

## **Assessment Decision Ref 2021-051**

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| <b>Complainants:</b>    | <b>Various – members of the public</b>   |
| <b>Subject Member:</b>  | <b>Holme Valley Parish Councillor James Dalton</b>   |
| <b>Consultees:</b>      | <b>Councillor Mohan Sokhal, Councillor Susan Lee-Richards, Councillor Alison Munro, Councillor Paul White and Councillor Richard Smith</b> |
| <b>Decision Makers:</b> | <b>Councillor James Homewood (for Chair of Standards), Michael Stow (Independent Person), Julie Muscroft (Monitoring Officer)</b>          |

As Monitoring Officer, substitute Chair of Standards and Independent Person, we have considered what action should be taken in respect of this complaint and have consulted the above Group Business Managers (Consultees) in doing so.

The 4 complaints all related to allegations about Cllr Dalton's behaviour on social media. Those allegations related to a number of posts made by Cllr Dalton in 2020.

It is acknowledged that there has been a delay for a number of reasons in bringing these complaints to the formal process.

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

Notwithstanding that Cllr Dalton may respond in a similar manner it was concluded that the complaints should follow due process in order for a conclusion to be reached for the various complainants.

The 4 complaints break down into 3 distinct complaints and the assessment panel and us as decision makers considered each one separately and reached a conclusion in respect of each of the 3.

In coming to our decisions we took account of various pieces of information including:

- the written complaints submitted by a total of 4 people
- the response to the complaints by Cllr Dalton
- the contributions of the GBMs at the assessment panel meeting

Cllr Dalton was asked to respond to the complaints, in line with the process, but in his response he stated that he was not acting as a Councillor when he posted on

Twitter and that, consequently, the Code of Conduct did not apply to him. He further described the complaints as being '*vexatious*' and '*anti-democratic*'.

In line with the published standards process, the assessment panel met to consider the complaint.

The assessment panel noted that this was now the third time that they had considered complaints relating to Cllr Dalton's social media posts and that they were disappointed that the previous sets of sanctions appeared to not have been complied with and appear to have had no positive effect on his behaviour.

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**

Cllr Dalton responded to the complaints by suggesting that he was not making social media posts as a councillor, so it was necessary for the purposes of dealing with the complaints to firstly come to a decision as to whether or not he had been acting as a councillor when he posted the tweets. The panel 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 comments, despite his disclaimer that all views were his own. The panel took the view 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. As decision makers, we were in agreement with the panel that he had intended his tweets to be seen as coming from a councillor and felt that it was a reasonable assumption that any member of the public reading the tweets would believe that he was commenting as an Elected member of HVPC.

When considering whether Article 10 would apply, both the assessment panel and the decision makers took the view that in some of his tweets 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 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 Cllr Dalton had referred to the press as being the ‘*enemy*’, with a suggestion that they should be destroyed. There were two complaints about this tweet, with one complainant expressing concern that there was a threat of violence being made, with the associated concerns that other individuals may be encouraged to act by Cllr Dalton’s rhetoric, especially his comments that ‘*uncompromising destruction is often the only righteous way*’. He also used the ‘hashtag’ #*scummedia – evil* in his tweet.

We find the following breaches of the Code of Conduct occurred:

1. 3A 1 – you must treat others with respect
2. 3A 5 – you must not conduct yourself in a manner which would reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute
3. 3A 3 – you must not conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of behaviour

### Complaint 2

This complaint was about a Tweet in which Cllr Dalton described BLM as a ‘*domestic terrorist organisation*’ that was ‘*well funded by George Soros*’. There were suggestions that linking BLM to terrorism in this way was racist, as well as suggestions that making reference to George Soros as being behind the movement was an anti-semitic, ‘dog whistle’ politics statement.

We find that the following breaches occurred:

1. 3A 1 – you must treat others with respect
2. 3A 4 – you must not do anything which may cause the Council to breach any of the equality duties
3. 3A 5 – you must not conduct yourself in a manner which would reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute
4. 3A 3 – you must not conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of behaviour

### Complaint 3

This complaint related to a Tweet in which Cllr Dalton suggested that LGBT people were ‘*degenerates*’ and that attempts to educate children about LGBT issues constituted ‘*ongoing abuse of all our children*’. Responding to criticism of his tweeting, Cllr Dalton suggested that this was a ‘*slow normalisation of paedophilia*’ and that there was some kind of agenda to ‘*get the degenerates in the schools Pride and all that. Groom them in the classroom*’. It was suggested that linking LGBT people to paedophilia and child grooming was homophobic. It was also suggested that, in responding to criticism of the initial Tweet, Cllr Dalton again resorted to an

anti-semitic trope, referring to an article as being '*written in the Cultural Marxist postmodernist style*'.

We find that the following breaches occurred:

1. 3A 1 – you must treat others with respect
2. 3A 4 – you must not do anything which may cause the Council to breach any of the equality duties
3. 3A 5 – you must not conduct yourself in a manner which would reasonably be regarded as bringing the Council into disrepute, or you position as a Councillor into disrepute
4. 3A 3 – you must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of behaviour

In addition to the above we also considered whether or not Cllr Dalton was in breach of the following:

3A 11 – you must co-operate with the standards process when you are the subject of a complaint and respond to a complaint that is brought against you

It was agreed that, following the two previous complaints investigations and the imposition of sanctions, that Cllr Dalton was in breach of this part of the Code of Conduct. He had failed to engage properly with the process and to acknowledge the breaches. He has consistently refused to comply with any of the sanctions.

With regards to sanctions, we note that this decision will be referred back to HVPC for debate and decision, but we would suggest that the following should be considered:

- i) requiring an apology from Cllr Dalton. This should be made to the individual complainants as we acknowledge that he is not able to do this via Twitter;
- ii) a requirement for Cllr Dalton to apologise to HVPC for bringing the Council into disrepute;
- iii) a requirement for Cllr Dalton to delete all/ any of the remaining Tweets complained of should his Twitter ban be lifted;
- iv) a requirement for Cllr Dalton to edit his Twitter 'handle' and 'biog' to remove references to him being a councillor should his Twitter ban be lifted;
- v) reiterating the previous sanction requiring Cllr Dalton to attend diversity training;
- vi) formal censure by HVPC of Cllr Dalton. We would suggest that he is asked to attend a meeting of HVPC and to explain his actions. Our suggestion would be that this be recurring agenda item until Cllr Dalton has attended and complied.

Signed: Julie Muscroft

Dated: 6<sup>th</sup> December 2021

**Julie Muscroft**

**Monitoring Officer**

Signed: Cllr James Homewood

Dated: 6<sup>th</sup> December 2021

**Cllr James Homewood  
for Chair of Standards**

Signed: Michael Stow

Dated: 6<sup>th</sup> December 2021

**Michael Stow  
Independent Person**