during the investigation and immediately after the Standards Committee considered the matter.

7.2 In considering what action the Monitoring Officer should take in relation to these matters; I am mindful that Councillor Cartwright has now resigned from office and therefore is not bound by any of the limited sanctions available to the Council. Having said that, his dismissive response to the findings of the previous investigation and lack of involvement in this one suggests that there is little prospect of resolving these matters informally.

7.3 My recommendation therefore is that the Monitoring Officer is left with little choice but to refer this matter to the Council's Standards Sub-Committee so that they can formally determine whether Councillor Cartwright failed to comply with the Council's Code of Conduct.

East Hertfordshire District Council

**REPORT OF AN INVESTIGATION INTO Alleged Breach of the Members
Code of Conduct by George Robertson appointed by Monitoring Officer
for East Hertfordshire District Council INTO ALLEGATIONS
CONCERNING COUNCILLOR J CARTWRIGHT**

DATE: 12 January 2016

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Appendix A Schedule of evidence taken into account

1 Executive summary

1.1 Allegations

The complaint is that that Councillor J Cartwright breached the Members Code when making comments on his twitter account on the 29th October 2015 referring to a number of individuals as ‘thick’ and ‘illiterate’. It is alleged that the Councillors behaviour breached the requirement to ‘always treat people with respect’.

I have investigated the complaint made and in doing so have reviewed the evidence produced by the complainant and the responses provided by Councillor Cartwright.

1.2 Finding

My finding is that there has been a breach of the Members Code of Conduct.

2 Councillor J Cartwright’s official details

2.1 Elected to District Council in May 2015. Chairman of Standon Parish Council

2.2 Serves on Corporate Business Scrutiny and Audit Committees.

3. The relevant legislation and protocols

The relevant clause in the Members Code is contained in Clause 3 Other – ‘Always treating people with respect, including the organisations and public I engage with and those I work alongside.’

4. The evidence gathered

4.1 I have taken account of the written evidence of the complainant Adrian McNeece and the responses from Councillor Cartwright

5. Summary of the material facts

5.1 The facts forming the background to the complaint are to a large extent not in dispute. The complainant refers to comments made by Councillor James Cartwright on his twitter account made at 15.19 hrs on 29 October 2015 namely ‘[@davebromage@ScotRamsay@StortSkeptic@galdam](#) 27% no religion, [#thick](#) and [# illiterate](#) “.

5.2 The comment was made during exchanges on twitter following consideration of a motion proposed by the complainant and former Councillor Adrian McNeece to discontinue Christian prayers prior to meetings of the District Council. The comment appears to be aimed at a number of individuals including journalist Mr Dave Bromage, and Mr Scot Ramsey.

5.3 Councillor Cartwright does not dispute the content of the tweet nor that it was aimed at Mr Bromage and Mr Ramsey nor indeed that he intended to accuse them of being 'thick' and 'illiterate'. In his defence Councillor Cartwright points to a stream of abusive comment directed at local members following the defeat of the motion to end prayers. He claims;

'My comments were directed at three members of the public (only) who were providing deeply offensive remarks aimed at myself and ALL EH councillors involved in the vote regarding prayers .

In defending the words used he claims;

'I have apologised to any other person / member of the public who were misled by these three trouble makers in making it appear as if the hash-tags I used (#Pathetic #Illiterate and #Thick) were directed at atheists in general. They were clearly not, but at these three individuals only.

In the context of these exchanges, these three descriptions were factually accurate and appropriate descriptions of these individuals.

#Pathetic - dictionary definition - miserably inadequate (or feeble, woeful, sorry, poor, pitiful, lamentable, deplorable, miserable, wretched, contemptible, despicable, inadequate, meagre, paltry, insufficient, negligible, insubstantial, unsatisfactory, worthless)

I maintain many of these attributes were accurate when considering the attitude of these three people towards myself and fellow councillors, especially the ones highlighted by myself above

#Illiterate - you will notice in one of the tweets they used the word "there" meaning "they are" and they failed to acknowledge many of the arguments I put forward, dictionary definition is "unable to read or write"

#Thick (in this context) meaning "of low intelligence, stupid" - when presented some factual statistics they repeatedly added up the numbers incorrectly to augment their case."

5.4 I have attempted to discover in the interest of fairness the abusive tweets referred to by Councillor Cartwright and confirmed with him that he has no record of any such abusive material originating from those

individuals which he has characterised as 'thick', 'illiterate' and 'pathetic'.

6 Reasoning as to whether there have been failures or not to comply with the Code of Conduct

6.1 I must now consider whether by his actions Councillor Cartwright failed to comply with the Members Code of Conduct.

6.2 The term Cllr used by Councillor Cartwright on his twitter account when describing himself and the nature of the twitter discussion make it clear that Councillor Cartwright was acting as a representative of the Council when using twitter in these exchanges. The Member Code of Conduct and in particular the requirement to 'treat people with respect' applies to the exchanges that took place following the vote on the motion to cease prayers. For disrespect to be shown the comments made have to be such that, when viewed objectively they are considered to be a personal attack or slight on an individual, or individuals.

6.3 Provocation which might explain the use of language such as 'thick' or 'illiterate' in exchanges between members of the public cannot excuse such use by Councillors. The Members Code requires a higher standard of behavior on the part of Councillors.

6.4 The attempt to justify the use of such language by reference to dictionary definitions is not helpful. Even if the language used were accurate it can nevertheless be disrespectful.

6.5 I understand that Councillor Cartwright did not attend the Members training session on social media. This is regrettable. A brief review of examples of Guidance to Members on line on the subject of the dangers of social media discloses warnings such as 'Don't enter in to unhelpful online arguments; remember all of your followers and friends will be witnessing this on line .Ignore people or block them if they persist in vexatious comment'.

One mans vexatious comment is another's reasonable comment and Members need to avoid being drawn in to heated exchanges on social media during which the quality of comment deteriorates.

7 Finding

7.1 My finding in all the circumstances of this case is that there has been a failure to comply with the Members Code in that the comment made on twitter on the 29 October 2015 failed to treat those involved in the twitter exchange with respect.



TWEETS
310

FOLLOWING
143

FOLLOWERS
69

LIKES
255



Follow

James Cartwright

@james_cllr

Former East Herts District Councillor
representing Puckeridge Ward.

Puckeridge, England

Joined October 2015

Tweet to James Cartwright

Photos and videos

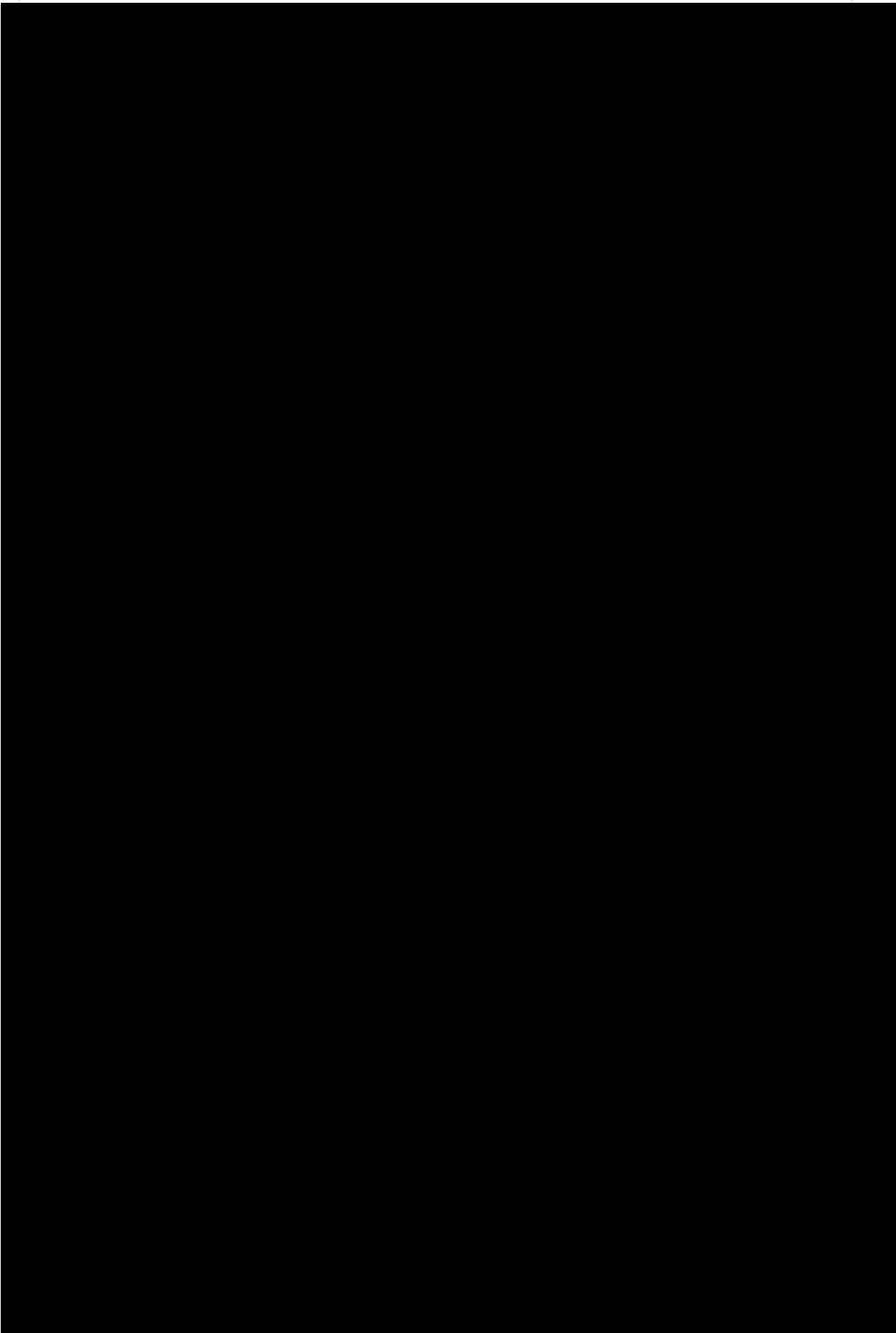


LCAPHE Healthy beginnings,
healthy futures for 0-5 year
olds conference - 10 November
Today at 14:33

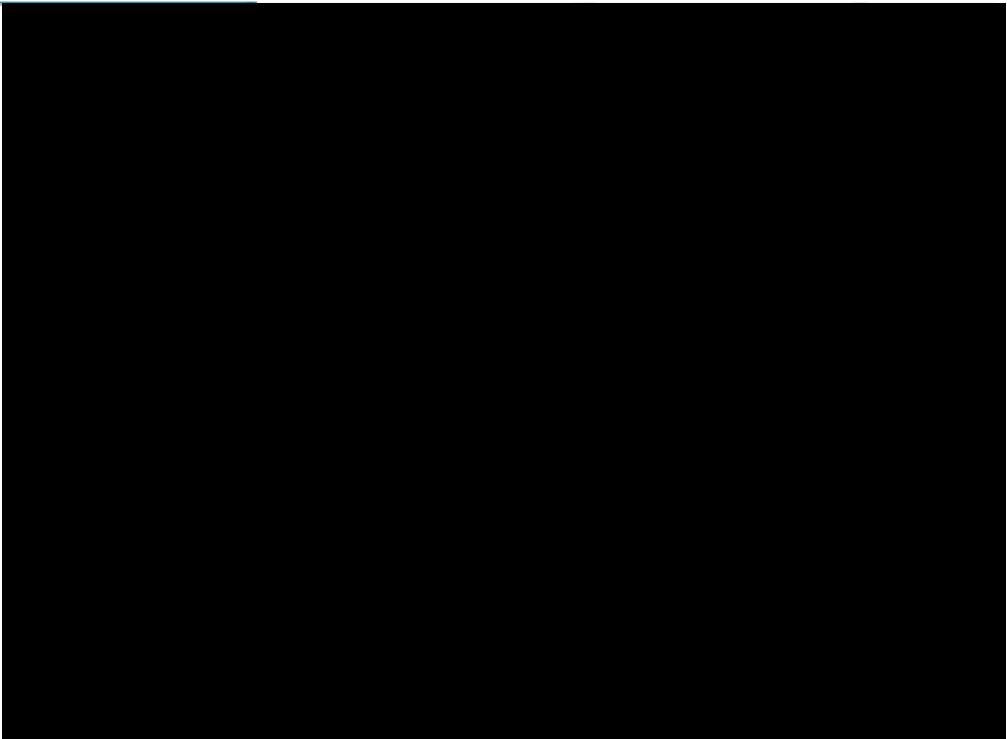
Healthy beginnings, healthy futures
Local government's role in public health
responsibilities for 0-5 year olds
10 Nov 2016, 14:33 - 15:30
Puckeridge, England

Tweets Tweets & replies Media

In reply to Dave Bromage



James Cartwright @james_cllr · Jul 15
Just resigned as District Councillor (Puckeridge) for @EastHerts
council as we have emigrated to live and work in Kenya's Great Rift



- In reply to Steve Pinches

James Cartwright

@james_cllr · Feb 23

@sjpinches

 I agree - total waste of public money - I have declined to attend on that basis.
- In reply to Scot Ramsay

James Cartwright

@james_cllr · Feb 4

@ScotRamsay @sjpinches @davebromage @galdam

 ... In your opinion. I don't share your view.
- In reply to Steve Pinches

James Cartwright

@james_cllr · Feb 4

@sjpinches @ScotRamsay @davebromage @galdam

 the shameful behaviour of a small number don't so they will not get any apology. 2/2
- In reply to Steve Pinches

James Cartwright

@james_cllr · Feb 4

@sjpinches

 all normal decent human beings have my utmost respect - 1/2
- In reply to Steve Pinches

James Cartwright

@james_cllr · Feb 4

@sjpinches @ScotRamsay @davebromage @galdam

 the people my remarks are directed to are clearly not decent people nor do I represent them.
- In reply to Steve Pinches

James Cartwright

@james_cllr · Feb 3

@sjpinches @ScotRamsay @davebromage @galdam

 the. Decent people I represent are an honour and pleasure to serve and are very supportive.



Search Twitter

**James Cartwright** @james_cllr · Feb 3[@davebromage](#) [@ScotRamsay](#) [@galdam](#) he knows I am not lying and so do I. No need to apologise as the committee agreed.

In reply to Scot Ramsay

**James Cartwright** @james_cllr · Feb 3[@ScotRamsay](#) [@davebromage](#) [@galdam](#) excellent - as I said, it's in the public domain.

In reply to Gary Aldam

**James Cartwright** @james_cllr · Feb 3[@galdam](#) I did though. Read the final report.

In reply to Scot Ramsay

**James Cartwright** @james_cllr · Feb 3[@ScotRamsay](#) [@davebromage](#) [@galdam](#) no need - it is all in the public domain and final report. Circular argument!!

In reply to Dave Bromage

**James Cartwright** @james_cllr · Feb 3[@davebromage](#) [@ScotRamsay](#) [@galdam](#) further evidence was produced and included in the final (not leaked draft) report

In reply to Scot Ramsay

**James Cartwright** @james_cllr · Feb 3[@ScotRamsay](#) [@davebromage](#) [@galdam](#) clearly evidenced provocation I should show you "respect" - I disagreed (and still do) 2/2

In reply to Scot Ramsay

**James Cartwright** @james_cllr · Feb 3[@ScotRamsay](#) [@davebromage](#) [@galdam](#) they all saw the evidence in the meeting - that was not the issue. They decided that whatever the 1/2

In reply to Gary Aldam

**James Cartwright** @james_cllr · Feb 3[@galdam](#) [@davebromage](#) [@ScotRamsay](#) No, I'm still here - wrong yet again...

In reply to Dave Bromage

**James Cartwright** @james_cllr · Feb 3[@davebromage](#) [@galdam](#) [@ScotRamsay](#) if ever I needed proof, evidence or justification for using the words I did you are all proving my case!

In reply to Gary Aldam

**James Cartwright** @james_cllr · Feb 3[@galdam](#) [@davebromage](#) [@ScotRamsay](#) You need the help of an investigative journalist! Really not difficult.



James Cartwright @james_cllr · Feb 3

[@davebromage](#) [@galdam](#) [@ScotRamsay](#) where are what? Are you serious? I feel a repeat tweet coming on!!!!



In reply to Gary Aldam

James Cartwright @james_cllr · Feb 3

[@galdam](#) [@davebromage](#) [@ScotRamsay](#) many other offensive tweets were able to be produced despite yr efforts to have them deleted You only got 1



In reply to Scot Ramsay

James Cartwright @james_cllr · Feb 3

[@ScotRamsay](#) [@davebromage](#) [@galdam](#) Were you there? No. I did produce it. It is in the document pack.



In reply to Dave Bromage

James Cartwright @james_cllr · Feb 3

[@davebromage](#) [@ScotRamsay](#) [@galdam](#) trawl back through all your pathetic tweets - you'll find the evidence - I did and I produced it .



In reply to Dave Bromage

James Cartwright @james_cllr · Feb 3

[@davebromage](#) [@ScotRamsay](#) [@galdam](#) But I don't. The evidence is all available. I stand by the truth.



In reply to Scot Ramsay

James Cartwright @james_cllr · Feb 3

[@ScotRamsay](#) [@davebromage](#) [@galdam](#) suggest you wait and read the minutes of the meeting. He said nothing of the sort.



In reply to Dave Bromage

James Cartwright @james_cllr · Feb 3

[@davebromage](#) [@ScotRamsay](#) [@galdam](#) but actually true as well you know. So no apology!



In reply to Dave Bromage

James Cartwright @james_cllr · Feb 3

[@davebromage](#) oh yes it is - it was published in the report distributed to the committee. Perhaps not made available to the public?



In reply to Dave Bromage

James Cartwright @james_cllr · Feb 3

[@davebromage](#) Ask the reporter you sent to the meeting. He has a copy of all the evidence you have chosen to ignore and mislead the public.



In reply to Dave Bromage

James Cartwright @james_cllr · Feb 3

[@davebromage](#) coming from a journalist...



 [@davebromage](#) [@galdam](#) [@StortSkeptic](#) [@ScotRamsay](#) it was in the document pack for the meeting. I cannot answer for the quality of the remarks.



 In reply to [Scot Ramsay](#)

 **James Cartwright** [@james_cllr](#) · Feb 3
[@ScotRamsay](#) [@davebromage](#) [@galdam](#) [@sjpinches](#) evidence was produced and is in the public domain - and you have the audacity to call me a liar!



 In reply to [Gary Aldam](#)

 **James Cartwright** [@james_cllr](#) · Feb 3
[@galdam](#) [@StortSkeptic](#) [@ScotRamsay](#) [@davebromage](#) the evidence was presented to those on the committee and is a matter of public record



 In reply to [Gary Aldam](#)

 **James Cartwright** [@james_cllr](#) · Feb 3
[@galdam](#) [@ScotRamsay](#) [@davebromage](#) all substantiated



 In reply to [Dave Bromage](#)

 **James Cartwright** [@james_cllr](#) · Feb 3
[@davebromage](#) [@galdam](#) [@StortSkeptic](#) [@ScotRamsay](#) [@sjpinches](#) we all know that hat is true...



 In reply to [Gary Aldam](#)

 **James Cartwright** [@james_cllr](#) · Feb 3
[@galdam](#) [@StortSkeptic](#) [@ScotRamsay](#) [@davebromage](#) [@sjpinches](#) no, because I haven't. Provide evidence. An example of "libel" methinks!



 In reply to [Dave Bromage](#)

 **James Cartwright** [@james_cllr](#) · Feb 3
[@davebromage](#) [@ScotRamsay](#) [@galdam](#) You are learning fast!



 In reply to [Dave Bromage](#)

 **James Cartwright** [@james_cllr](#) · Feb 3
[@davebromage](#) [@galdam](#) [@ScotRamsay](#) yep.



 In reply to [Dave Bromage](#)

 **James Cartwright** [@james_cllr](#) · Feb 3
[@davebromage](#) [@StortSkeptic](#) [@ScotRamsay](#) [@sjpinches](#) [@galdam](#) I'm actually not a drinker... So no.



 In reply to [David James](#)

 **James Cartwright** [@james_cllr](#) · Feb 3
[@StortSkeptic](#) [@ScotRamsay](#) [@davebromage](#) [@sjpinches](#) [@galdam](#) Any "training" won't make any difference in my views on this matter.



company, no!



In reply to Dave Bromage

James Cartwright @james_cllr · Feb 3

@davebromage - journalists never seem to be interested in using evidence so I don't feel I have anything to answer to you!!



In reply to Gary Aldam

James Cartwright @james_cllr · Feb 3

@galdam @davebromage @sjpinches @ScotRamsay - not at all - plain for all to see. Perhaps that is why I was treated so sensitively.



1



In reply to Scot Ramsay

James Cartwright @james_cllr · Feb 3

@ScotRamsay @davebromage @james_cllr @sjpinches @galdam just end by economical with Twitter restrictions, Sir!



In reply to Dave Bromage

James Cartwright @james_cllr · Feb 3

@davebromage @sjpinches @ScotRamsay @galdam I'm so scared!! (Not). Journalist - opposite end of moral spectrum (Lord Spencer 1997). So true.



James Cartwright @james_cllr · Feb 3

Nor do I take advice from people like you I don't know thank you but no thank you 2/2

Steve Pinches @sjpinches

@james_cllr it's really simple. You are an elected official. You don't talk to *anyone* like that. If you do, you apologise *unreservedly*.



James Cartwright @james_cllr · Feb 3

Christian or Elected Official - i don't take any nonsense from bullies who don't deserve my respect 1/2

Steve Pinches @sjpinches

@james_cllr it's really simple. You are an elected official. You don't talk to *anyone* like that. If you do, you apologise *unreservedly*.



James Cartwright @james_cllr · Feb 2

I'm sorry you feel that way - many people disagree with you and me - thank you all for your tremendous support.

Steve Pinches @sjpinches

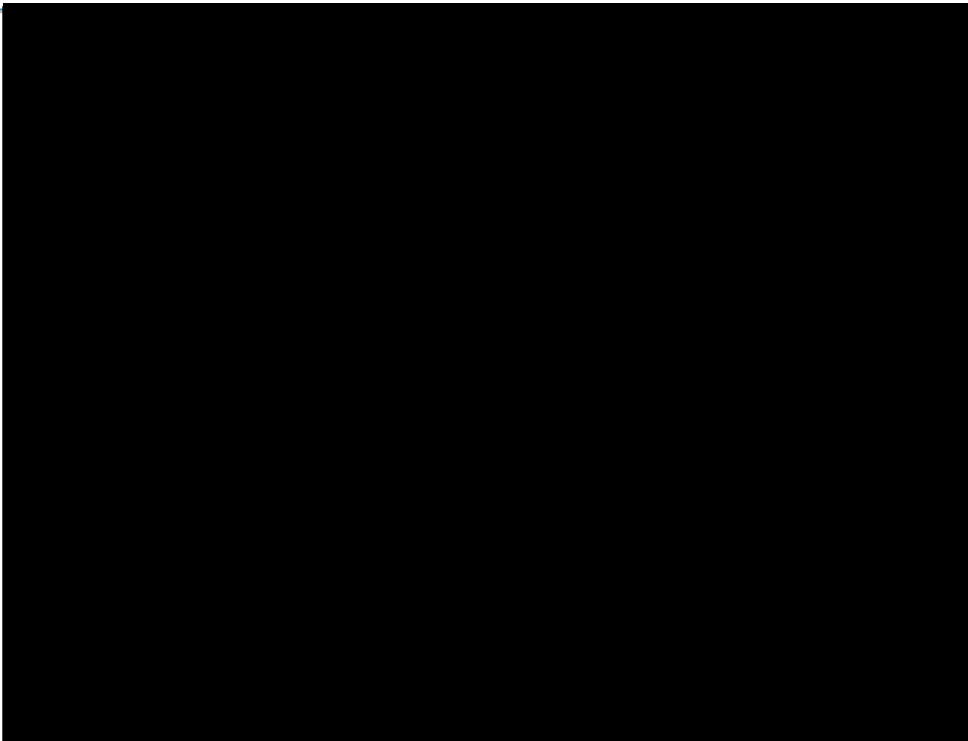
@james_cllr ashamed that you represent East Herts. Your behaviour and lack of humility re tweets totally unbecoming of public office.



In reply to Lady Brady

James Cartwright @james_cllr · Feb 2

@karren_brady this is normal teenage behaviour / we call it a



- In reply to Dave Bromage
- James Cartwright** @james_cllr · Jan 28
[@davebromage](#) [@ScotRamsay](#) [@StortSkeptic](#) accurate and appropriate descriptions well deserved.
-

In reply to Scot Ramsay

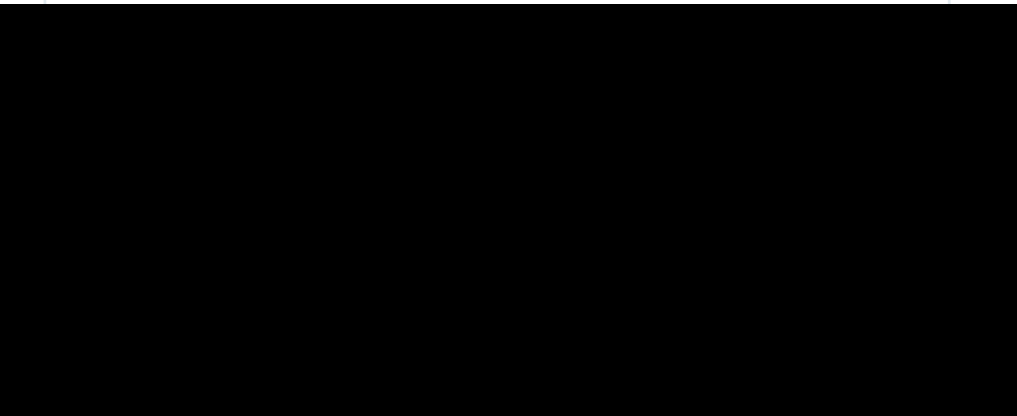
James Cartwright @james_cllr · Jan 28
[@ScotRamsay](#) [@StortSkeptic](#) [@davebromage](#) they didn't - no-one found my words were insulting or rude.

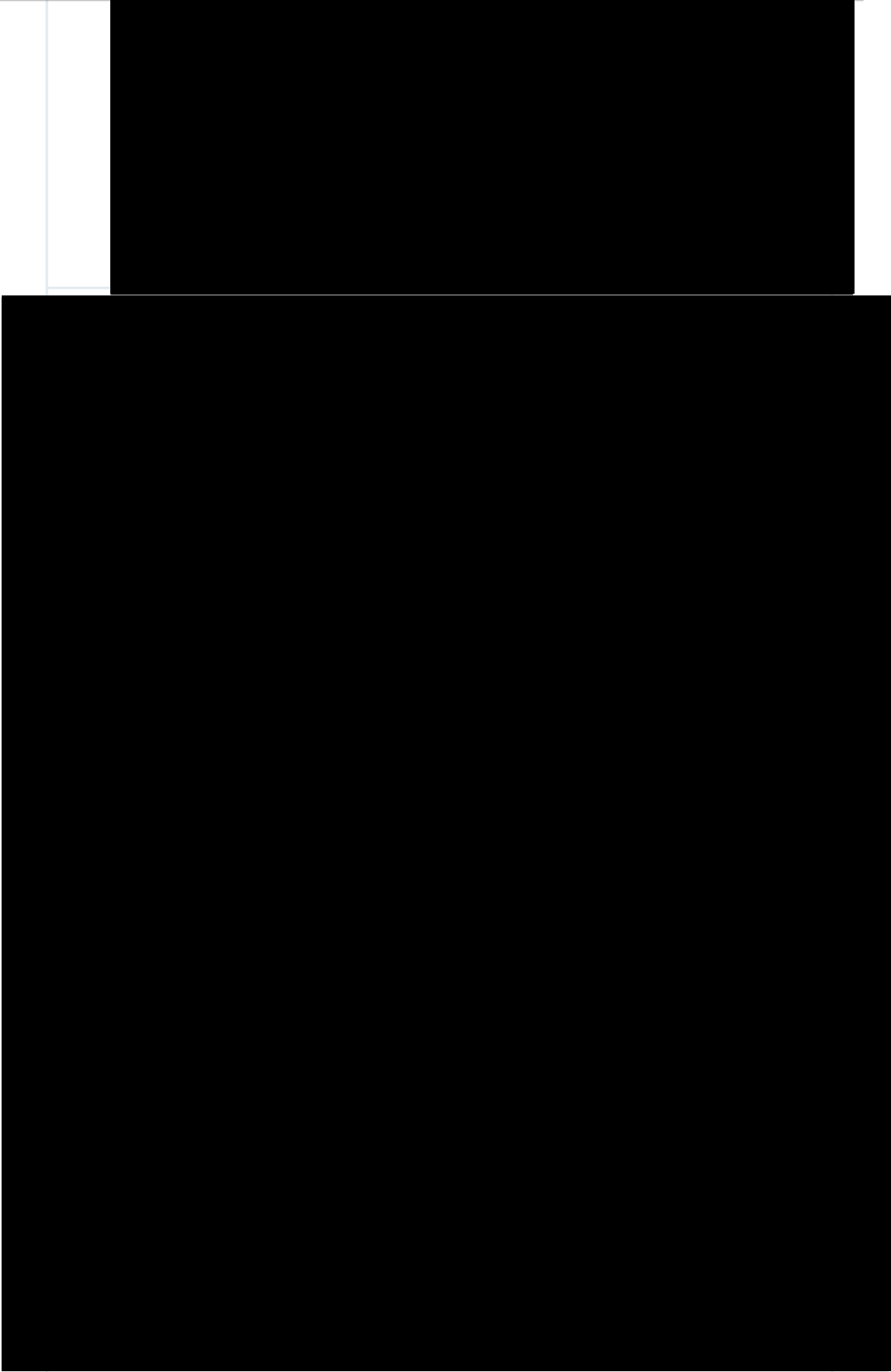
James Cartwright Retweeted

Scot Ramsay @ScotRamsay · Jan 28
[@james_cllr](#) [@EastHerts](#) That's funny, I'm sure they condemned the rude and insulting behaviour of a councillor. [@StortSkeptic](#) [@davebromage](#)

1

James Cartwright @james_cllr · Jan 28
[@EastHerts](#) EHDC clearly condone the behaviour of rude, abusive, intimidating bullies directed towards the majority of their elected members.





- In reply to Scot Ramsay

James Cartwright @james_cllr · 30 Dec 2015

@ScotRamsay the leaked confidential draft report is likely to change in the light of new information- lets just wait and see!
- In reply to Scot Ramsay

James Cartwright @james_cllr · 30 Dec 2015

@ScotRamsay no-one knows as he has yet to publish his report.
- In reply to Scot Ramsay

James Cartwright @james_cllr · 30 Dec 2015

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bit.ly/1TamlQn



29

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In reply to Dave Bromage

James Cartwright

@james_cllr · 23 Nov 2015

@davebromage

@mickynads

@galdam

 "Jeez" an abbr of Jesus. Interesting. Reading the bible and finding it lacking shows a lack of intelligence.

In reply to Michael Nadasdy

James Cartwright

@james_cllr · 23 Nov 2015

@mickynads

@davebromage

@galdam

 Google it. Read the bible. Ask a priest... Plenty info out there. I can't be bothered!

In reply to Michael Nadasdy

James Cartwright

@james_cllr · 23 Nov 2015

@mickynads

@davebromage

@galdam

 Newton said "Atheism is so senseless and odious to mankind" science and religion are highly compatible. 2/2

In reply to Michael Nadasdy

James Cartwright

@james_cllr · 23 Nov 2015

@mickynads

@davebromage

@galdam

 Many of the most eminent scientists are / were deeply religious Newton, Kepler, Pascal, Pastuer... 1/2

In reply to David James

James Cartwright

@james_cllr · 23 Nov 2015

@StortSkeptic

@davebromage

@galdam

 Like your good self, I can be highly selective on which data sources I find interesting or of note!

In reply to Dave Bromage

James Cartwright

@james_cllr · 23 Nov 2015

@davebromage

@galdam

 140 chhrs insufficient to evidence 2000 years of history and scientific fact. Closed minds incapable of understanding.

James Cartwright Retweeted

Mavor of London

@Mavornflondon · 23 Nov 2015

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In reply to Dave Bromage

James Cartwright

@james_cllr · 23 Nov 2015

@davebromage

@galdam

 Yes.

In reply to Dave Bromage

James Cartwright

@james_cllr · 23 Nov 2015

@davebromage

@galdam

 that would breach the advertising standards rules on the grounds that it is factually incorrect...

In reply to Gary Aldam

James Cartwright

@james_cllr · 22 Nov 2015

@galdam

 Absolutely. Islam is a religion of peace. And the principle of free speech is central in any modern democracy.

James Cartwright

@james_cllr · 22 Nov 2015

Should the advert be banned? No, doing so is an affront to free speech. 73% of voters agree with me. telegraph.co.uk/news/religion/...

In reply to David James

James Cartwright

@james_cllr · 19 Nov 2015

@StortSkeptic

 thank you!

James Cartwright

@james_cllr · 19 Nov 2015

No need - already highly proficient Twitter user :-)

David James

@StortSkeptic

@james_cllr

 Probably wise if you got a copy of the PowerPoint slides for review! ;-)



↩ In reply to Scot Ramsay



James Cartwright @james_cllr · 1 Nov 2015

@ScotRamsay no - meant just for you - apologies to anyone else to whom it was not intended and misquoted out of context.



↻ 1



↩ In reply to Dave Bromage



James Cartwright @james_cllr · 1 Nov 2015

@davebromage @ScotRamsay @StortSkeptic @galdam wasn't intended - #Pathetic was directed at you alone. Apologies for any confusion to others.



↻



↩ In reply to Scot Ramsay



James Cartwright @james_cllr · 1 Nov 2015

@ScotRamsay @AdrianMcNeece @davebromage @StortSkeptic @galdam no not all atheists just one of them! Conveniently taken out of context.



↻



James Cartwright @james_cllr · 1 Nov 2015

@davebromage @ScotRamsay @StortSkeptic @galdam at only one and taken (conveniently) out of context - many of my friends are atheists! 2/2



↻



James Cartwright @james_cllr · 1 Nov 2015

@davebromage @ScotRamsay @StortSkeptic @galdam apologies if my tweet re #thick and # illiterate offended any atheists - it was directed 1/2



↻





Reply Retweet 8 4 More

In reply to Michael Fifield



James Cartwright @james_cllr · 29 Oct 2015
[@michael_fifield](#) [@penj3](#) [@NatSecSoc](#) same God I believe.

Reply Retweet More

In reply to Nick Hoyle



James Cartwright @james_cllr · 29 Oct 2015
[@NickHoyle1](#) [@NatSecSoc](#) clearly not. Last nights majority #42-5 is almost completely in line with East Herts Christian majority.

Reply Retweet More

In reply to Michael Fifield



James Cartwright @james_cllr · 29 Oct 2015
[@michael_fifield](#) [@penj3](#) [@NatSecSoc](#) I actually believe all religions follow the same God just in different ways.

Reply Retweet 1 More

In reply to Nick Hoyle



James Cartwright @james_cllr · 29 Oct 2015
[@NickHoyle1](#) [@NatSecSoc](#) very unreliable and unscientific data - the



In reply to Gary Aldam

**James Cartwright** @james_cllr · 29 Oct 2015[@galdam](#) [@davebromage](#) [@ScotRamsay](#) [@StortSkeptic](#) religion is natural not supernatural (to the majority) your minority view #42-5**James Cartwright** @james_cllr · 29 Oct 2015[@penj3](#) [@michael_fifield](#) [@NatSecSoc](#) no, it really isn't. 2.4billion not wrong. That's just Christians - other religions believe in a God too.

In reply to Scot Ramsay

**James Cartwright** @james_cllr · 29 Oct 2015[@ScotRamsay](#) [@galdam](#) [@davebromage](#) [@StortSkeptic](#) V good question- I have sympathy with both of these views. Not an expert on either though.

In reply to Gary Aldam

**James Cartwright** @james_cllr · 29 Oct 2015[@galdam](#) [@davebromage](#) [@ScotRamsay](#) [@StortSkeptic](#) that's hardly scientific or reliable use REAL data. I'm sure you Sceptics got the vote out.

In reply to Colin Woodward

**James Cartwright** @james_cllr · 29 Oct 2015[@CllrCWoodward](#) [@KeithWarnell](#) I know - I'm sorry!!**James Cartwright** @james_cllr · 29 Oct 2015[@penj3](#) [@michael_fifield](#) [@NatSecSoc](#) now you are just being plain silly (#lostargument) Hermes no part in my faith

In reply to Gary Aldam

**James Cartwright** @james_cllr · 29 Oct 2015[@galdam](#) [@davebromage](#) [@ScotRamsay](#) [@StortSkeptic](#) no it isn't - fact 63% preference "Christian" East Herts, Census data

In reply to Gary Aldam

**James Cartwright** @james_cllr · 29 Oct 2015[@galdam](#) [@davebromage](#) [@ScotRamsay](#) [@StortSkeptic](#) we can - God helps us make better decisions and be patient and kind (which I am finding hard!

In reply to Gary Aldam

**James Cartwright** @james_cllr · 29 Oct 2015[@galdam](#) [@davebromage](#) [@ScotRamsay](#) [@StortSkeptic](#) the democratically elected council you got.

In reply to Dave Bromage

**James Cartwright** @james_cllr · 29 Oct 2015[@davebromage](#) [@galdam](#) [@ScotRamsay](#) [@StortSkeptic](#) the 5 out of 50 can CHOOSE whether to take part - as they all did last night - or not



In reply to Michael Fifield



James Cartwright @james_cllr · 29 Oct 2015
[@michael_fifield](#) [@NatSecSoc](#) Oh yes there is...



In reply to Secularism UK



James Cartwright @james_cllr · 29 Oct 2015
[@NatSecSoc](#) the point is that they are NOT imposed - all present have a choice to participate or not.



1



In reply to Gary Aldam



James Cartwright @james_cllr · 29 Oct 2015
[@galdam](#) [@davebromage](#) [@ScotRamsay](#) [@StortSkeptic](#) Maths not yr strong point either- Secularism/Atheists- 27% - all faiths 73% that a majority



In reply to Stephen Evans



James Cartwright @james_cllr · 29 Oct 2015
[@Stephenmevans1](#) [@davebromage](#) [@StortSkeptic](#) "tyranny" how so?



In reply to Secularism UK



James Cartwright @james_cllr · 29 Oct 2015
[@NatSecSoc](#) ... And lost - convincingly



James Cartwright Retweeted



Deborah Rennie @DeborahJRennie · 29 Oct 2015
 There was a vote. He lost. [#democracy](#) How do his voters feel re. resignation?



Herts Essex Observer @HertsEssexObser
[@EastHerts](#) councillor resigns as vote to remove prayers before meetings lost in landslide po.st/SRU8Hs



2

1



In reply to Stephen Evans



James Cartwright @james_cllr · 29 Oct 2015
[@Stephenmevans1](#) [@davebromage](#) [@StortSkeptic](#) minority opinion...



In reply to Gary Aldam



James Cartwright @james_cllr · 29 Oct 2015
[@galdam](#) [@ScotRamsay](#) [@davebromage](#) [@StortSkeptic](#) East Herts not in a mess - excellently run council. 100% conservative- no coincidence



In reply to Dave Bromage



James Cartwright @james_cllr · 29 Oct 2015
[@davebromage](#) [@ScotRamsay](#) [@StortSkeptic](#) [@galdam](#) 27% no religion. [#thick](#) and [#illiterate](#)



2

1



In reply to Scot Ramsay

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[#thick](#)



 In reply to Dave Bromage



James Cartwright @james_cllr · 29 Oct 2015
[@davebromage](#) [@Stephenmevans1](#) [@StortSkeptic](#) how can you have a prayer for a non believer?



 In reply to Gary Aldam



James Cartwright @james_cllr · 29 Oct 2015
[@galdam](#) [@davebromage](#) [@StortSkeptic](#) [@ScotRamsay](#) the latter



 In reply to Gary Aldam



James Cartwright @james_cllr · 29 Oct 2015
[@galdam](#) [@davebromage](#) [@StortSkeptic](#) [@ScotRamsay](#) It serves a useful purpose 2 the 42 who voted for it - you are incapable of understanding



 In reply to Scot Ramsay



James Cartwright @james_cllr · 29 Oct 2015
[@ScotRamsay](#) [@davebromage](#) [@StortSkeptic](#) [@galdam](#) real data not your made up ones will post it he link later. Wrong again [#loser](#)



 In reply to Scot Ramsay



James Cartwright @james_cllr · 29 Oct 2015
[@ScotRamsay](#) [@davebromage](#) [@StortSkeptic](#) [@galdam](#) [#thick](#) the difference is the non Christian religions



 In reply to Scot Ramsay



James Cartwright @james_cllr · 29 Oct 2015
[@ScotRamsay](#) [@davebromage](#) [@StortSkeptic](#) [@galdam](#) wrong -I'm using factual census data not wishful thinking made up Secularist numbers



 In reply to Stephen Evans



James Cartwright @james_cllr · 29 Oct 2015
[@Stephenmevans1](#) [@davebromage](#) [@StortSkeptic](#) it is not part of the meeting and all-inclusive.



 In reply to Dave Bromage



James Cartwright @james_cllr · 29 Oct 2015
[@davebromage](#) [@StortSkeptic](#) [@galdam](#) [@ScotRamsay](#) v long way to go in East Herts 63% Christian vs 26% Non Religion - dream on!



 In reply to Gary Aldam



James Cartwright @james_cllr · 29 Oct 2015
[@galdam](#) [@StortSkeptic](#) [@davebromage](#) [@ScotRamsay](#) any humiliation was brought on by himself by misguided judgement of the majority. Feel for hm



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[@galdam](#) [@davebromage](#) [@StortSkeptic](#) [@ScotRamsay](#) I have your inability to see reason is your problem not mine





In reply to Dave Bromage
James Cartwright [@james_cllr](#) · 29 Oct 2015
[@davebromage](#) [@galdam](#) [@StortSkeptic](#) [@ScotRamsay](#) [@AdrianMcNeece](#) He never said that and AMcN is a larger than life man not a small guy!





In reply to Gary Aldam
James Cartwright [@james_cllr](#) · 29 Oct 2015
[@galdam](#) [@davebromage](#) [@StortSkeptic](#) [@ScotRamsay](#) [@AdrianMcNeece](#) wrong again - AMcN is a thoroughly decent man who I agree with much & respect





In reply to Gary Aldam
James Cartwright [@james_cllr](#) · 29 Oct 2015
[@galdam](#) [@StortSkeptic](#) [@davebromage](#) [@ScotRamsay](#) language used.





In reply to Gary Aldam
James Cartwright [@james_cllr](#) · 29 Oct 2015
[@galdam](#) [@StortSkeptic](#) [@davebromage](#) [@ScotRamsay](#) I do respect the views of others even when they are wrong - suggest you re-read tweets re 1/2





In reply to Dave Bromage
James Cartwright [@james_cllr](#) · 29 Oct 2015
[@davebromage](#) [@StortSkeptic](#) [@galdam](#) [@ScotRamsay](#) that will never happen.





In reply to Stephen Evans
James Cartwright [@james_cllr](#) · 29 Oct 2015
[@Stephenmevans1](#) [@davebromage](#) [@StortSkeptic](#) absolutely not.





In reply to Dave Bromage
James Cartwright [@james_cllr](#) · 29 Oct 2015
[@davebromage](#) [@StortSkeptic](#) [@galdam](#) [@ScotRamsay](#) I would respect the views of the majority as should you.





In reply to Colin Woodward
James Cartwright [@james_cllr](#) · 29 Oct 2015
[@CllrCWoodward](#) apologies Colin. I sometimes mix you and Keith up - both intelligent good looking chaps! [@KeithWarnell](#)





In reply to Secularism UK
James Cartwright [@james_cllr](#) · 29 Oct 2015
[@NatSecSoc](#) [@StortSkeptic](#) I understand the arguments very well - I just need to show people how pathetic your views and opinions are.





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 [@galdam](#) [@StortSkeptic](#) [@EtTuCarl](#) [@davebromage](#) [@ScotRamsay](#) it does the job adequately for me, but then again I have it, your lot don't...



 In reply to Colin Woodward

 **James Cartwright** [@james_cllr](#) · 29 Oct 2015
[@CllrCWoodward](#) [@StortSkeptic](#) [@davebromage](#) apologies Colun, I was confusing you with Keith!



 In reply to Gary Aldam

 **James Cartwright** [@james_cllr](#) · 29 Oct 2015
[@galdam](#) [@StortSkeptic](#) [@EtTuCarl](#) [@davebromage](#) [@ScotRamsay](#) I have explained - see def of common sense and it explains it well.



 In reply to David James

 **James Cartwright** [@james_cllr](#) · 29 Oct 2015
[@StortSkeptic](#) [@EtTuCarl](#) [@galdam](#) [@davebromage](#) [@ScotRamsay](#) not at all - the view from the moral high ground is fabulous-not that u would know!



 In reply to David James

 **James Cartwright** [@james_cllr](#) · 29 Oct 2015
[@StortSkeptic](#) [@EtTuCarl](#) [@galdam](#) [@davebromage](#) [@ScotRamsay](#) [@NatSecSoc](#) argument lost when you have to stoop so low but doesn't surprise me!



 In reply to Dave Bromage

 **James Cartwright** [@james_cllr](#) · 29 Oct 2015
[@davebromage](#) [@CllrCWoodward](#) Cllr Woodward was not present - I speak for the 42-5 majority.



 In reply to Carl's Spokesman

 **James Cartwright** [@james_cllr](#) · 29 Oct 2015
[@EtTuCarl](#) [@galdam](#) [@davebromage](#) [@StortSkeptic](#) [@ScotRamsay](#) [@NatSecSoc](#) no abuse of position here



 James Cartwright Retweeted

 **Herts Essex Observer** [@HertsEssexObser](#) · 29 Oct 2015
[@EastHerts](#) councillor resigns as vote to remove prayers before meetings lost in landslide [po.st/SRU8Hs](#)





2



In reply to Ollie

**James Cartwright** @james_cllr · 29 Oct 2015[@Olli399](#) ... In your opinion. The Councillors of East Herts disagree overwhelmingly - 42 to 5.**James Cartwright** @james_cllr · 28 Oct 2015[@HertsMercury](#) [@HertsEssexObser](#) motion to ban prayers at Eastherts council defeated 5 votes to 42

3



In reply to Scot Ramsay

**James Cartwright** @james_cllr · 28 Oct 2015[@ScotRamsay](#) [@galdam](#) [@StortSkeptic](#) [@davebromage](#) common = majority. anyway readers, it's been fun, thank you! I'm off to bed! God Bless!

In reply to Scot Ramsay

**James Cartwright** @james_cllr · 28 Oct 2015[@ScotRamsay](#) [@galdam](#) [@StortSkeptic](#) [@davebromage](#) common sense - good definition here - [en.m.wikipedia.org/wiki/Common_se...](http://en.m.wikipedia.org/wiki/Common_sense)

In reply to Gary Aldam

**James Cartwright** @james_cllr · 28 Oct 2015[@galdam](#) [@ScotRamsay](#) [@StortSkeptic](#) [@davebromage](#) it worked for me tonight!

In reply to Gary Aldam

**James Cartwright** @james_cllr · 28 Oct 2015[@galdam](#) [@ScotRamsay](#) [@StortSkeptic](#) [@davebromage](#) no of course not... Though had it been the case it may have made for better meetings.

In reply to Gary Aldam

**James Cartwright** @james_cllr · 28 Oct 2015[@galdam](#) [@ScotRamsay](#) [@StortSkeptic](#) [@davebromage](#) no, from 30 years of work in 4 continents...



evidence for that assumption and once again you are wrong!



In reply to Gary Aldam

James Cartwright @james_cllr · 28 Oct 2015

@galdam @ScotRamsay @StortSkeptic @davebromage it is and it does.



In reply to Scot Ramsay

James Cartwright @james_cllr · 28 Oct 2015

@ScotRamsay @galdam @davebromage @StortSkeptic no.



In reply to David James

James Cartwright @james_cllr · 28 Oct 2015

@StortSkeptic @paulphillips_EH @davebromage @ScotRamsay @galdam @NatSecSoc wrong yet again. We have spoken about it many times.



In reply to Scot Ramsay

James Cartwright @james_cllr · 28 Oct 2015

@ScotRamsay @galdam @davebromage @StortSkeptic yes - he may be misguided on this issue & how he dealt with it but he is otherwise a gd bloke



In reply to Cllr Paul J Phillips

James Cartwright @james_cllr · 28 Oct 2015

@paulphillips_EH @davebromage @StortSkeptic @ScotRamsay @galdam @NatSecSoc no because this could have been resolved much easier and sooner.



In reply to David James

James Cartwright @james_cllr · 28 Oct 2015

@StortSkeptic @galdam @davebromage @ScotRamsay @NatSecSoc not disrespectful to clap the voice of reason and common sense.



In reply to Gary Aldam

James Cartwright @james_cllr · 28 Oct 2015

@galdam @davebromage @StortSkeptic @ScotRamsay @NatSecSoc Very sorry to hear Cllr McNeece has felt it nesc to resign. Not a resigning matter



In reply to Dave Bromage

James Cartwright @james_cllr · 28 Oct 2015

@davebromage @StortSkeptic @ScotRamsay @galdam @NatSecSoc it was a total waste of time - should not have been discussed.



In reply to Dave Bromage

James Cartwright @james_cllr · 28 Oct 2015

@davebromage @ScotRamsay @galdam @StortSkeptic



In reply to David James

**James Cartwright** @james_cllr · 28 Oct 2015

@StortSkeptic @NatSecSoc @davebromage in this case it isn't east Herts district 62.75% Christian only 27% "No religion" - 2011 census (fact)



In reply to David James

**James Cartwright** @james_cllr · 28 Oct 2015

@StortSkeptic @ScotRamsay @galdam @NatSecSoc @ReynardineFox @davebromage common sense prevails 5 for 42 against the majority has spoken



James Cartwright Retweeted

**Herts Essex Observer** @HertsEssexObser · 28 Oct 2015

East Herts Council to vote on whether to remove Christian prayers from before meetings po.st/2uB0CU

EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 28th October 2015 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Dated this 15th day of October 2015

Jeff Hughes
Head of Democratic and
Legal Support Services

Note: Prayers will be said before the meeting commences. Those Members who do not wish to participate will be invited to enter the Chamber at their conclusion

AGENDA

1. Chairman's Announcements

To receive any announcements.



1

1



In reply to Danielle Sebire

**James Cartwright** @james_cllr · 26 Oct 2015

@daniellesebire @AdrianMcNeece @NatSecSoc common sense and the voice of the majority always wins as it will on Wednesday



In reply to Harry

**James Cartwright** @james_cllr · 26 Oct 2015

@hsmall @StortSkeptic #loosingtheargument



In reply to Secularism UK

**James Cartwright** @james_cllr · 26 Oct 2015

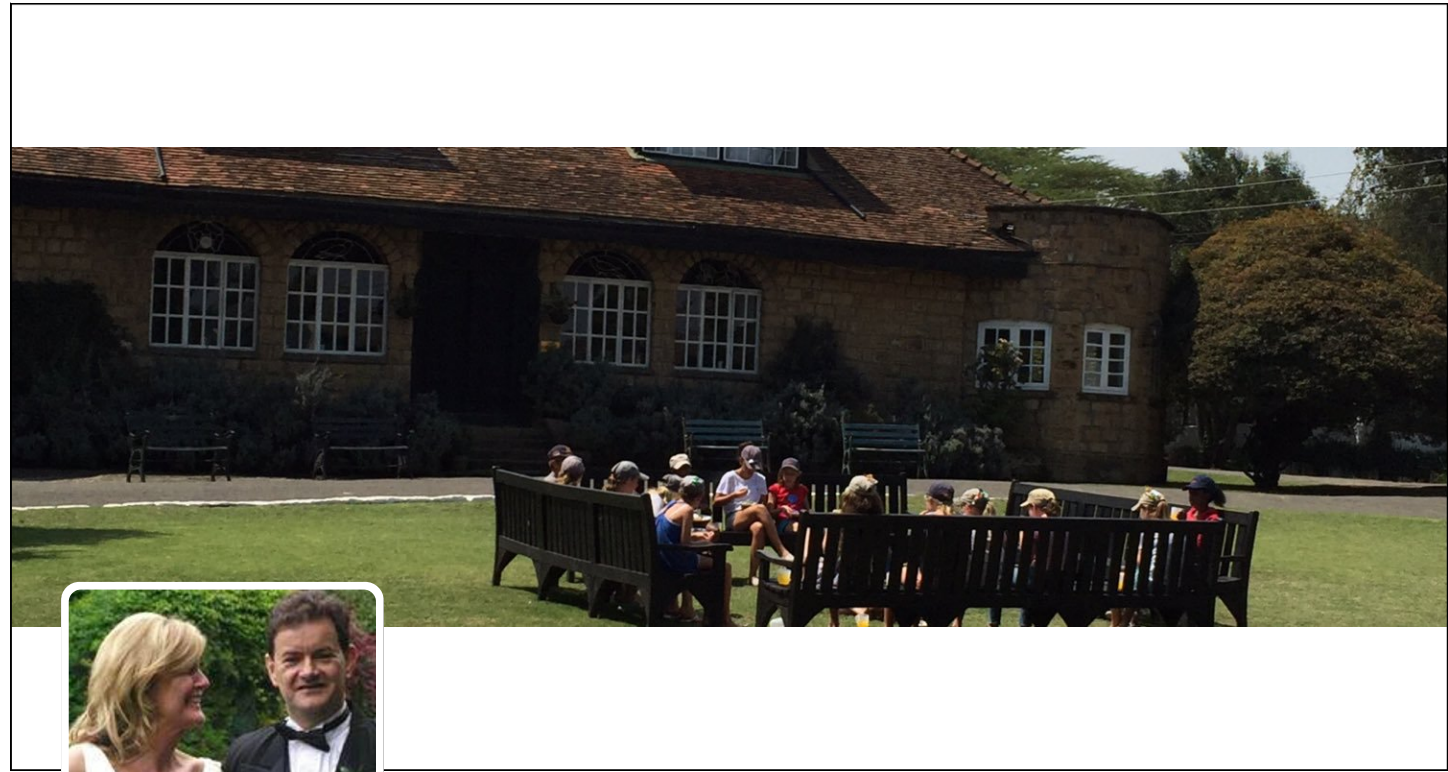
@NatSecSoc this was challenged in the HOC and thrown out - so this again is factually incorrect



In reply to Nancy K

**James Cartwright** @james_cllr · 26 Oct 2015

@EBMScientist @AdrianMcNeece @EastHerts @NatSecSoc oh yes I do!



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227

FOLLOWING
92

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@jamesfec

Gilgil, Kenya
 Joined March 2009

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James Cartwright

@jamesfec · 27 Dec 2015

look out all - the hapless former Cllr [@AdrianMcNeece](#) fresh on the heels of a string of failures is looking for another lost cause to lose!!

James Cartwright

@jamesfec · 16 Dec 2015

[@galdam](#) [@davebromage](#) [@AdrianMcNeece](#) [@ScotRamsay](#) actually not remotely close, developers apply for permission and the council decide, simples

In reply to Dave Bromage

James Cartwright

@jamesfec · 15 Dec 2015

[@davebromage](#) [@galdam](#) [@AdrianMcNeece](#) [@ScotRamsay](#) I don't recognise these pagan made up festivals.

In reply to Gary Aldam

James Cartwright

@jamesfec · 15 Dec 2015

[@galdam](#) [@davebromage](#) [@AdrianMcNeece](#) [@ScotRamsay](#) we need more houses..

In reply to Gary Aldam

James Cartwright

@jamesfec · 15 Dec 2015

[@galdam](#) [@davebromage](#) [@AdrianMcNeece](#) [@ScotRamsay](#) they are - why not watch the webcast on Wednesday - it starts just after prayers.

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In reply to Dave Bromage

**James Cartwright** @jamesfec · 15 Dec 2015

@davebromage @galdam @AdrianMcNeece @ScotRamsay ok so that made me laugh - nice one!



In reply to Gary Aldam

**James Cartwright** @jamesfec · 15 Dec 2015

@galdam @davebromage @AdrianMcNeece @ScotRamsay no not really, I'm bored now! Have a great day all.. Happy CHRISTmas



In reply to Gary Aldam

**James Cartwright** @jamesfec · 15 Dec 2015

@galdam @davebromage @AdrianMcNeece @ScotRamsay my belief is entirely based on fact. Perhaps the minority of non-believers are deluded.



In reply to Dave Bromage

**James Cartwright** @jamesfec · 15 Dec 2015

@davebromage @galdam @AdrianMcNeece @ScotRamsay better to be a sheep than an ass!



In reply to Gary Aldam

**James Cartwright** @jamesfec · 15 Dec 2015

@galdam @davebromage @AdrianMcNeece @ScotRamsay re enlightened- I'm just one of billions lucky believers! #majority



In reply to Dave Bromage

**James Cartwright** @jamesfec · 15 Dec 2015

@davebromage @galdam @AdrianMcNeece @ScotRamsay yes I can. Google it. Read a book (if you can)



In reply to Gary Aldam

**James Cartwright** @jamesfec · 15 Dec 2015

@galdam @davebromage @AdrianMcNeece @ScotRamsay no, some people are beyond help and I can't be bothered to educate them - not my job!



In reply to Dave Bromage

**James Cartwright** @jamesfec · 15 Dec 2015

@davebromage @galdam @AdrianMcNeece @ScotRamsay fantasy not fact. Christmas is the Christian celebration of the birth of Christ- I feel a #



In reply to Dave Bromage

**James Cartwright** @jamesfec · 15 Dec 2015

@davebromage @galdam @AdrianMcNeece @ScotRamsay no need its all out there I am not going 2 educate u - you don't go to my school not my job



In reply to Dave Bromage

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impossible- factually and historically proven and true.

In reply to Dave Bromage

James Cartwright

@jamesfec · 15 Dec 2015

@davebromage @galdam @AdrianMcNeece @ScotRamsay

2/2 but unless you are a hypocrite I assume you don't celebrate Christmas Christian festival

In reply to Dave Bromage

James Cartwright

@jamesfec · 15 Dec 2015

@davebromage @galdam @AdrianMcNeece @ScotRamsay

no, countless other sources. That's what the festival of Christmas celebrates (the VB) 1/2

In reply to Dave Bromage

James Cartwright

@jamesfec · 15 Dec 2015

@davebromage @galdam @AdrianMcNeece @ScotRamsay

in those cases they are both historical fact.

In reply to Neil Puncher

James Cartwright

@jamesfec · 15 Dec 2015

@NPuncher @AdrianMcNeece @davebromage @ScotRamsay

indeed they are!

iMessage

Sun 27 Dec, 20:35

Ashamed? Not a bit of it –
pot calling kettle black! You
brought it all on yourself. I
continue to enjoy
overwhelming support.

Mon 28 Dec, 09:54

Pot calling kettle black?
Astonishing. You have been
publicly issuing insults since
29 October and someone
needed to show you that you
are accountable. That's
imminent. I can assure you
from several first hand
accounts of East Herts
councillors that they are
dismayed at your ongoing
irrational drunken outbursts
on Twitter. Cllrs have told me

shut up. It's you personally that is dragging down the reputation of the whole council. As for me I took a stand on principle on 28 October knowing I would lose. If I had stayed after losing I would not have been able to capitalise on the story as widely as I have. It's quite simply that important to me. I discussed my planned resignation weeks in advance of my motion, both with Cllr Haysey, and at constituency level with Charlie Rowley. I continue to act in the best interests of the voting public on an important matter of principle, in that religion should play no part in Government. Primarily because it operates along dogmatic lines and is based on irrational delusions. You

will be found guilty of misconduct, and rightly so. You cannot insult and abuse members of the public as a councillor, and not expect to be accountable. Calling me 'hapless' from an alternate Twitter account yesterday is ironic, given its consequences. I think you should think more carefully before you take to Twitter in future. Also I have indeed sent further evidence to Jeff Hughes & Cllr Rutland-Barsby regarding your biased views on Twitter in relation to planning development matters. Goodbye

Nothing in there constitutes evidence - it's called national government housing policy.

You are a sad deluded man

earned by his pathetic behaviour. I stand tall.

I'm happy to have been able to bring out your personality to the voting public. Your use of ad Homs is just about your intellectual level.

I enjoy considerable public and council support unlike yourself. At least I have a personality and intellect. Go away and find yet another lost cause to champion - it is all you excel at!

Noted. Code of conduct complaint to follow.

Excellent - another lost cause!

Excellent - another lost cause!

Don't text me again

Wed 30 Dec, 13:15

Very much doubt that - rarely anything of interest in there and no-one reads it anyway...

You were asked not to text me again. Do not under any circumstances text me. Do not reply.

I reserve the right to text you at any time.

Police now notified

Delivered
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