

## Assessment Decision Ref 2023-052

<b>Complainants:</b>	<b>2 members of the public</b>
<b>Subject Member:</b>	<b>former Holme Valley Parish Councillor James Dalton</b>
<b>Consultees:</b>	<b>N/A</b>
<b>Decision Makers:</b>	<b>Councillor Jo Lawson (Chair of Standards), Julie Muscroft (Monitoring Officer), Michael Stow (Independent Person)</b>

As Monitoring Officer and Chair of Standards, we have considered what action should be taken in respect of this complaint. As it is considered to be a repeat complaint the matter has been dealt with using the FastTrack process. The complaints were received when former Cllr Dalton was still a Cllr and prior to the Parish Council election.

Both complaints related to allegations about former Cllr Dalton's behaviour on social media. Those allegations related to a number of posts made by former Cllr Dalton following the reinstatement of his Twitter account, which had been previously suspended.

The Monitoring Officer is aware that this is now the fourth set of complaints that relate to former Cllr Dalton's social media behaviour and is aware that, despite there being findings of breaches on all three previous occasions, former Cllr Dalton has refused to engage or to comply with any of the sanctions that were imposed by Holme Valley Parish Council (HVPC).

The 2 complaints relate to different 'Tweets' and we have considered each one separately and reached separate conclusions in respect of each. In addition, a third complaint has been considered that relates to a further 'Tweet' made by former Cllr Dalton on the 26<sup>th</sup> of April 2023.

In coming to their decisions, the decision makers took account of various pieces of information including:

- the written complaints submitted by 2 members of the public
- the response to the complaints by Cllr Dalton

Former Cllr Dalton was asked to respond to the complaints, in line with the process, but his response to the first complaint was dismissive and suggested that the complaint was vexatious. It was noted that, following his being notified of the complaint, former Cllr Dalton posted a 'Tweet' about the complaints that made reference to 'Kirklees Gestapo division'.

Former Cllr Dalton responded to the second complaint by alleging that the complainant had stalked him.

In line with the FastTrack standards process, the decision makers considered the complaints. They were also asked to consider whether or not the pinned 'Tweet' referred to above was a further breach of the Code of Conduct.

The relevant Code of Conduct is that of Kirklees Council, HVPC having adopted it in 2019.

Consideration was given to the applicability of Article 10 of the European Convention on Human Rights and the right to freedom of speech. There was acknowledgment that this was not an absolute right and that a distinction needed to be made between what was being said and the manner in which it was said, as well as who was the subject of such comments.

### **Conclusion/Decision**

Consideration was given to whether or not former Cllr Dalton was acting in his capacity as an elected Councillor when he made the 'Tweets'. The decision makers were of the view that, as his Twitter 'handle' stated that he was a councillor and that his 'biog' made reference to the HVPC, he had been acting as a councillor when posting the 'Tweets', despite his disclaimer that all views were his own. The view taken was that he could easily have edited his Twitter 'handle' if he did not want members of the public to associate his tweets with his role as an HVPC councillor and did indeed note that he had previously been asked to do this following previous complaints.

When considering whether Article 10 would apply, the decision makers took the view that in some of his tweets former Cllr Dalton went beyond what could be regarded as him exercising a legitimate right to free speech and a right to make political comment. It was felt that a number of the comments were not simply the expression of a political view, but went further than that and constituted unjustified attacks on various groups of people. It was agreed that the protections afforded by Article 10 would not have applied, as former Cllr Dalton was not commenting directly on the business of the HVPC but, rather, commenting on unrelated matters on social media.

### **Complaint 1**

This was a complaint that former Cllr Dalton had made comments on Twitter that were discriminatory towards the Muslim community, by associating them with the sexual exploitation of minors, and towards the LGBT+ community by referring to Humza Yousef as a 'degenerate and deceitful grifter' for supporting LGBT+ equality.

The decision makers were of the view that, in asserting an agenda linking grooming and the Pakistani Muslim community, he was knowingly promoting a narrative that he knew to be false and that he was dishonest in doing so.

The decision makers find that the following breaches of the Code of Conduct occurred:

1. Respect – part 1
  - I treat other Councillors and members of the public with respect
2. Disrepute – part 5
  - I do not bring my role or local authority into disrepute
  - I do not conduct myself in a manner which is contrary to the Council's duty to promote and maintain high standards of behaviour
3. Bullying, Harassment and Discrimination – part 2
  - I promote equalities and do not discriminate unlawfully against any person.

### Complaint 2

This complaint related to an old 'Tweet' that had reappeared after the reinstatement of former Cllr Dalton's Twitter account. The 'Tweet' in question had been the subject of a previous complaint. Former Cllr Dalton chose to engage with the complainant when she countered his claims about child sexual grooming, referring to her as 'scum'.

The decision makers were of the view that former Cllr Dalton showed no respect for anyone whose views differed to his and that his behaviour was needlessly insulting. It was felt that former Cllr Dalton's insistence that child sexual exploitation only took place within one ethnic group was motivated by racism.

The decision makers find that the following breaches occurred:

1. Respect – part 1
  - I treat other Councillors and members of the public with respect
2. Disrepute – part 5
  - I do not bring my role or local authority into disrepute
  - I do not conduct myself in a manner which is contrary to the Council's duty to promote and maintain high standards of behaviour
3. Bullying, Harassment and Discrimination – part 2
  - I promote equalities and do not discriminate unlawfully against any person.

### Complaint 3

This complaint relates to the pinned 'Tweet' posted by former Cllr Dalton, following his being notified of the first complaint. Consideration was given to whether breaches of Part 1 (respect) and Part 12 (Complying with the Code of Conduct) had occurred.

The view was that the pinned 'Tweet' did not show respect to officers of the Council, as it referred to them as 'Gestapo'. It was also felt that, although former Cllr Dalton did respond to the complaint, his 'Tweet' suggested that he did not take the standards process or the Code of Conduct seriously.

The decision makers find that the following breaches occurred:

1. Respect – part 1
  - I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play
2. Complying with the Code of Conduct - part 12
  - I cooperate with any Code of Conduct investigation and/or determination

With regards to sanctions, we note that former Cllr Dalton is no longer an elected Councillor, having been unsuccessful in securing a Parish Council seat at May's elections.

Whilst this decision notice will be published on the Kirklees Standards page and the HVPC will formally note the outcome and also publish the outcome, it is not possible to impose any sanctions on former Cllr Dalton.

Signed: Julie Muscroft

Dated: 5<sup>th</sup> July 2023

**Julie Muscroft**

**Monitoring Officer**