

INVESTIGATION REPORT

COMPLAINT OF ALLEGED BREACH OF MEMBERS' CODE OF CONDUCT BY CLLR ROGER PATTERSON

Investigating Officer	James O'Shaughnessy: Corporate Policy & Governance Manager/Deputy Monitoring Officer – 9 th October 2019
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1. Instruction

I have been instructed on behalf of West Lindsey District Council's (WLDC) Monitoring Officer to conduct an independent investigation into allegations contained within two complaints, dated 27th and 28th July 2019, made by members of the public, that Cllr Roger Patterson has breached the Members Code of Conduct. The complaints refer to comments he made on social media on 9th and 24th July 2019 in respect of Jeremy Corbyn. Both complainants regarded the comments as offensive and incitements to violence.

For the purposes of investigating the matter I was provided with:

- 1 The written complaints (made by Dr Dan Ellin on 27th July 2019 and Mr Daniel Harris on 28th July 2019).
- 2 Copies of:
 - The Council's Members' Code of Conduct adopted by Council in May 2017
 - The Council's Elected Members' ICT Policy
 - The Council's Social Media Policy
- 3 Copies of:
 - Cllr Patterson's signed Declaration of Acceptance of Office dated 7th May 2019
 - Cllr Patterson's signed acknowledgement of the Council's ICT Policy dated 7th May 2019
 - Cllr Patterson's signed receipt of the Council's Code of Conduct for Elected Members dated 7th May 2019

2. Background

On 31st July 2019 the Council received via email, two complaints from residents of West Lindsey relating to the behaviour of Cllr Roger Patterson, the Ward Member for Scampton. Both alleged that Cllr Patterson had posted inappropriate comments on social media.

The first complaint was made by Dr Dan Ellin. He alleged that on 24th July 2019, Cllr Patterson had tweeted that Jeremy Corbyn should be hung; advocating the murder of an elected representative and effectively advocating violence.

The second complaint was made by Mr Daniel Harris. He alleged that on 9th July 2019 @ 07.37, Cllr Patterson had tweeted:

“The only minority to be cleansed are Corbyns (sic) terrorist sympathiseing (sic) anti semitic (sic) cult. They are a dirty stain on this country.”

and that on 24th July 2019@ 23.52, Cllr Patterson provided a statement on Twitter with the following words:

“It’s Corbyn who shouldn’t be in Parliament. The traitor should be swinging from the gallows like Saddam Hussein. He’s betrayed his country by his support for terrorists and our enemies.”

Screen shots of the two messages accompanied this complaint.

As a result of these messages, the complainant felt, *“such sentiments and words have no place in any community. The statements are hate-filled and could be interpreted as an incitement to kill. His words are dangerous and threatening. The accusation regarding “support for terrorists” has no substantiating evidence and could qualify as libellous. They are completely offensive and bring his elected position and West Lindsey District Council into disrepute.”*

The Members’ Code of Conduct for WLDC contains the following advice:

“As a member, or co-opted member, of West Lindsey District Council, you have a responsibility to represent the community and work constructively with your fellow members, our staff and partner organisations to secure better social, economic and environmental outcomes for all.”

“When acting in this capacity you must have regard to the following principles in carrying out your duties, in accordance with the requirements of the Localism Act 2011 (The Act):

- 1. Selflessness*
- 2. Integrity*
- 3. Objectivity*
- 4. Accountability*
- 5. Openness*
- 6. Honesty*
- 7. Leadership”*

Further guidance is offered against each Principle along with General Provisions and General Obligations.

All Members of the Council are required to sign up to the Code, acknowledge and work within it.

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On 20th August 2019, the Council's Monitoring Officer met with the Independent Person to consider the complaints and allegations made within them. It was determined that the Council's Code of Conduct had been invoked and that an investigation was warranted. All parties were subsequently notified of this decision.

Questions for this investigation:

- 1 Whether Cllr Patterson was acting in his capacity as a Councillor of WLDC when the social media messages were posted?
- 2 If Cllr Patterson was acting in such a capacity, did his conduct breach the Code as set out for Members of WLDC?

3. Councillor Details and History

Name	Councillor Roger Michael Patterson
Address	33 Devonshire Road, Scampton, LN1 2UB
Length of service	Councillor since May 2011
Outstanding disciplinary action	-
Position at WLDC	Cllr for Scampton Ward

4. Investigatory Notes and Record of Statements

26th September 2019: Telephone conversation with Mr Daniel Harris (3.05-3.12 p.m). To expedite the process I chose to speak to Mr Harris over the phone. A record of the contemporaneous notes taken during the conversation are provided below:

Q. When did you first see the message/tweet posted by Cllr Patterson?

A. The day after he posted it; 25th July

Q. How was it brought to your attention?

A. It was re-tweeted as unacceptable by someone and I saw a message about it on Facebook

Q. What is your particular complaint about it?

A. I provided a full account in my complaint form. Nothing further to say about it.

Q. Have you seen anything further posted by Cllr Patterson since that time?

A. I believe Cllr Patterson now uses a private account. I have not seen anything posted by him since the event.

Q. Is there anything else you would like to add?

A. I am absolutely disgusted with the complete lack of respect or regard shown by Cllr Patterson towards Jeremy Corbyn and those who support him. As my ward Councillor I expect a more respectful approach to human beings and those in political opposition. Clearly he broke the Code of Conduct.

Brief explanation of next steps was related to Mr Harris.

26th September 2019: Telephone conversation with Dr Dan Ellin (3.15-3.22 p.m.). To expedite the process I chose to speak to Dr Ellin over the phone. A record of the contemporaneous notes taken during the conversation are provided below:

Q. When did you first see the message/tweet posted by Cllr Patterson?

A. I saw it the following day.

Q. How was it brought to your attention?

A. It was re-tweeted by someone with a screen shot and described as unacceptable.

Q. What is your particular complaint about it?

A. As my ward Member I felt something needed to be done about it. This is a symptom of things going on in the wider context of society and politics; dividing people and it is unacceptable behaviour.

Q. Have you seen anything further posted by Cllr Patterson since that time?

A. I haven't seen anything else

Q. Is there anything else you would like to add?

A. Using language like betrayal, traitors, are incitement to violence. I was astonished and shocked and couldn't really believe what I was seeing.

Brief explanation of next steps was related to Mr Harris.

7th October 2019: Interview with Cllr Patterson; Members' Room, The Guildhall, Gainsborough (10.48-11.49 a.m.). Contemporaneous notes taken of the interview which was read back to Cllr Patterson. Each page and overall declaration signed and dated by both parties.

Councillor Patterson was courteous throughout the interview and understood the nature of the complaints made against him. He acknowledged signing his Declaration of Acceptance of Office (including an undertaking to observe the code as to the conduct which is expected of Members of WLDC) and receipt of the Members' Code of Conduct, ICT and Social Media Polices and was familiar with their content and intent. In respect of the Code of Conduct he expressed an understanding of the guiding principles contained within it.

He confirmed that he had issued the two postings in question from the account @cllrrpatterson. With regard to the one posted on 9th July 2019 @ 7.37 a.m., he said that the message he was responding to was posted by a Labour Party Member which was an anti-Semitic tweet about cleansing Israel of Zionists. He took offence to this and lost his temper. It was a single comment posted by him, preceded by many other comments posted by others.

With regard to the message posted on 24th July 2019 @ 23.52, he said he was in France (it was therefore 00.52 a.m. local time). He could not sleep and was tired. The message posted to which he was responding had referred to Auschwitz and Jeremy Hunt. He had asked the poster of the message 'When?' and to 'Prove it' and had then gone onto post the message referring to Jeremy Corbyn. It was an "off-the-cuff remark"; more designed to annoy than incite anything.

In respect of the content of Dr Ellin's complaint, Cllr Patterson denied he had written that Jeremy Corbyn should be hanged and he was definitely not advocating murder or violence against anyone. When asked if he could understand why the content of the messages could be construed as advocating violence he said he didn't know as he has seen other messages more explicitly inciting such behaviour. However, he then did appreciate that others could (and have) viewed his comments differently.

Cllr Patterson did not feel that his comments regarding Jeremy Corbyn's support for terrorists was libellous (as alleged by Mr Harris). Having served in the defence forces in Northern Ireland he stated that he had witnessed Mr Corbyn speak on a platform with IRA members and he believes that Jeremy Corbyn has also openly expressed support for HAMAS. Cllr Patterson believes he is not alone in forming this opinion.

He used his own mobile phone to post the messages and has not posted anything similar since July 2019. He is still using social media in a positive manner to promote community matters and the work of the Council. He said he is more aware now of what he comments on; although he still comes across vile content, but has chosen not to get involved. He believes that social media is a good thing when used appropriately.

When asked directly if he felt that he had breached the Members' Code of Conduct he agreed that he had, with regard to Principle 4 (Accountability) in particular. He stated that he is accountable for his actions at all times and as a Councillor, this must be the case. He re-iterated that he had made a mistake; had not meant to threaten or incite anyone, but takes responsibility and is accountable for his actions. He said he will learn from this and apologised unreservedly for any embarrassment or harm his actions may have caused

5. Summary

At the outset, my investigation was instigated to establish whether Cllr Patterson had breached the Council's Members' Code of Conduct by posting social media messages that were deemed by two members of the public as offensive and incitements to violence against Jeremy Corbyn.

The first matter to establish is whether at the time of issuing the messages (9th and 24th July 2019) Cllr Patterson was acting in his official capacity as a Councillor of WLDC. There is no dispute that this was the case, as the social media account he used was entitled @cllrpatterson. Principle 4 – Accountability is therefore triggered, as while acting in his official capacity, Cllr Patterson was accountable for his decisions to the public and was open to scrutiny.

Consideration has also been paid as to whether Cllr Patterson breached Principle 7 – Leadership. The Code states that:

“You must promote and support the above principles by leadership and example.”

WLDC's code also includes local provision relating to:

1. Respect, Bullying and Harassment
2. Confidential Information
3. Use of Resources

These principles articulate the fundamental values of public service that underpin the conduct of Members and are expected to be upheld by Members of the authority when they are acting in that capacity.

The Code covers respect, bullying and harassment within Part 2: General Principles; Section 3: General Obligations. Members are advised to be mindful that such behaviour (while emotive and subjective) can manifest itself in many guises, including through the use of electronic communications and social media.

The Code states that:

“Councillors at all times must show respect to each other, staff and members of the public and engage with them in an appropriate manner and one that underpins the mutual respect that is essential for local government. Councillors may not always agree with the political views of their member colleagues but they will respect the right for those views to be held.”

In determining whether Cllr Patterson breached Principle 7 – Leadership, and contravened the general obligations related to respect, bullying and harassment I have considered the language used in the relevant postings. I have determined that the language used by Cllr Patterson in both social media postings was not respectful; was inflammatory in nature and could be regarded as incitement to violence. Such language is not expected of someone holding a position of leadership.

From the extracts provided of the messages and the contextual information provided by Cllr Patterson during his interview, it is evident that differing political opinions and doctrines were being vehemently expressed. However, Cllr Patterson failed to respect the right for those views to be held and resorted to the type of language referred to above.

In summary, I therefore conclude that Principle 4 – Accountability and Principle 7 – Leadership, have been breached.

6. Recommendations

Having established that the Members’ Code of Conduct was engaged and that Cllr Patterson has breached it as a result of his social media postings, I recommend the following remedial actions:

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- That Cllr Patterson issues a formal public apology. This should take the form of a statement at the next meeting of Full Council that Cllr Patterson attends
- That Cllr Patterson undertakes Social Media Training within four months of the issue of the decision
- That Cllr Patterson stands down as a member of WLDC's Standards Sub-Committee for the remainder of his current term of office
- That the sanctions imposed are made publically available on the Council's website for a period of three months from the date of the issue of the decision