

STANDARDS HEARING RE CLLR CULLEY

Independent Person's Submissions

- a. I propose to set out a series of questions in the hope that they assist all parties in focusing on the relevant issues in this enquiry.
- b. I have considered the final report provided by Bethany Symonds and agree with her analysis of the relevant law to be applied in this case.

Did Cllr Culley post the meme?

- c. There is no dispute that Cllr Culley accepts posting the meme on her Pauline "Mowden" Culley Facebook page and that she removed the post following negative and abusive responses to its contents within days of its posting.

Was she acting in her capacity as a councillor

- d. Cllr Culley accepts that she would post content on that particular profile which included issues and information relating to council and political matters.
- e. I agree with Ms Symonds analysis at paragraph 7.1 of her report that it is likely that Cllr Culley was acting in her capacity as a councillor when she posted that particular meme on that particular Facebook profile account.
- f. Cllr Culley has not submitted that she was acting in a private capacity when she posted the meme.

The Meme

How should the meme and the message which it is trying to convey be interpreted?

- g. The interpretation of the meme must be placed in the context of the particular contemporaneous political debate.
- h. The Black Lives Matter Movement was actively and vigorously seeking to highlight significant institutional racism which impacted on the lives of BAME people and the corresponding and disproportionate risk to those who may receive violent, unlawful and life-threatening treatment at the hands of the police following the murder of George Floyd.

- i. The BLM Movement argues that the sheer magnitude of the industrialised transatlantic slave trade created a legacy of discrimination, direct racism and inequality, which continues to blight the lives of BAME people.
- j. The layout, font size and highlighting of specific parts of the meme should be considered in order to understand what it aimed to convey to the reader.
- k. In the centre of the meme in the boldest type and the largest font is the phrase;

YOU'RE NOT SPECIAL

- l. It follows that the author of the meme placed significant emphasis on this particular comment.
- m. It assists the reader to understand who the message is specifically and particularly aimed at and is clearly a response to the BLM Movement and arguably is a direct challenge to the view that BAME people face discrimination and racism.
- n. It is specifically directed at BAME people. This is the only possible interpretation on the face of the document.
- o. The corollary of this is that the author of the document is saying that the transatlantic slave trade is comparable to other historic instances of slavery and denies that the transatlantic slave trade has created a legacy of racism, discrimination or inequality which continues to impact on the real life experiences of BAME people.
- p. The image should be considered in the context of argument contained in the post. It depicts men of middle eastern origin, armed and restraining 2 barely dressed white women at gun point, with expressions of enjoyment on their face. There is a clear atmosphere of sexual violence. The panel may want to consider the following questions in determining whether the image assists in determining what interpretation should be given to the whole document;
 - Why is that particular image used?
 - Is it particularly crass and founded on negative stereotypes of a particular race of people?
 - Is it used to create a particularly inflammatory response in the reader?
- q. The complainants argue that the meme taken as a whole is grossly offensive because it denies the magnitude of the transatlantic slave trade and denies the link between that particular slave trade and a legacy of discrimination.

- r. Cllr Culley accepts that some people may be offended by the post but that it is not grossly offensive.
- s. She relies on her right of freedom of expression under Art 10. It is unclear whether Cllr Culley is asserting that she published the meme within a political context and is therefore entitled to enhanced protection under Article 10. She has repeatedly said that the post does not express her opinion but that she thought it was interesting, she comments she did not “like” the post but simply posted it without any comments from her as to her view or opinion.
- t. The post itself was not directed towards her political colleagues but made generally available to the public at large.
- u. Whether she posted the meme within the political sphere or not, the right of freedom of expression, even enhanced freedom of expression does not provide a defence to a breach of the code if the meme is found to be grossly offensive.
- v. If the panel find the meme grossly offensive, then the decision by Cllr Culley to post it on her public Facebook profile page is capable of breaching provisions 3(1) and 5 of the Code.

Joanne Kidd

Independent Person

18th June 2021