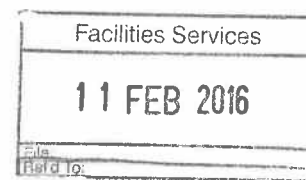


9 February 2016

Mr Jeff Hughes - The Monitoring Officer  
East Herts District Council  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ



Dear Mr Hughes

**Code of Conduct Complaint re Cllr J Cartwright**

Further to my email of today's date I enclose an original signed copy of my complaint, together with the supporting evidence. I have also enclosed a copy of the relevant paragraph, (Para 5.4), of the final Investigating Officer's report into allegations concerning Councillor J Cartwright, dated 12 January 2016. I omitted this information from my email, but enclose it now for completeness.

Yours sincerely

scot ramsay



## COMPLAINT FORM : CODE OF CONDUCT FOR MEMBERS

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### A. Your details

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1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

<b>Title:</b>	Mr
<b>First name:</b>	Scot
<b>Last name:</b>	Ramsay
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	9 February 2016

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people may see this form:

- Monitoring Officer of the Council
- Standards Committee members
- Council's Independent Person(s)
- The subject member(s)
- the Parish Clerk (if applicable)

If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

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Please tell us which complainant type best describes you:

- A member of the public  
 An elected or co-opted Member of the Council  
 A Member of Parliament  
 A Monitoring Officer  
 Other council employee, contractor or agent of the Council  
 Other ( )

2. Equality Monitoring Form - please fill in the attached form.

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## B. Making your complaint

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3. Please provide us with the name of the Member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name
Cllr	James	Cartwright

4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence you wish to have taken into account. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

## EAST HERTFORDSHIRE DISTRICT COUNCIL

- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

I am complaining about comments made by Councillor James Cartwright via his Twitter account, and in email responses to the Independent Investigating Officer, ("IIO"), in respect of the complaint against Cllr Cartwright made by Adrian McNeece, dated 2 November 2015.

1. At 9.17pm on 28 Jan 2016, shortly after the EHDC Standards sub-committee meeting considered Mr McNeece's complaint against Cllr Cartwright dated 2 November 2015, Cllr Cartwright tweeted the following from his Twitter account @james\_cllr :

*"@EastHerts EHDC clearly condone the behaviour of rude, abusive, intimidating bullies directed towards the majority of their elected members."*

This tweet is 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 Cllr Cartwright), was considering and opining upon Cllr Cartwright's behaviour, not that of anyone else.
- (iii) The IIO did not find that there was any "*rude, abusive, intimidating bull[ying behaviour] directed towards the majority of their elected members.*" Indeed Para 5.4 of his final report states:  
  
*"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".*
- (iv) It is dismissive of, and shows contempt for the Councillors Code of Conduct, repeating in more extreme form the disrespectful behaviour for which Cllr Cartwright had only just been censured by his colleagues on the Standards sub-committee, based upon a report by an Independent Investigating Officer. Cllr

## EAST HERTFORDSHIRE DISTRICT COUNCIL

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.

2. In an email sent by Cllr Cartwright to the IIO on 1 December 2015 at 12.29pm, Cllr Cartwright states:

*"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."*

- **Cllr Cartwright's allegations.**

In this email Cllr Cartwright makes the following allegations:

*"Specifically, all the EH Councillors were called "Ars\*hol\*s" and "C\*nts" by these three tweeters"*

*("these three tweeters" being me, Gary Aldam and Dave Bromage). This allegation by Cllr Cartwright is entirely untrue with regard to me, and to the best of my knowledge is also entirely untrue with regard to Gary Aldam and Dave Bromage.*

*Furthermore, the "...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." were also not made by me or the other two persons accused.*

**Having made these serious allegations about members of the public in his submission to the IIO the burden of proof lies with Cllr Cartwright to demonstrate with evidence that they are true.**

- **The IIO asked for evidence in support of the allegations.**

In an email sent to Cllr Cartwright on 1 December 2015 at 15:51, the IIO wrote:

*"I am seeking the full twitter trail in light of your comments and the omission from the papers submitted to the Sub committee.";*

and, presumably having received no reply, emailed Cllr Cartwright again on 3 December 2015 at 10:18, to ask:

## EAST HERTFORDSHIRE DISTRICT COUNCIL

*"Our communications team have been unable to find any record of the abusive language you refer to and I wondered if you have any record of these tweets from the individuals concerned."*

- **Cllr Cartwright is unable to provide evidence to support his allegations.**

In reply to the IIO request for evidence, Cllr Cartwright replied by email sent to the IIO on 7 December 2015 at 12:38, saying:

*"Please find screenshots of two of the tweets referred to."*

However, the IIO notes in his email replying to Cllr Cartwright on 8 December 2015 at 13:14:

*"Thank you for this –It does not appear that those posting the bad language were those to whom your comments were directed..."*

In an email sent by Cllr Cartwright to the IIO in reply, Cllr Cartwright responds:

*"Indeed..."*

To summarise on this point:

- Cllr Cartwright has made serious allegations against specific members of the public to the IIO during an EHDC Standards sub-committee investigation.
- Cllr Cartwright has been asked by the IIO to provide evidence to support those allegations, but has failed to provide ANY such evidence.
- The IIO appears to have made his own investigations, reporting that *"Our communications team have been unable to find any record of the abusive language you refer to..."*
- Cllr Cartwright has acknowledged in emails to the IIO that he cannot provide ANY such evidence, and that the evidence he claimed supported his original allegations does not in fact do so.

**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.**

## EAST HERTFORDSHIRE DISTRICT COUNCIL

- Cllr Cartwright claims a tweet has been deleted.

In his email sent to the IIO on 7 December 2015 at 12:38, Cllr Cartwright also states:

*"Despite much searching over the weekend, I cannot find a third, and the most serious (use of the "C" word). After contacting Twitter, it appears someone reported that particular tweet as "offensive" and as per Twitter's terms of service they then deleted that specific tweet. Unfortunately I had not taken a screenshot but I am aware from feedback from other councillors that I was not the only one to see it and be offended by it. I can, if required, see if anyone will back me up on this."*

This statement is nonsensical when considered against Cllr Cartwright's allegations:

- Cllr Cartwright alleges that *"Specifically, all the EH Councillors were called "Ars\*hol\*s" and "C\*nts" by these three tweeters..."*
- For this to be true there must have existed three separate tweets, each calling *"all the EH Councillors... .."Ars\*hol\*s" and "C\*nts"*, one from each of the individuals that he accuses of making those statements. For those not familiar with Twitter, tweets can only be sent by individual accounts, not jointly.
- Cllr Cartwright clearly refers to *"a third"*, (singular), tweet that he claims has been deleted. That being the case, if what Cllr Cartwright alleges is true there must be two tweets still available to produce as evidence for his allegations. There are no such tweets.
- Finally, Cllr Cartwright's assertion that *"After contacting Twitter, it appears someone reported that particular tweet as "offensive" and as per Twitter's terms of service they then deleted that specific tweet."* is not correct. In fact tweets reported as "offensive" are not routinely deleted; they are only removed from the timeline of the person reporting the tweet as "offensive". The tweets remain visible to any other Twitter user. Indeed, this is exactly what the text Cllr Cartwright included in his email, (an extract from the Twitter help pages), says:

*"What happens when I report a Tweet or Direct Message?*

- *Reported Tweets will disappear from your timeline.*
- *Reporting a Tweet does not automatically result in the user being suspended.*
- *Reported Messages will disappear from your inbox and cannot be recovered. [This final point refers to Direct Messages and not Tweets, and is therefore not relevant]"*

[My underlining.]

Thus, the alleged tweet would only have disappeared from Cllr Cartwright's timeline if he himself had reported it as "offensive", but would still be available for others to view. Cllr Cartwright's own words *"...someone reported that particular tweet as "offensive"* are a very odd choice if he actually meant that HE had reported it as offensive.

## EAST HERTFORDSHIRE DISTRICT COUNCIL

### In Conclusion

Cllr Cartwright has publicly shown contempt for EHDC, its officers, staff and Councillors, and for its disciplinary procedures via his Twitter account. I note that this twitter account is used for his tweets relating to Council business, has the Twitter name @james\_cllr, and has the profile description "*East Herts District Councillor representing Puckeridge Ward. Chairman, Standon Parish Council.*"

Further, Cllr Cartwright has made serious and derogatory allegations about members of the public that are simply untrue, and persists in repeating them even though an Independent Investigation could find no evidence to support them. Indeed, Cllr Cartwright has himself failed to provide ANY evidence to support his allegations, and has acknowledged to the IIO that the evidence he claimed to support his accusations did not in fact do so.

Finally, Cllr Cartwright has made a number of representations to the Independent Investigating Officer examining his behaviour following a complaint from a member of the public that he knew, or should have known to be false.

**I refer to The Code of Conduct ESSENTIAL REFERENCE PAPER 'B';**

Page 1 – Introductory declaration subscribed to by all members

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 achieving best value for our residents and maintain public confidence in this authority.

SELFLESSNESS

INTEGRITY

ACCOUNTABILITY

HONESTY

Page 3 - Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.



## EAST HERTFORDSHIRE DISTRICT COUNCIL

Page 3 - Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

Page 3 - Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

Page 4 – Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority’s policies, protocols and procedures, including on the use of the authorities resources.

Page 4 - 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.

Page 4 - Always treating people with respect, including the organisations and public I engage with and those I work alongside.

## EAST HERTFORDSHIRE DISTRICT COUNCIL

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### C. Confidentiality of complainant and the complaint details

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**Only complete this next section if you are requesting that your identity is kept confidential**

5. In the interests of fairness and in compliance with the rules of natural justice, we believe Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:
- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
  - may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

**(Continue on separate sheet(s), as necessary)**

## EAST HERTFORDSHIRE DISTRICT COUNCIL

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### D. Remedy sought

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7. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.
1. A personal letter of apology from Cllr Cartwright to myself for the offence he has caused, together with an acknowledgment that his allegations were false and without foundation.
  2. A public apology by Cllr Cartwright at the next full meeting of the council, together with an acknowledgment that his allegations were false and without foundation.
  3. A press release apology, together with an acknowledgment that the allegations were false and without foundation by the council to local media organisations.
  4. A suitable sanction by the council against Cllr Cartwright for his behaviour, as a demonstration that his disrespectful conduct has consequences, and that he must be seen to be accountable for his conduct. This sanction should reflect the fact that Cllr Cartwright's behaviour occurred during, and immediately after an investigation into his previous breaches of the Code of Conduct.
  5. Either:
    - (i) All references to the false allegations made by Cllr Cartwright be removed from documents in the public domain, or if this is not possible;
    - (ii) All references to the false allegations made by Cllr Cartwright that are in the public domain must be preceded by a prominent notice that the allegations are false, and also include a copy of the written apology from Cllr Cartwright.

(Continue on separate sheet(s), as necessary)

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### E. Additional information

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## EAST HERTFORDSHIRE DISTRICT COUNCIL

8. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
9. In line with the requirements of the Disability Discrimination Act 1995, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
10. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

### **Monitoring Officer Contact details:**

The Monitoring Officer – Simon Drinkwater  
East Herts Council  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ

# EAST HERTFORDSHIRE DISTRICT COUNCIL

## Monitoring Form – Local Assessments of Complaints Standards Committee - Assessment Sub Committee

### Working towards equal opportunities

East Hertfordshire District Council is committed to a policy of equality of opportunity in both employment and service provision. We seek to ensure that no person receives less favorable treatment on the grounds of gender, race, or ethnic origins, marital status, disability, age, sexual orientation, family responsibilities, religion, trade union involvement or political belief or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

<b>White</b>	<b>Mixed</b>	<b>Asian</b>	<b>Black</b>	<b>Chinese or other ethnic group</b>
White British	White and Black	Indian	Caribbean	Chinese
White Irish	Caribbean	Pakistani	African	Other
Any other White background	White and Black African	Bangladeshi	Any other Black background	
	Any other mixed background <input checked="" type="checkbox"/>	Any other Asian background <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Categories used are those utilised by the Office of Population Censuses and Surveys

Do you have a physical or mental impairment which has a substantial and long term adverse effect on your ability that you wish to declare under the Disability Discrimination Act?

Yes  No

7

9:56



**Cllr J Cartwright**  
230 Tweets



Chairman, Standon Parish Council.

Puckeridge, England

150 FOLLOWING 60 FOLLOWERS

Tweets

Media

Likes



**Cllr J Cartwright** @james... 38m

@EastHerts EHDC clearly condone the behaviour of rude, abusive, intimidating bullies directed towards the majority of their elected members.



Cllr J Cartwright retweeted



Indeed, and that is why I apologised to those people, stating who and why the words I used were directed to, but please include the incessant harassment by those others who failed to accept my basic arguments using factual information from the UK Census which is why I made the hashtag comments I did.

I hope this helps

James

Cllr James Cartwright  
Member for Puckeridge  
East Herts District Council.

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**From:** Robertson George  
**Sent:** 08 December 2015 13:14  
**To:** Councillor Cartwright (James)  
**Subject:** RE: Standards investigation

Councillor cartwright

Thank you for this –It does not appear that those posting the bad language were those to whom your comments were directed or am I misreading.

**From:** Councillor Cartwright (James)  
**Sent:** 07 December 2015 12:38  
**To:** Robertson George  
**Cc:** Hughes Jeff  
**Subject:** RE: Standards investigation

Dear Mr Robertson

Please find screenshots of two of the tweets referred to.

Despite much searching over the weekend, I cannot find a third, and the most serious (use of the "C" word). After contacting Twitter, it appears someone reported that particular tweet as "offensive" and as per Twitter's terms of service they then deleted that specific tweet. Unfortunately I had not taken a screenshot but I am aware from feedback from other councillors that I was not the only one to see it and be offended by it. I can, if required, see if anyone will back me up on this.

## What happens when I report a Tweet or Direct Message?

- Reported Tweets will disappear from your timeline.
- Reporting a Tweet does not automatically result in the user being suspended.
- Reported Messages will disappear from your inbox and cannot be recovered.

If I can be of any further assistance, please do not hesitate to contact me.

kind regards

James

---

**From:** Robertson George  
**Sent:** 03 December 2015 10:18  
**To:** Councillor Cartwright (James)  
**Cc:** Hughes Jeff  
**Subject:** RE: Standards investigation

Councillor Cartwright

Our communications team have been unable to find any record of the abusive language you refer to and I wondered if you have any record of these tweets from the individuals concerned.

**From:** Councillor Cartwright (James)  
**Sent:** 01 December 2015 15:51  
**To:** Robertson George  
**Subject:** Re: Standards investigation

Thank you - that is fair.

Sent from my iPhone

On 1 Dec 2015, at 15:24, Robertson George <[George.Robertson@eastherts.gov.uk](mailto:George.Robertson@eastherts.gov.uk)> wrote:

Thank you for the prompt response. I am seeking the full twitter trail in light of your comments and the omission from the papers submitted to the Sub committee.

**From:** Councillor Cartwright (James)  
**Sent:** 01 December 2015 12:29



**To:** Robertson George  
**Cc:** Hughes Jeff; Councillor Jones (Gary); Councillor Haysey (Linda)  
**Subject:** RE: Standards investigation

Dear Mr Robertson,

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.

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.

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.

I hope this helps.

kind regards

James

Cllr James Cartwright  
Member for Puckeridge  
East Herts District Council.

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**From:** Robertson George  
**Sent:** 01 December 2015 09:47  
**To:** Councillor Cartwright (James)  
**Cc:** Hughes Jeff  
**Subject:** Standards investigation

Councillor Cartwright

The Standards sub committee has required me to investigate on behalf of the Monitoring Officer the complaint made by Mr Adrian McNeece relating to comments made on your twitter account on the 29 October 2015.

Specifically the complaint refers to a tweet stating '  
[@davebromage@ScotRamsay@StortSkeptic@galdam](#) 27% no religion,#thick and # illiterate.

The complaint alleges that such comment was inappropriate and disrespectful in suggesting that non religious members of the public were both thick and illiterate.

I note that in your follow up tweets you seek to limit the comment to Mr Scot Ramsey with whom you were communicating though I note from the summary presented to the sub committee that the initial comment appears to be made to a Mr Dave Bromage.

I would appreciate your comment on the complaint as soon as you are able as the subcommittee requested that a report be submitted as soon as possible.

Legal manager

Tel no 01279502193

My working days are Tuesday, Wednesday and Thursday