



Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for Rutland County Council, into allegations concerning Councillor Alderman, a Member of Rutland County Council.

22 March 2019

VOLUME 1 REPORT

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Volume 2

Appendix A Schedule of evidence taken into account and list of unused material

1. Executive Summary

- 1.1 Councillor Richard Alderman is a Member of Rutland County Council having been elected at a by-election held on 12 July 2018. Councillor Alderman signed a Declaration of Acceptance of Office on 13 July.
- 1.2 Prior to his election Councillor Alderman maintained a Facebook page. Between April and July 2018 a number of messages were posted on the Facebook page some of which were offensive.
- 1.3 After the election of Councillor Alderman the Council received a number of comments on the messaging site letusknow@Rutland.gov.uk. These questioned the suitability of Councillor Alderman as an elected representative in view of the inappropriate comments he had posted on Facebook.
- 1.4 The matter was referred to the Police and to the Council's Monitoring Officer.
- 1.5 Following a Police investigation Councillor Alderman pleaded guilty at Birmingham Magistrates Court on 26 September to charges under the Communications Act 2003. Councillor Alderman was sentenced on 4 October 2018 to a 6 Month Community Order and a 6 Month Curfew for making public posts which were menacing and grossly offensive.
- 1.6 On 1 November 2018 the Council's Conduct Committee considered a report from the Monitoring Officer regarding Councillor Alderman's conduct. The Committee determined there was sufficient evidence to warrant that the matter be investigated. The complaint was referred to us for investigation, the allegations were; Councillor Alderman had:-
 - (i) not treated others with respect;
 - (ii) caused the Council to breach its obligations under the Equality Act 2010; and
 - (iii) brought his office or the Council into disrepute.
- 1.7 We have concluded that Councillor Alderman was not acting in an official capacity when he posted comments on Facebook and when he was quoted in the Rutland and Stamford Mercury.
- 1.8 Our conclusion is that there has not been a breach of the code of conduct of the authority concerned by Councillor Alderman.

2. Councillor Alderman's official details

- 2.1 Councillor Alderman was elected to Rutland County Council (The Council) on 12 July 2018.
- 2.2 Councillor Alderman signed a declaration of acceptance of office on 13 July 2018.
- 2.3 We are not aware of Councillor Alderman having received training on the Councillors' Code of Conduct.

3. Relevant legislation and protocols

3.1 Section 27 of the Localism Act 2011 (the Act) provides that a relevant authority (of which the Council is one) must promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging this duty, the Authority must adopt a code dealing with the conduct that is expected of members when they are acting in that capacity.

3.2 Section 28 of the Act provides that the Authority must secure that its code of conduct is, when viewed as a whole, consistent with the following principles:-

- (a) Selflessness;
- (b) Integrity;
- (c) Objectivity;
- (d) Accountability;
- (e) Openness;
- (f) Honesty;
- (g) Leadership.

3.3 The Authority adopted a Code of Conduct (attached at WC 1) in March 2015 in which the following paragraphs are included:-

3.4 Paragraph 2.1 of the Code states:-

The Code applies whenever a person is acting in his or her capacity as a Member or co-opted member of a committee sub-committee or other body of the Council.

3.5 Paragraph 4.2 of the Code states:-

Members must treat others with respect.

3.6 Paragraph 4.3 of the Code states:-

Members must not:

- (a) *do anything which may cause the Council to breach any of its obligations under the Equality Act 2010.*

3.7 Paragraph 4.5 of the Code states:-

Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

4. Evidence and facts

Our appointment

- 4.1 The Council's Conduct Committee considered a report from the Monitoring Officer regarding complaints received about Councillor Alderman's conduct. The Conduct Committee identified potential breaches of the Code of Conduct and referred the complaint against Councillor Alderman to Wilkin Chapman LLP Solicitors for investigation on 19 November 2018.
- 4.2 Work in respect of this matter was undertaken by Jonathan Goolden, and Alan Tasker.
- 4.3 Mr Goolden is a solicitor and partner of Wilkin Chapman. Mr Tasker is a consultant (non solicitor) and was formerly a local authority Monitoring Officer. Both have significant experience of the investigation of local authority code of conduct cases.
- 4.4 We wish to record our thanks for the co-operation and courtesy shown to us by all those we had cause to contact during the investigation.

The complaint

- 4.5 Between 18 July and 10 October 2018 the Council received five complaints regarding the conduct of Councillor Alderman (attached at WC 2). These were reported to the Council's Conduct Committee by the Monitoring Officer. The Committee considered there was evidence of potential breaches of the Code of Conduct and referred the matter to us for investigation.
- 4.6 The complaints can be summarised as bringing the Council into disrepute by not treating others with respect in posts published on Councillor Alderman's Facebook account.
- 4.7 Copies of the complaint, together with other relevant documents are annexed to this report and listed in a schedule of evidence at Appendix A.

The Investigation

- 4.8 The Council provided us with copies of the Facebook posts (attached at WC 3). We contacted Councillor Alderman by letter on 13 December 2018 to arrange an interview with him to provide him with an opportunity to comment on and respond to the complaint made against him. This was followed up with a telephone call on 18 December. Councillor Alderman contacted us by telephone on 3 January 2019 requesting information on the complaint, the Council provided the details to him. We again contacted Councillor Alderman by letter on 22 January as he had requested that contact with him should only be by post. Councillor Alderman contacted us by telephone on 23 January and stated that the matter had been considered by the Court and that we had sufficient information to complete our investigation without further comment from him.

Background

- 4.9 The Facebook posts provided to us indicate that Councillor Alderman (prior to his election as a Councillor) had a Facebook account as “Richard Alderman”.
- 4.10 Between April and July 2018 a number of messages were posted on the Richard Alderman Facebook page. These were shared posts originally posted on Facebook by other Facebook users. Most of the shared posts had a comment which had been added when they were shared on the Richard Alderman account.
- 4.11 The posts on the Facebook account were primarily rude, derogatory and threatening comments about various individuals.

The complaint

- 4.12 The Council received a number of complaints about Councillor Alderman, these were submitted to the Council through a Council website “letusknow@Rutland.gov.uk”. The Monitoring Officer reported these to the Council’s Complaints Committee (report enclosed at WC 4).
- 4.13 The Committee agreed that the complaint should be referred for investigation.

Facebook posts

- 4.14 From 17 April to 15 July 2018 Councillor Alderman posted a number of messages on Facebook which contained rude, derogatory and threatening comments about national politicians of both major political parties. Some were comments about a civil servant and members of the Royal Family.
- 4.15 By the time we commenced our investigation the posts were no longer available on Facebook. Copies of screenshots of the posts were provided to us by the Council.
- 4.16 Councillor Alderman pleaded guilty at the Magistrates Court to the charges under the Communications Act 2003. We therefore consider this sufficient evidence to conclude that the Richard Alderman Facebook account was Councillor Alderman’s. It therefore follows that we have concluded that the posts were made by Councillor Alderman, albeit with one exception, before he became a Councillor.
- 4.17 The one message posted after Councillor Alderman became a Councillor, following him signing a Declaration of Acceptance of Office on 13 July 2018, appears to have been posted on 15 July 2018. The copy provided to us is very blurred and was screenshot the day after the post was published therefore it is recorded as being posted ‘yesterday’. However, the Case Summary from the Court Hearing makes specific reference to the post and dates it as being 15 July 2018.
- 4.18 The 15 July post is a shared post from what appears to be Brexit News. The original post is a picture of Theresa May MP PM with a comment that is illegible on the copy provided to us. Councillor Alderman has added a comment in block capitals which is legible. This states “HANG THE BITCH FOR TREASON”.

- 4.19 Following his election and the complaints about his comments being made the Rutland and Stamford Mercury published an article on 17 July 2018 about Councillor Alderman (copy attached at WC 5). It is evident Councillor Alderman was contacted by the reporter as he is quoted in the article. The relevant section of the article states:-

“Coun Alderman (Independent) had earlier on Tuesday defended the post made on June 16.

He accused both the current Conservative-led government and previous Labour governments of “giving the country away”.

“I feel that the way she (Diane Abbott) reacts, she is very, very racist” said Coun Alderman when asked about the post.

He declined to comment on the matter further.”

5. Summary of the material facts

- 5.1 Councillor Richard Alderman is a member of Rutland County Council having been elected on 12 July 2018.
- 5.2 Prior to his election to the Council, Councillor Alderman had a Facebook account in the name of Richard Alderman. Some of the posts published on the Facebook account were shared posts originating from various sources including 'Brexit News', 'Leave EU' and other individuals. The posts were usually accompanied by a comment from Richard Alderman. Most of this activity was prior to Councillor Alderman's election to the Council.
- 5.3 On 15 July 2018 Councillor Alderman shared a post which was a photograph of Theresa May MP, PM with a comment on the original post. Councillor Alderman added his own comment in block capitals which said "HANG THE BITCH FOR TREASON".
- 5.4 Following complaints received by the Council the matter was referred to the Police. This resulted in Councillor Alderman being charged with offences under the Communications Act 2003. On 26 September 2018 he pleaded guilty at Birmingham Magistrates Court the finding being:-

"The Defendant has made public posts which are menacing and grossly offensive. Repetition of postings give rise to an inference of intent. Even without specific intent to cause gross offence or be menacing, the content of the messages are such to show he must have been aware the messages were so."

Councillor Alderman was sentenced on 4 October 2018. The sentence was a 6 month community order and 6 month curfew.

- 5.5 The Case Summary identifies the post of 15 July regarding Theresa May MP, PM as being menacing. Reference is also made to two earlier post which identified Theresa May and made menacing comments about assassination and picturing her with a noose.
- 5.6 An article in the Rutland and Stamford Mercury on 17 July 2018 quotes Councillor Alderman defending a post made on 16 June 2018. He is quoted as saying Diane Abbott is very, very racist.

6. Councillor Alderman's additional submissions

- 6.1 No comments were received from Councillor Alderman on the draft version of this report.

7. Reasoning as to whether there have been failures

- 7.1 The allegations referred for investigation relate to the conduct of Councillor Alderman by sending public electronic communication that is inappropriate for an elected councillor.

Capacity

- 7.2 Section 27(2) of the Localism Act 2011 requires the Authority to adopt a code of conduct "dealing with the conduct that is expected of members ... when they are acting in that capacity". The Authority's code is expressed to apply whenever a member is acting in their capacity as a member of the Council. We therefore first have to consider whether Councillor Alderman was acting in an official capacity at the time of the alleged incidents.

- 7.3 Though relating to the former 2007 model code of conduct, the Upper Tribunal decision in *MC v Standards Committee of the London Borough of Richmond* [2011] UKUT 232 (AAC) is a helpful distillation of the previous High Court cases on capacity – *Livingstone v Adjudication Panel for England* [2006] EWHC 2533 and *R(Mullaney) v Adjudication Panel for England* [2009] EWHC 72. The principles stated in *MC* are:-

- (a) was the councillor, as a matter of ordinary English, actually conducting the business of their authority, including the business of the office of councillor?
- (b) a fact sensitive approach is required to the above;
- (c) the question is one for the tribunal to determine, not a reasonable observer.

- 7.4 In *McTigue v Middlesbrough Council* (2009) APE 421 (a decision of the former Adjudication Panel for England), Councillor McTigue made a series of postings on the forum of the Middlesbrough Evening Gazette using the pseudonym "Indie" which related to wheellie bin collections and were alleged to be insulting of a local resident. Councillor McTigue argued that she was not acting in her official capacity as all her comments on the forum were made in her private time and all using the pseudonym "Indie". The tribunal:-

"...accepted that even if it became clear from the forum that an individual who was posting on the forum was a councillor, the Code of Conduct would not automatically be engaged. The question was whether in the postings on the forum the councillor was deemed to be, or gave the impression that he or she was, "acting in the role of councillor". This was fact-sensitive and would very much depend on the content of the postings."

- 7.5 The tribunal concluded that Councillor McTigue had given the impression that she was acting as a councillor, giving examples of a number of posts where she had referred to her work as a ward member.

- 7.6 Care must be taken in applying a tribunal case from a period when the relevant code of conduct (that set out in a national model) was expressed to apply not only when a member was carrying out their role as such but also when they gave that impression. However, *McTigue* is helpful in providing an

example of how the principles of *MC* can be applied. When Councillor McTigue posted on the forum as “Indie” she was not acting as a Councillor when commenting about matters in general. Despite the lack of identification as a Councillor in her user name, she was acting as a Councillor when the content of her posts concerned ward matters.

- 7.7 As *MC* states, the question is whether as a matter of ordinary English was the Councillor actually conducting the business of their authority, including the business of the office of councillor? The substance of an interaction, rather than outward appearance is decisive.
- 7.8 In this case the allegations relate to Councillor Alderman’s alleged conduct when sending public electronic communication by posting messages on his Facebook account.
- 7.9 There is no doubt that none of the posts and in particular the one post published after Councillor Alderman’s election had any reference or relevance to his position as a Councillor.
- 7.10 It is evident that when the article was published in the Rutland and Stamford Mercury Councillor Alderman was contacted in his position as a Councillor and was quoted in the article as “Coun Alderman”. However, we must consider whether as a matter of ordinary English was Councillor Alderman actually conducting the business of the authority, including the business of the office of councillor? Having previously concluded that the posts did not relate to the business of the Council we have to consider whether that the article in the newspaper had any connection with the Council’s business.
- 7.11 It could be argued that part of a Councillor’s role is to discuss issues relating to their position with others including the media. However, having carefully considered the content and context of the article in the Rutland and Stamford chronical we are mindful that as a matter of ordinary English it is difficult to conclude that Councillor Alderman was conducting the business of councillor or the Council.
- 7.12 In reaching our conclusion we have considered the recently published report from the Committee on Standards on Public Life, in particular its recommendation that Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Had this recommendation been implemented at the time of Councillor Alderman’s post of 15 July 2018 there is no doubt it would have been subject to the Code of Conduct.
- 7.13 We have therefore concluded, on balance, that Councillor Alderman was not acting in an official capacity as a member of the Council.
- 7.14 Notwithstanding that conclusion we have considered whether there would have been a breach of the Code had Councillor Alderman been acting in an official capacity when publishing the post on 15 July 2018 and when quoted in the newspaper on 17 July 2018.

Respect

7.15 The Authority's Code states:-

"Members must treat others with respect."

7.16 The term "respect" is not defined in the Code, however the requirement to treat others with respect must be viewed objectively. Account should be taken of the member's intent and how their behaviour would reasonably be perceived.

7.17 The Standards Board for England Case Review 2010 provides guidance by indicating a 'rule of thumb' comparison. Q15 on page 25 of the Case Review 2010 advises that:-

"A very clear line has to be drawn between the Code of Conduct's requirement of respect for others, including members of the authority with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other."

7.18 A rule of thumb is expressed in this comparison:

"You're talking drivell" is likely to be an acceptable expression of disagreement.

Calling someone an "incompetent moron", on the other hand, is more likely to be a failure to comply with paragraph 3(1).

We can see that the first comment is aimed at the expression of an idea or argument. The second is aimed at the person and their personal characteristics".

7.19 Whilst some care must be taken in adopting wholesale a test applicable to a provision of the former national model code, it is the personalisation of comments that cause the user to breach the Code. The conduct must be unreasonable, unwarranted and personalised. In considering whether comments are disrespectful, regard must be had to the right to free speech in article 10 of the European Convention on Human Rights.

7.20 We note the approach taken by the former Adjudication Panel in *Capon v Shepway District Council* [2008] APE 0399, conveniently summarised by the Standards Board's Case Review 2010 (2011 edition) at page 32 as:-

"A tribunal considered the threshold for a failure to treat others with respect. The councillor made comments about the town clerk at a parish meeting saying that an officer found her "difficult to get on with". The councillor added that "this is also the view of many towns' people who say that when they try to contact the town clerk, she is downright rude to them".

7.21 The Tribunal considered that the threshold for a failure to treat another with respect has to be set at a level that allows for the passion and frustration that often accompanies political debate and the discussion of the efficient running

of a council. It should also be set within the context of who was involved in the exchange.

7.22 In that case, the comments were opinions of other individuals which the member honestly believed to be true. The member's conduct was not unfair, unreasonable or demeaning to the town clerk and not made in a malicious or bullying manner. The town clerk was very experienced in her dealings with councillors and given her seniority was entirely able to defend her position. Therefore, the tribunal decided that the threshold was not reached.

7.23 We have also had regard to the right to freedom of speech on political matters set out in Article 10 of the European Convention on Human Rights (ECHR) as considered in *Heesom v Public Services Ombudsman for Wales* [2014] EWHC 1504, where it was held:-

- Article 10 of ECHR protects not only the substance of political comment but the form in which it is conveyed;
- a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, non rational and aggressive is to be tolerated;
- political comment includes comment on public administration and the adequacy of the performance of public duties by others, but not gratuitous personal comments;
- whilst civil servants are open to criticism, there is a public interest that they are not subject to unwarranted comments that disenable them from performing public duties and undermines public confidence;
- there is a need to weigh up the public interest in protecting civil servants against enhanced protection for political comment.

7.24 The above guidance and cases are set out to provide an overview of how treating others with respect have been considered. Whilst these cases may not be directly relevant in this instance they do provide some advice on the type of comments that may and may not be appropriate.

7.25 The key elements of finding a failure to treat others with respect are that the conduct is personalised, unreasonable and unwarranted.

7.26 The enhanced protection given to political comments under Art.10 of the ECHR, which can include scrutinising the performance of public duties by others, must be considered against the need to protect civil servants from gratuitous personal comments which may disenable them from performing their public duties.

7.27 It is therefore the personalisation of comments that cause the user to breach the Code. The conduct must be unreasonable, unwarranted and personalised. In considering whether the comment is disrespectful, regard must be had to the right to free speech in article 10 of the European Convention on Human Rights.

- 7.28 The considerations when looking at Councillor Alderman's conduct are that he was sharing a post which was clearly the view and/or opinion of others. However, Councillor Alderman added his own comment which appears to be significantly more inappropriate than the original post.
- 7.29 The comment 'Hang the bitch for treason' is without doubt personalised, unreasonable and unwarranted a conclusion borne out by the Court in finding that the comment was 'grossly offensive'.
- 7.30 We have also considered the defence made by Councillor Alderman to the newspaper when he states that Diane Abbott is very, very racist. This is defending a comment he added to a shared post from Brexit News on 16 June 2018. His comment was 'The monkey is out of her tree again send it to the animal labs'.
- 7.31 The comment that Diane Abbott is very, very racist is not in itself disrespectful and having regard to the right to free speech in Article 10 of the Human Rights Act we do not consider this to be a breach of the code. However the comment Councillor Alderman was defending was extremely inappropriate being personalised, unreasonable and unwarranted. We also consider it to be racist which is considered in the following paragraphs.
- 7.32 We therefore conclude that, had Councillor Alderman been acting in an official capacity on 15 and 17 July 2018 when publishing the post about Theresa May MP PM and making the comment about Diane Abbott, such conduct would have been a serious breach of the Code of Conduct.

Equalities Act

- 7.33 Paragraph 4.3(a) of the Code of Conduct states:-
- "Members must not...do anything which may cause the Council to breach any of its obligations under the Equality Act 2010"*
- 7.34 The Equality Act 2010 covers nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 7.35 The relevant provisions of the Equality Act 2010 include:-
- (a) under section 149(1)(a), the Council must in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) under section 149(5), the Council must have due regard to the need to foster good relations between persons who share a relevant protected characteristics and persons who do not, including having due regard to the need to tackle and promote understanding;
- 7.36 The Council can be vicariously liable for the acts of a councillor – see *Moore v Bude Stratton Town Council* [2000] IRLR 676, Employment Appeal Tribunal.
- 7.37 At Q19 on page 35 of the Case Review 2010, the SfE advises:-

“The Code of Conduct is not intended to stifle democratic debate. Members should always remember that Article 10 of the Human Rights Act 1998 gives a high level of protection to comments that are genuinely made in the course of political debate, even if most people would find them offensive.

A member must be careful not to conduct themselves in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders their authority’s fulfilment of its positive duties under the equality legislation. Such conduct may cause their authority to breach an equality enactment and lead to a complaint that they have breached this paragraph of the Code...”

- 7.38 In *Pinfold, London Borough of Sutton* (2007) APE 378 the councillor made a complaint about planning enforcement stating that those wishing to buck the system were usually of ethnic origin. The tribunal concluded that a high level of protection must be given to political expression but it was necessary to determine whether the words used were political expression or more personal anger and abuse.
- 7.39 In this case it is without doubt that Councillor Alderman’s initial remark made in his post on 16 June 2018 was gratuitously racist. When provided with an opportunity to retract or apologise for his racist comment Councillor Alderman chose to seek justification by stating that Diane Abbott was racist.
- 7.40 Therefore we have conclude that had Councillor Alderman been acting in an official capacity there would have been a breach of Paragraph 4.3(a) of the Code of Conduct by making an inappropriate comment which may cause the Council to breach its obligations under the Equality Act 2010.

Disrepute

- 7.41 Paragraph 4.5) of the Code of Conduct states:-

“Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.”

- 7.42 Q43 on page 68 of the Case Review 2010 (2011 Edition) published by SfE advises that disrepute is:-

“...a lack of good reputation or respectability.

In the context of the Code of Conduct, a member’s behaviour in office will bring that member’s office into disrepute if the conduct could reasonably be regarded as either:

- 1) *Reducing the public’s confidence in that member being able to fulfill their role; or*
- 2) *Adversely affecting the reputation of members generally, being able to fulfill their role.”*

7.43 Q44 on the next page of the Case Review 2010 advises that:-

“An officer carrying out an investigation...does not need to prove that a member’s actions have actually diminished public confidence, or harmed the reputation of the authority...the test is whether or not a members’ conduct “could reasonably be regarded” as having these effects.

The test is objective and does not rely on any one individual’s perception. There will be a range of opinions that a reasonable person could have towards the conduct in question.”

7.44 Q42 on page 68 of the Case Review 2010 indicates that:-

“A case tribunal or standards committee will need to be persuaded that the misconduct is sufficient to damage the reputation of the member’s office or Authority, as opposed simply to damaging the reputation of the individual concerned.”

7.45 In applying the Code to the circumstances of an alleged breach of the Code it is established that it is not necessary for the member’s actions to have actually diminished public confidence, or harmed the reputation of the authority. The test is whether or not the conduct could ‘reasonably be regarded’ as having these effects. However, the conduct must be sufficient to damage the reputation of the member’s office or the Authority, not just the reputation of Councillor Alderman as an individual.

7.46 What must be considered here is to gauge an objective view. That is, whether the actions of Councillor Alderman were such that a member of the public, knowing all the relevant facts, would reasonably think that his actions were so significant that it would impact on the Council’s ability to properly carry out its functions.

7.47 It is evident from the complaints received by the Council that Councillor Alderman’s comments caused concern to a number of people. This does not necessarily mean it has brought the office of Councillor or the Council into disrepute. We are mindful that Councillor Alderman’s conduct may have affected his reputation and brought him into disrepute as an individual.

7.48 On balance we do not consider that this has been so significant that it is likely to affect the reputation of the Council or diminish the public’s confidence in the ability of the Council to carry out its functions. We consider that a reasonable person would realise that Councillor Alderman’s comments were his individual opinions and did not represent the views of the Council.

7.49 We therefore conclude that Councillor Alderman has not brought the office of Councillor or the Council into disrepute and has not breached that part of the Code of Conduct.

Other matters considered

7.50 We set out in the report the fact that all of the Facebook posts, with the exception of the 15 July post, were published prior to Councillor Alderman’s

election. Therefore we have not considered the content of those posts in any detail in this report as he was not subject to the Code of Conduct at that time.

7.51 Nevertheless we consider it appropriate to comment on the general tone of those posts which the Court found to be criminal acts. As pointed out in the resolution of the Conduct Committee the tests applied to criminal proceedings are wholly different to those applied to the standards process.

7.52 We consider that many of the comments attached by Councillor Alderman to the posts he shared on his Facebook account would have been considered serious breaches of the Code of Conduct. For example:-

- 17 April- referring to a civil servant “Like to put the bastard 6 feet under”
- 22 April- referring to the Prime Minister “Maybe we should push for her long overdue assassination”
- 3 May- referring to Diane Abbott “the bobojan out of her tree again throe her a banana”
- 16 June- referring to Anna Soubry “Hang, shoot, and drown this witch to make sure its dead”

7.53 These are some examples of Councillor Alderman’s comments which would be considered inappropriate if made whilst he was subject to the Council’s Code of Conduct.

7.54 In reaching our conclusions we have also given considerable thought to the effect of Councillor Alderman’s conviction for what was judged to be criminal acts. We are mindful of the fact that the prosecution was brought after Councillor Alderman’s election and that the case was likely to diminish the public’s confidence in the Council and/or the ability of Councillor Alderman to carry out the role of Councillor.

7.55 After careful consideration we have concluded that this would not have any impact on our conclusions as the issues before the Court related to conduct carried out by Councillor Alderman in a private capacity. This is considered in detail in the section above on capacity.

8. Conclusion

- 8.1 Our conclusion is that there has not been a failure to comply with the code of conduct of the authority concerned.

Wilkin Chapman LLP Solicitors

22 March 2019