

**PRIVATE AND CONFIDENTIAL**

**Final Report**

**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**

## **CONTENTS**

- 1. Executive Summary**
- 2. Councillor Cartwrights official details**
- 3. The relevant legislation and protocols**
- 4. The evidence gathered**
- 5. Summary of material facts**
- 6. Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 7. Finding**

**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 29<sup>th</sup> 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.

# **Appendix A**

## **Schedule of evidence taken into account**

**Case No:**

### **Core documents**

<b>Doc No</b>	<b>Description</b>
1	Allegation
2	Relevant E mails
3	Members Code