



**St. Helens Council**

TO: Standards

**Democratic Services**

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Merseyside  
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Our Ref: JG/  
Your Ref:

11 December 2017

Dear Sir/Madam,

**STANDARDS Committee – 12 December 2017**

Please find attached Addendum 2 to the report.

Yours faithfully,

**Joanne L Griffiths**

Joanne Griffiths  
Democratic Services Manager

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**Addendum Number 2 to Report on the Investigation into Complaints  
Alleging Breaches of the Council's Code of Conduct  
made against Councillor Gomez-Aspron**

**Submission by Councillor Gomez-Aspron**

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Comments on DMO report.

After speaking to my legal representative, I would like the following document to be circulated to the committee and the Independent Person as soon as possible. I would like to put on record that I tried to raise the following issues before the Report was published but was refused the opportunity by the DMO who said that any comments could be raised in the committee hearing. I find this approach woeful as it has led to the report being published and quoted with a number of factual inaccuracies which have now been quoted in the press. This is reckless and irresponsible and removed my right to reply. I will be submitting a formal complaint about how some aspects of the process have been handled. More frustratingly, this is exactly how they have been handled in 2015 and 2016. This should also be published with the other documentation online.

**Page 2**

3.2, 3.3,3.4: Not sure why a complaint made and then dropped is relevant. This has absolutely no link or relevance to the complaints being considered.

3.4: The DMO constantly refers to my twitter page as “his Council Twitter”, but doesn’t do the same for Facebook. Surely that context is for the committee to decide. They clearly make the distinction between a personal Twitter account and a Council Twitter account throughout the report.

**Page 3**

3.6: The complainant complained to Merseyside Police in around February. It was the same time as I complained about her to the Police. The Police didn’t deal with her complaint due to a stabbing and resources being diverted (that’s how they explained it to me). They then gave me a PIN at the start of May.

**Page 4**

4.2: Paragraph 1.3: I am unsure to what they are trying to say I have disclosed. This part seems to have just appeared in the DMO report and isn’t featured in the breaches alleged in the conclusion.

**Page 6**

8.2: The MO didn’t tell me to remove it. He said it would solve the issue if the picture was removed or redacted in a conversation at the Town Hall so I redacted the personal info from the picture. That was based on his advice.

**Page 13**

“...On page 172, his relative”: Every single member of the public is anonymised. The fact that someone might be related to me isn’t a reason to identify them in the report. I have concerns about this as in the January 2015 Standards Committee, the DMO went through the Facebook post and read out the names of any of my relatives who had commented, leaving everyone else and even the complainant with anonymity. For example, relatives of the complainants aren’t disclosed or commented on.

**Page 16**

Top paragraph: I didn’t tag anyone in a tweet, which makes it sound like I was being provocative. I replied to a tweet in which they’d been tagged along with me. That isn’t the same.

**Page 17**

Begins to refer to my twitter account as my personal one, clearly establishing a difference between Council and Personal accounts.

#### Page 20

20.2: He didn't share the details of all of the complaints and obviously not the ones that hadn't been made yet. It was more of an informal chat and he stated quite clearly that none had been passed to investigation at that stage. Also, the redacted copies sent to me ended up not being the full set and I had to request the missing documents following meeting the DMO.

#### Page 23

21.1: My reference to complaining on behalf of someone else was in relation to the Facebook posts in the complaint (the second part of the complaint). I was quite aware that she was in the car with her mother once the DMO had explained this.

#### Page 24

21.3: The word "alleged" is often used to describe facts such as the Police attending my house once I had called them. Alleged implies no proof. This is an incorrect use of the term "alleged" to try and undermine my points made. The same inference isn't made about comments made by the complainants, which are just taken as fact. Despite part of one of the complaints being showed to be untrue and various other parts unsubstantiated.

**I've skipped a few pages out here as it just gets repetitive from the points made later in the report.**

#### Page 31

33.3: I signed to accept the new ICT Protocol on the 22 August 2017. It was adopted at Council on 12 July 2017. (I hadn't been in the town hall or been asked to sign it between those dates)

#### Page 33

34.1: Again, refers to my twitter account as my council account and refers to complaints 3,4,5,9 and 12. I wouldn't disagree that it probably did appear to be a council account. But I cover that in the start of my written submission. **By default, it implies that all other complaints are about personal accounts and so not acting in my capacity as a Councillor.**

#### Page 34

34.5: States that I accused all 5 of the listed complainants having received Police warnings on page 682. That isn't true. I said "almost all of them" and had incorrectly assumed the identity of one of the complainants. At no point did I say "all 5". This later goes on to imply I lied. Again, mentioned in 34.8. 34.9 again implies I lied by misrepresenting what I directly said.

34.9: Last paragraph. The Police did inform me however that they had visited and warned complainant 7 and asked her to remove further abusive post from her Facebook page. This is totally omitted from the report. It also does not include any of the action taken by the local Neighbourhood Police Team at Earlestown Police Station at numerous points to warn people of their behaviour. Again, this is featured nowhere in the report.

#### Page 35

34.10: After I called the Police, who attended my house to listen to the recording of the entire incident, the Officer then went to the complainant's house and later returned to me to say he have given them a warning about their behaviour. It says "no formal action was taken against either party." That's because I told the officer I was content with a warning. No formal action was taken against me because they'd made ridiculous allegations with no proof! The same way that the same allegations were made against Councillor Bell.

34.13: That explanation implies that me being a Councillor was a factor in me receiving a PIN. The "on going course of action" was explained by the Police to be comments on one thread in reply. Rather than 3 separate incidents. I was never supplied with any material to illustrate an "ongoing course of action" any further than the thread in which I retaliated.

34.15: Again, implies I lied and haven't given an accurate description. My description is entirely accurate, but doesn't include the bit where I asked for an update following a request by the member of the public who made the initial complaint and who wanted an update. This point implies that I tried to hide it.

34.17: I have never stated there was formal enforcement action. I was only aware of the investigation.

#### **Page 37**

35.5: The code of conduct applies when acting as a Councillor. It doesn't apply when you aren't.

#### **Page 38**

35.8: It states that I allege that 10 of the complaints have used fake profiles. I didn't. I said that they had used fake/alternative profiles (including that of third parties) to gain copies of the material. I know this because some of the individuals have been blocked by me on social media for their behaviour in the past over a number of years. Again, this isn't an allegation. It is a simple statement of fact.

35.10: Again, states I accused all 5 of having Police Intervention. I didn't. See the point above

35.11: Suggests I am deflecting attention from myself. I would describe it as giving a full account of what happened and why. I am criticised elsewhere for not being able to give a full account due to the time elapsed between the complaint made and me being made aware. Yet when I give a full account, the DMO implies that I am "deflecting attention".

35.13: Complainants seem to complain that they know I've said it's a personal account. They even provide advice on how people can script a complaint to get the council to consider it anyway.

#### **Page 40**

35.14: That is untrue to state that I did not show any empathy. The DMO asked when we met if I would be willing to apologise to the complainant about the quote on Granada Reports. I said yes if offence was cause as my post intended to show that I was confused by the meaning. That isn't referenced at all. In fact, this point totally contradicts it.

35.15: The photographs explicitly show unsafe and bad parking! Ironically, the car of the complainant hadn't yet parked up. It talks about my profession relating to photos in a public place. The school isn't even pictured in the photo. They are residential streets. I didn't agree to remove them, I agreed to redact them on the advice of the MO. Then, when they complained again, I removed them. That is what the MO told me to do. The MO confirmed at the time in the email

included in the report that he was content that there were no safeguarding issues with the photos despite the complainant's allegation. I already knew that when I took the photo.

35.16: The individual's names are the ones consistently attacking me personally on social media. That is simply a fact. If they don't want to be named, then the solution is quite easy. Again, this is a statement of fact.

35.17: Why has these even been included in the report? If allegations are made with absolutely no evidence, then they shouldn't be investigated. This is a waste of time and public money.

#### Page 41

35.19: The complainant has not included the increasingly abusive tone of their posts by removing them from those submitted. My comment was the swiftest way to shut down the conversation.

**35.20: The DMO specifically mentions the Surface Pro Tablet to imply I was using Council equipment.** I wasn't. I was using my own iPhone which behaves exactly in the way I described. I was never asked what phone etc I was using at the time. This pseudo-science implies I was using Council equipment.

It suggests that I knew the tweet was inappropriate. Which is irrelevant in that the different word changed the meaning to something I didn't want to say and so I removed it. You can't edit tweets. So, you either keep them or delete them. It doesn't suggest anything more than that: It was something I didn't want to say and so it was removed. Once the moment had gone, there was no point in reposting it.

The DMO says that the word doggers doesn't make it any more or less offensive. I disagree when the complaint is about the degradation of women. Doggers isn't gender specific. It may be equally offensive to some people, but that isn't the complaint.

She refers to me using the word "sex". By sex, I meant "gender". Specifically, in response to the complainant referencing women. Of course, I know that dogging entails sex. I wasn't trying to shirk that.

I don't dispute that it was a clumsy joke at my expense. But the complaint relates entirely to the context.

35.21: The DMO asked me if I would be willing to apologise. Either way, it was a direct quote from the article featured on regional television to hundreds of thousands of people. Anyone is entitled to comment on material in the public domain.

35.22: The DMO asked me why I alleged that the screen shot was from the husband of another complainant. I explained that she had left the profile picture on and so I recognised his face. I'm not sure why that hasn't been included.

I only reference the "fraudulent claim" because the DMO raised it with me. I was aware of the incident and the outcome, but not about who was actually involved. The DMO gave me that information and then seems to question why I raised it. This is used to imply that I know the complainant. This is untrue and only happened because the DMO linked the two together when I met her. I had no idea that the people in the photo showed to me by the DMO was the same family that tried to make a fraudulent claim at Newton Town Show in 2014 until the DMO told me when we met.

The DMO discredits my screen shot because it says “just now”. That’s because it was taken at the time I posted it in the past. It is almost impossible to trawl back and find the post (if it still exists) with the correct date. I was lucky enough to find a screenshot from the time it was posted. I’m sure that if I had not found the screenshot, she would’ve criticised me for not having it. This implication that I was lying has now been wider reported in the press.

“On the balance of probabilities” is used to quantify her unsubstantiated conclusion.

35.23: They aren’t allegations. I provided reams of screenshots to the DMO included in the appendices.

35.25: My tweet wasn’t to a member of the RVFFD group. It was to a fake profile set up called @sevpennywise who was using a photo of my face superimposed on a clown to post abusive tweets. Urbandictionary is an editable website to say whatever you like. It is hardly scientific.

It goes on to say that fake profiles are entitled to the same rights as a member of the public. Is that really true? It is again an example of the opinion of the DMO rather than a fact.

The rest of the complaint can’t even be substantiated. Yet the DMO then doesn’t question the integrity of the complainant, like she does with me throughout the report! Based on the fact that Cllr De’Asha has entirely undermined the complainant, the inference that the complainant therefore lied has been totally omitted.

35.26: Parkside Action Group would not complain about the tweet. I know the two chairmen well enough to have banter with them. I stated this when I met the DMO.

35.28: I referred to them as dickheads on a personal profile. The planning aspect states I said “it’s coming up”. I meant at planning. Not that it was a done deal. You get 140 letters on twitter to make a point. Almost anything you put could be ambiguous. Especially when select tweets are taken out of context.

Complaint 13: The posts posted by the complainant are intentionally untrue and misleading. That is the definition of a lie. It is quite clear cut.

Finally, the further inclusion of other comments on social media to imply that I am not taking the process seriously is ludicrous. I am entitled to my opinion of the process, whether it has been conducted well or badly in my opinion as is any member of the public when their local authority decides to spend time and resources to investigate ridiculous and unsubstantiated complaints.

I can’t and won’t repent for things I haven’t done. The inclusion of the allegation that someone’s house had been egged is crazy. The same way that in 2016, the DMO included the unsubstantiated complaint from Complainant 13 that I had called his house to threaten him. Again, with absolutely no supporting evidence. These parts of the process, which have now been cherry picked by the press to be presented as truth deserve to be treated with the contempt they deserve due to poor handling by the Council.

The entire report is presented as “The facts as established by the Council.” In reality, it is often no more than the unsubstantiated opinion of the DMO. This will form part of my formal complaint in relation to the whole process.

