

Case Reference: 94/2020 & 95/2020

Report of an investigation under Section 28 of the Localism Act 2011 concerning an allegation that Councillor Pauline Culley breached the Code of Conduct.

Investigating Officer – Bethany Symonds, Lawyer (Litigation) at Darlington Borough Council, appointed by Luke Swinhoe, Assistant Director (Law and Governance) and Monitoring Officer for Darlington Borough Council.

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FINAL REPORT DATE: 7th June 2021

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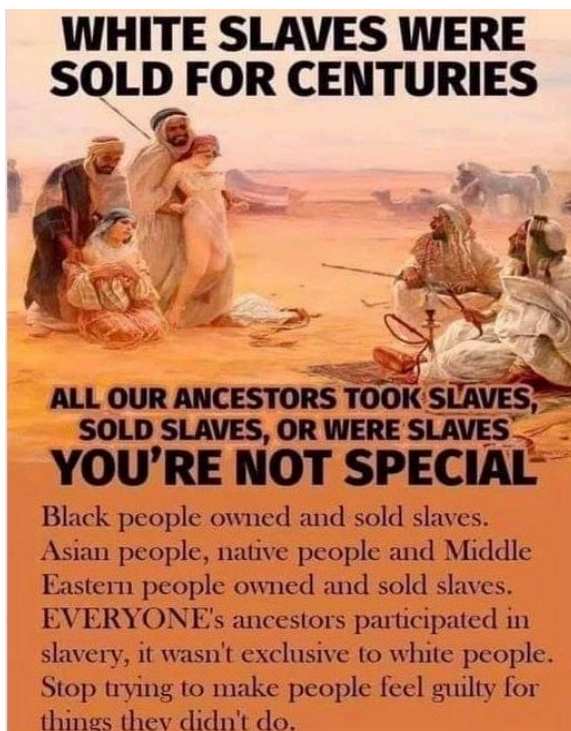
1 Executive Summary

1.1

It is alleged that a Facebook post made by Councillor Culley on or around 6th September 2020 breached the code of conduct. The post was a meme (image) which was posted on its own with no comment or caption attached by Councillor Culley.

1.2

The meme posted is below:



1.3

The Monitoring Officer has received two complaints; one from a member of the public, and the other is a joint complaint by three other Councillors of Darlington Borough Council. In summary, the complainants view this meme as disputing the magnitude of the transatlantic slave trade, and the fact that it created a legacy of discrimination and inequality which still impacts black people in today's society. It is suggested by the complainants that to dispute history, and to underplay the impact it has on minority groups in society, is disrespectful and reflects poorly on Darlington Borough Council.

1.4

It is my conclusion that this matter should be referred to the Standards Committee for hearing, as there is sufficient evidence in respect of potential breaches of the following provisions of the code of conduct:

- a) Paragraph 3 (1) – “you must treat others with respect”
- b) Paragraph 5 – “you must not conduct yourself in a manner which could reasonably be regarded as bringing your officer as a member or the Council into disrepute”

There is sufficient evidence for this matter to proceed to a hearing, and it will be for the hearing panel to consider that evidence and determine whether there has been a breach.

2 Official details

2.1

Mrs Pauline Culley has been a Member of Darlington Borough Council since 27th May 2014. Cllr Culley represents the Mowden ward and is one of two Councillors who represent the ward.

3 The Code of Conduct

3.1

On 10th May 2018 Darlington Borough Council adopted the current version of the Code of Conduct.

4 Evidence

4.1

RT was interviewed on 21st October 2020. It had been intended to record the meeting so that a transcript could be produced; however on the day of the meeting the record function on Microsoft Teams would not work. I therefore took notes of the meeting which have since been confirmed as accurate by RT.

4.2

Councillors Curry, Harker and Snedker were interviewed jointly on 17th November 2020 online over Microsoft Teams. This interview was recorded and a transcript was produced and circulated to the attendees. Councillor Harker requested some minor corrections to the transcript which have been made. Councillors Curry and Snedker have not commented on the transcript and it is therefore presumed that they are content that it is accurate.

4.3

Councillor Culley was interviewed on Microsoft Teams on 7th December 2020. The meeting was recorded and a transcript has been produced. A copy of the transcript was provided to Councillor Culley on 18th December 2020 with an invitation to comment upon anything she thought was inaccurate or had been misheard. Councillor Culley confirmed by email on 23rd December 2020 that she was content with the transcript.

5 **Summary of the material facts**

5.1

The facts of this complaint are not in dispute. Councillor Culley acknowledges that she posted the meme; however, it is clear is that Councillor Culley has a different view of this post to the complainants. The principal points of the complaints, set out in paragraph 5.7, were put to Councillor Culley in her interview and were disputed by her.

Background

5.2

The Monitoring Officer has received two complaints regarding a post on the Facebook page of Councillor Culley.

5.3

Cllr Culley has two Facebook profiles; one is a personal profile which she uses to connect with her friends and people that she knows, and the other is a profile under the name of 'Pauline Mowden Culley'. The post in question was posted on the latter page.

5.4

Councillor Culley uses her 'Pauline Mowden Culley' profile for public matters and says that she will accept a friend request from anyone who sends her one so long as she believes from their profile that they live in England. Councillor Culley states that she does not know everyone who is her 'friend' on this profile and that she mainly uses the account for liking and sharing other people's posts which she finds interesting. When asked for examples of the content she shares she cited content about animals, gardening, anything that the Council does with the library, and anything regarding the MP. She describes herself as a "prolific liker and sharer".

The post in question

5.5

The post in question was a meme which Councillor Culley appears to have seen on another page/profile, saved as an image and subsequently uploaded to her own profile. I have not seen the original post and Councillor Culley's Facebook profile has now been deleted so I am unable to view the original post. I have therefore only seen a screen grab of the post from which I note that the image appears to have been posted without any comment offered by Councillor Culley.

5.6

The screen grab does not show the date of the post however I understand that this was posted on or around 6th September 2020.

However, it is also noted that Councillor Culley deleted her Facebook account the day after the post as she was receiving abusive comments / messages that she did not want her family to see. In deleting the account it prevented anyone else from seeing the post directly from Councillor Culley's profile. It is arguable that further sharing of the post was not a direct result of Councillor Culley's actions (rather those who screen grabbed it and shared it) and that the subsequent complaint and the publicity that this attracted has resulted in even more people seeing the post.

5.7

At the time of the post, the Black Lives Matter campaign was particularly prominent and gaining considerable news and internet coverage following the death of George Floyd on 25th May 2020. There were public protests, both in the UK and globally, in the summer of 2020 and statues commemorating historical figures with links to the slave trade were vandalised across the UK. The vandalism of the statues also gained considerable news coverage and caused significant discussion online. The panel may wish to consider this background when considering the impact of Councillor Culley's decision to post the meme.

5.8

The details of the complaints are discussed below, however for the purposes of assisting the panel in their decision making I have attempted to summarise the complaints below:

- a) The post by Councillor Culley undermines and / or denies that the transatlantic slave trade has created a legacy of discrimination towards black people, and contributes to the dissemination of misleading information about historical slave trades at a time when there is a global social discussion about slave trades and how they contributed towards institutional racism
- b) The failure of a Council member to recognise the discrimination that black people face could result in members of the public believing that the Council does not recognise problems experienced by black people; this potentially isolates black people from their Council and may discourage black people from accessing Council services

- c) The post by Councillor Culley reflects poorly on Darlington Borough Council as an organisation that is ignorant to the issues affecting black people

In my view this is an accurate summary of the issues raised by the complainants.

6 Analysis of evidence obtained in interview

Detail of the complaint by RT

6.1

The first complaint is from a member of the public, 'RT', who does not live or work within Darlington but reports that she saw the post on Facebook and felt strongly enough to complain to Darlington Borough Council.

6.2

Whilst RT does not live or work in Darlington she is connected to the area as she lives within the Tees Valley (Middlesbrough). It is noted that despite having other demands on her time, RT felt strongly enough to find time to submit a complaint, liaise with me via email, take part in a Microsoft Teams interview and subsequently spend time reviewing my notes of our meeting. RT has confirmed that she would be willing to attend a hearing to discuss these matters further. Having discussed the matter with RT I cannot see that she has any other motivation for making a complaint other than to raise her genuinely held concerns about the implications of this post. The fact that she has given considerable time and effort to this complaint, without having any other motivation and despite having other demands on her time, indicates the strength of her concerns about this matter.

6.3

RT raised a number of concerns which are detailed in full in the notes of my interview with her. One of her concerns was that although the meme may be factually correct in that there have historically been slave trades where white people were the victims, she interprets the meme as implying that the slave trading of white people was equivalent to the transatlantic slave trade. RT further makes the point that the slave trading of white victims was not equal to the transatlantic slave trade. This is evident in the fact that slave trading of white victims was not global and industrialised in operation and further have not left a legacy of institutional racism in the same way as the transatlantic slave trade. Having considered RT's evidence, her

concern is that the meme incorrectly implies that all slave trades were equal in magnitude and in doing so it undermines the magnitude of the transatlantic slave trade. It will be a matter for the panel to determine whether it agrees with RT's interpretation of the meme.

6.4

RT makes the point that as a public figure within Darlington, and as a member of the Council, Councillor Culley is in a position to raise awareness of institutional racism and use her position to try and dismantle that where possible. RT believes that Councillor Culley's post makes it clear that she is not prepared to acknowledge that black people suffer any discrimination as a legacy of the transatlantic slave trade and further, that it could incite other people not to engage with those issues either. It will be a matter for the panel to determine whether it agrees or disagrees with RT's assessment of the situation.

Complaint by Councillors Curry, Harker and Snedker

6.5

The second complaint was jointly submitted by Councillor Curry (Liberal Democrat Party), Councillor Harker (Labour Party) and Councillors Snedker (Green Party) as the local leaders of their respective parties. All three report that in submitting their complaint they were acting on behalf of their own concerns, but also on the concerns of others within their party who had contacted them to discuss the post.

6.6

I have noted that Councillor Culley stated in her interview a belief that the motivation for the complaints submitted by Councillors Curry, Harker and Snedker is political. Having interviewed them my impression was that they held genuine concerns about the implications of this post and that they had thought very carefully about this issue before raising it. This is supported by the fact that their complaint was submitted on 21st September 2020 some two weeks after the post.

6.7

In my interview with Councillors Curry, Harker and Snedker it was explained to me by Councillor Harker that he had contacted Councillor Heather Scott and Peter Gibson MP to "*privately*" raise his concerns however did not receive a response. Councillor Harker explained that he "*didn't see any sense of Pauline or the wider Conservative Party accepting that that*

image is wrong” and therefore made the decision to submit a complaint to the Monitoring Officer. Considering this, and the two weeks that elapsed before the complaint was submitted, it would be reasonable for the panel to infer that that a complaint would not have been submitted had Councillor Harker received a response from Councillor Scott or Mr Gibson that he considered to be satisfactory. There does not appear to be any particular evidence to support the idea that this is simply being used as an opportunity to submit a formal complaint against a member of another political party.

6.8

Councillor Snedker stated in interview that a number of his party members were “*appalled*” by the post, and when asked to expand upon the reasons for this he raised a concern that the post would “*downplay the effects*” that slavery had on black people over a long period of time. He went on to say that the post appeared to be saying that other ethnicities have been the victims of slavery too, and therefore the suffering of black people was insignificant. Councillor Snedker then commented that there was a concern that Councillor Culley would not be seen as someone you could approach about issues of discrimination following this post.

6.9

Councillor Snedker expanded that there was a concern that Councillors in general, and the Council as an organisation, would be seen as less approachable about race equality issues.

6.10

Councillor Harker expressed his view that the meme attempts to minimise the Black Lives Matter movement and disregards the fact that the transatlantic slave trade was the industrialisation of slave trade in a way which was unprecedented. According to Councillor Harker, the post undermines the issues facing black people as a result of the transatlantic slave trade. He continues to say that the term “you’re not special” is “*a horrible expression to use to try and dismiss something as having, of no importance*”.

6.11

When asked to discuss whether there were any reputational impacts of this post, Councillor Curry raised a concern that the general public may not understand the dynamics of the Council and may believe that an opinion expressed by one Councillor is the opinion of all Councillors. She went on to say that “*people of ethnic minorities may not feel that it’s safe to come to the Council for any issues or complaints because they feel that we take that sort of stance*”. Councillor Harker later expressed his own concerns of this nature.

6.12

Councillor Harker also expressed a concern that as Councillor Culley is a member of the Council this may reflect on the Council as a whole and its officers.

6.13

Councillor Snedker commented that there are people in society who feel that the slave trade was insignificant or is excusable given the time that has elapsed since. He views Councillor Culley's posting of this meme as adding legitimacy to those views, and says he feels that it damages the reputation of the Council to have those views repeated by a Councillor.

Response by Councillor Culley

6.14

I used Councillor Culley's interview as an opportunity to ask her to explain her interpretation of the meme and why she posted it. Councillor Culley was initially not willing to offer her own interpretation of the post as she did not believe it was relevant, and simply stated that she had posted it because she thought it was interesting and wanted to know what other people's opinions on it were.

6.15

Councillor Culley also pointed out that she did not 'like' the post, and that she only shared it.

6.16

Councillor Culley was very reluctant to give her opinion on the post and insisted that she had only shared it to get other people's opinions. I asked Councillor Culley if sharing the post was an expression of her own opinion, and her response was that she hadn't said whether she liked or disliked the post and had never confirmed what her personal opinion of the post was.

6.17

I then put to Councillor Culley the main concerns raised by the complainants, and to allow her the opportunity to respond to and address those concerns.

6.18

When asked whether she could respond to RT's complaint that the meme undermines the severity of the transatlantic slave trade by comparing it to other instances of slavery, Councillor Culley's response was:

"Well that is her opinion... It was a point of view and if she's, if she's saying that it's undermined it that's her opinion. There are numerous other opinions saying the exact opposite to her"

6.19

When asked about whether the post undermines the ongoing discrimination faced by black people as a legacy of the transatlantic slave trade her response was:

"Does it?"

When pressed further for her opinion on this, she remarked:

"You're back to that's their opinion and... And from, just we're back to the comments in The Echo. They all had a different opinion to the one that the opposition Members and this member of the public have had. They are all a completely different view of that post so do you go with the majority or the minority of views on that particular post. I don't know. I suppose that's what you have to work out whether you're going to go with the majority or a minority"

6.20

I asked Councillor Culley if it was the case that her post had been misunderstood, and that she was simply starting a discussion about this issue rather than expressing an opinion. Councillor Culley's response was:

"Very possibly. Possibly. Because yes I suppose if they've seen me share it but I have never commented on it. I've just shared, I shared it. Whether it's, I mean, and it's, it's somebody's opinion whether it's racist or it's inciting hatred or all the rest of the things. I don't know. I don't know. I don't, I don't think it's racist. I don't think it's offensive. I don't think it incites hatred and I don't think it's inflammatory... And neither do the people who have commented. It's not. The post itself is not racist. That's why I don't understand why we've ended up here"

Given that Councillor Culley had previously declined to offer an opinion on the post, I asked her if she wanted to say anything further on this and her response was:

“It’s a, well it’s a factual, it’s just a fact. What’s written on it is a fact and I don’t think any of the things that I’ve, that they say it is but other people may think that. It was not my opinion. I have never said anything about that post”

6.21

When asked about whether the post could discourage black people from accessing Council services, Councillor Culley’s response was:

“why would that stop anybody who needed help from contacting the Council. You’re back to then saying that it’s racist. You’re back to that. That’s their view. It’s not my view that it’s racist”

6.22

To assist the panel I have attempted to summarise Councillor Culley’s responses to the complaints below:

- a) Councillor Culley states that she did not endorse the post, and simply wanted to start a discussion about this.
- b) Councillor Culley believes that the post is not racist or offensive.
- c) In any event, Councillor Culley believes she is within her rights to post this meme regardless of whether others are offended. The basis of her belief is that people will always have different views / interpretations of things, and people will always be offended by things, and there is nothing wrong with that.
- d) Councillor Culley states that this issue was reported in the Northern Echo and that many people commented on the article and were clearly not offended by the post, further supporting her point that there will always be a variety of opinions.
- e) Councillor Culley believes that the complaint by Councillors Curry, Harker and Snedker is politically motivated.

7 Further analysis of the potential breaches of the Code of Conduct

7.1

DBC's Code of Conduct for Members states at paragraph 2 (1) (b) that it will only be applicable if Councillor Culley was acting, claiming to act or giving the impression that she was acting within her capacity as a member of the Council at the time of the material incident, and I therefore considered this as an initial issue.

Councillor Culley uses the name 'Pauline Mowden Culley' in reference to her ward, and also acknowledges that she uses the page to share public information in relation to issues and events in Darlington. It is also relevant that Councillor Culley has a separate page which she only uses to keep in touch with people she knows, however the page under the name of 'Pauline Mowden Culley' is specifically for members of the public whom she does not know.

Considering this, it is likely that Councillor Culley was acting within her capacity as a member of the Council when posting the meme.

7.2

There is potentially a breach of the following two paragraphs of the code of conduct:

- a) **Possible breach of paragraph 3.1** – given the unsophisticated nature of the meme and the brevity of the wording it is not particularly clear the point that it is trying to make. I would suggest that it is open to the panel to consider how they wish to interpret the post, and in my investigation I have identified two possible interpretations which are:
 - i) That the meme is factually correct in saying that white slaves were sold for centuries and that everyone's ancestors participated. The statements about the apportionment of guilt and the "you're not special" quote are simply saying that slavery was common to all our ancestors irrespective of racial background; or
 - ii) That the meme wrongly conflates the transatlantic slave trade with the trading of white slaves. It is factually correct that the transatlantic slave trade was distinct from other slave trades in terms of its volume, the suffering that it caused and the resultant legacy of white supremacist views and discrimination towards black people. This is the interpretation suggested by the complainants.

If this latter interpretation is adopted, the panel would not be unreasonable in concluding that the meme undermines the cultural significance of the transatlantic

slave trade, and the resultant discrimination and inequalities, at a time when Black Lives Matter protests are ongoing to protest against those inequalities. In those circumstances it is likely that the posting of the meme by Councillor Culley would be a failure to treat black people with respect.

- b) **Possible breach of paragraph 5** – if the meme is interpreted by the panel in accordance with paragraph 7.2 (a) (ii) above, and the panel determines that the posting of the meme was a failure to treat black people with respect, then it logically follows that there has been a breach of paragraph 5 of the code of conduct. A finding that a Councillor’s social media post was disrespectful to black people is undoubtedly damaging to the reputation of the office of Councillor, and to the Council itself.

Determining whether these provisions of the code of conduct have been breached is an issue for the panel and will likely depend on the panel’s interpretation of the meme. If the panel adopt the interpretation in paragraph 7.2 (a) (ii) above, it is likely that the post was in breach of both paragraph 3.1 and 5 of the code of conduct.

Article 10: Freedom of expression

7.3

Councillor Culley, under Article 10 of the European Convention on Human Rights which has been incorporated into domestic legislation, has a right to freedom of expression. That includes the right to hold opinions and to share them. On the face of it, any finding by the panel that Councillor Culley’s post has breached the Code of Conduct would be a restriction of her Article 10 rights to share her opinion.

7.4

However there are some circumstances when taking action to restrict or interfere with someone’s Article 10 rights is lawful and justified. Those circumstances are set out in paragraph 2 of Article 10. It is pertinent to consider whether a finding by the panel of a breach of the Code of Conduct would be a permissible interference with Councillor Culley’s Article 10 rights.

Article 10 (2) says that a person’s freedom of expression can be restricted if the restriction is prescribed by law *and* is one or more of the following:

1. Necessary in a democratic society – it would not be unreasonable for the panel to rely on this provision to justify the restriction as the Council, in adopting the Code of Conduct, are ensuring that standards do not fall below a minimum level
2. In the interests of national security, territorial disorder, or crime – this would not be a relevant consideration for the panel in this instance
3. For the protection of health or morals – it would not be unreasonable for the panel to rely on this provision to justify the restriction on the basis that it may be immoral to underplay culturally significant events and fail to recognise racial inequality
4. For the protection of the reputation or rights of others – it would not be unreasonable for the panel to rely on this provision to justify the restriction due to the potential for reputational damage to both the office of councillor and to the Council (as discussed at paragraph 7.2 (b))
5. For preventing the disclosure of information received in confidence – this would not be a relevant consideration for the panel in this instance
6. For maintaining the authority and impartiality of the judiciary – this would not be a relevant consideration for the panel in this instance

The restriction is prescribed by law as The Localism Act 2011 requires local authorities to adopt a Code of Conduct and to have arrangements in place to enable alleged contraventions to be investigated and to be adjudicated. In addition, it is arguable that at least three points of the above six could be relied upon by the panel to justify restricting Councillor Culley's Article 10 rights by finding that the post breached the code of conduct (note that only one needs to be made out for the restriction on freedom of expression to potentially be lawful).

Extended freedom of expression for politicians

7.5

If the panel reach the decision that Councillor Culley's post was a breach of the code of conduct, it is likely that would be a prima facie restriction on her Article 10 rights but that the restriction would be justified under Article 10 (2).

It is then necessary to consider whether Councillor Culley, given that she is a politician, is afforded an extended freedom of expression beyond that which is afforded to her by Article 10.

Ultimately, the case law and guidance suggest that Councillor Culley's post *might* be protected if the post was of a political nature. The issue for the panel to determine is whether or not the post was of a political nature, and therefore whether it qualifies for enhanced protection.

The panel can use the guidance and case law to help them make their decision but ultimately each case turns on its own facts and the panel will need to consider the individual circumstances of this case.

7.6

It may be helpful for the panel to consider the case of *R (Calver) v Adjudication Panel for Wales (2012) EWHC 1172*, in which it was established that the comments that a politician made within the "*political sphere*" were entitled to an enhanced level of protection from Article 10.

The court found in *R (Calver)* that comments made online by a Councillor which criticised the way in which Council meetings were run and the competencies of other politicians at those meetings, fell within the "*political sphere*" and therefore attracted the additional protection for freedom of expression which is afforded to politicians.

This decision was made despite the tone of some comments being sarcastic and/or unpleasant towards other politicians, and the judgment states that comments made were not "*purely personal abuse*" and most of them related to the Council's actions. The court also decided that "*it is necessary to bear in mind the traditions of robust debate, which may include some degree of lampooning of those who place themselves in public office, when deciding what constitutes the "respect and consideration" required by the Code*".

7.7

The panel should give consideration to whether the message communicated by the meme was sufficiently political in nature to fall within the political sphere. It would be open to the panel to determine that the meme was within the "*political sphere*" on the basis that:

- a) The post was likely in response to the current affairs in the news at the time
- b) The post was made on Councillor Culley's public Facebook page which identifies her as a politician

7.8

However a decision that the meme was not within the “*political sphere*” would also be reasonable given that:

- a) The meme was not specifically linked to the Council or other politicians
- b) The wording on the meme is brief and the message of it is unclear, therefore any political message is undeveloped and has to be implied
- c) Councillor Culley says that she was not posting it because it was a reflection of her beliefs

7.9

In *R (Calver)* the judgment goes on to state that it was relevant that the comments which were alleged to be disrespectful had been directed at other politicians who are expected to have a thicker skin, and therefore the nature of the comments did not prevent them from falling within the “*political sphere*”. This is an important point, and the panel should give consideration to the fact that, if the posting of this meme was indeed found to be disrespectful, then it is disrespectful towards members of the public rather than being directed at other politicians as was the case in *R (Calver)*. The panel should consider how this impacts their views in relation to whether the post was within the “*political sphere*”.

7.10

R (Calver) is helpful in clarifying that the interpretation of comments made within the “*political sphere*” is broad, and the panel need to weigh up whether in posting the meme a political point was being made by Councillor Culley.

7.11

“*Freedom of Expression – Advice Note on the Application of Article 10 of the ECHR and The Councillor’s Code of Conduct*” is issued by Standards Commission for Scotland. This applies to local government politicians in Scotland but is helpful guidance in this instance. This guidance makes clear that in a political context there is an extended tolerance and a wider freedom of speech. However it is also clear that politicians should be able to make political points in a manner which is not offensive or abusive.

It is clear that the guidance is designed to protect politicians who are making political statements or proposing policy which some people might find shocking, offensive or damaging.

7.12

If the panel determines that the post was disrespectful and a breach of the Code of Conduct, it may be helpful for them to then consider this guidance and reach their own view on whether the guidance is intended to afford protection to politicians who share content on social media which has been found to be disrespectful to members of the public.

7.13

Ultimately, the question for the panel to consider is whether Councillor Culley was making a political point in posting the meme. If the panel determines that this was a political point, it is likely that the meme falls within the “*political sphere*” and is therefore protected under the wider freedom of expression rights that are afforded to Councillor Culley as a politician.

8 Issues for consideration by the panel

The panel is asked to determine whether the following provisions of the Code of Conduct for Members have been breached:

- a) Paragraph 3 (1) – “you must treat others with respect”
- b) Paragraph 5 – “you must not conduct yourself in a manner which could reasonably be regarded as bringing your officer as a member or the Council into disrepute”

To assist in decision making, the panel may find it helpful to consider the following issues:

- a) What is their interpretation of the meme; specifically, do they agree with the complainants’ interpretation?
- b) Does there appear to be a breach of provisions 3(1) and 5 of the Code of Conduct?
- c) If so, would upholding a breach of the Code of Conduct be a restriction on Councillor Culley’s Article 10 rights to freedom of expression?

- d) If so, could such a restriction be justified in accordance with Article 10(2), taking in to account the matters discussed in paragraph 7.4 of this report?
- e) Taking in to account the issues raised in paragraphs 7.7 and 7.8 of this report, and the appended Standards for Scotland guidance, does the post fall within the “*political sphere*” and therefore attract enhanced protection under Article 10?

If the answers to questions ‘b’, ‘c’ and ‘d’ are yes, but the answer to question ‘e’ is no, then it would be logical for the panel to determine that provisions 3.1 and 5 of the code of conduct have been breached.

If the answers to ‘b’, ‘c’ ‘d’ and ‘e’ are all ‘yes’ then it follows that there is no finding of a breach of the code of conduct. However these are ultimately decisions for the panel to determine.

9 Recommendation

It is my conclusion that there is sufficient evidence to support the complainants’ views that in posting that meme Councillor Culley breached the code of conduct. My recommendation is that this matter should proceed to a hearing so that the panel can consider, and determine, whether there has been a breach of the following provisions of the code of conduct:

- a) Paragraph 3 (1) – “you must treat others with respect”
- b) Paragraph 5 – “you must not conduct yourself in a manner which could reasonably be regarded as bringing your officer as a member or the Council into disrepute”