Complaint

I wish to formally complain about the conduct of Cllr Ross MacKinnon.

In the Newbury Weekly News of the 16 March 2023, it emerged that Cllr MacKinnon had made the following statements in a WhatsApp platform group chat in reference to me:

"I see we are choosing violence today. Love to see it"

He also referred to me, as a "*poisonous little toad*".

Such was the tone of the exchange that others joined in, speculating that they themselves need to be "more violent". Cllr MacKinnon's wife, Amanda MacKinnon, then added "We don't all choose violence here but if you ever need back up we've got a few characters ready to do … my husband for one."

The NWN report received widespread attention and universal condemnation of the language used

Cllr MacKinnon issued an apology to me on January 13, following offensive comments he about me on social media, after a complaint about his behaviour was partially upheld. To endure further abuse less than 3 months later from Cllr MacKinnon clearly indicates a deliberate and sustained pattern of behaviour and the ineffectiveness of previous sanctions.

This complaint is because I strongly believe Councillor MacKinnon has breached the Social Media Protocol for Councillors, The Councillors Code of Conduct and the Nolan Principles and through the subsequent media attention he has brought the council in to disrepute.

The Constitution

Appendix K Social Media Protocol for Councillors

For the avoidance of doubt, I am operating on the basis that Whatsapp is widely considered social media given its obvious characteristics (indeed multiple sources are available online that confirm this), and therefore comes under the provisions of the definition in Appendix K of the Council's Constitution, Social Media Protocol for Councillors, updated January 2018. Whatsapp is clearly a social media platform with networking and community-building capabilities, allowing you to customise and identify yourself to others and participate in discussion. As such, it again falls within the realms of "social media" which by the council's own admission has a broad meaning in Appendix K:

> "It is difficult to give definitive advice on the application of the Code of Conduct to social media use and there is developing case law in this area. However, if you use a social media platform where you identify yourself or can otherwise be identified as a Councillor, either in your profile or otherwise, there is a strong likelihood that you will be regarded as acting in your Capacity as a Councillor."

Clearly, Cllr Mackinnon's comments meet the provisions of this protocol. He is obviously identifiable as a councillor, participating in a group of councillors and candidates, and moreover is a portfolio

holder. His comments were not made under anonymity. Indeed, his identity was clear enough for the police to contact a number of councillors following concern from members of the group.

It is unclear at this time whether Cllr MacKinnon was using his council-issued equipment to participate in the conversation; if this could be established definitively, I suggest it puts an even more serious complexion on the issue. However, even if this is not the case, the matter is still extremely serious and has caused a great deal of upset.

Appendix H – Councillor Code of Conduct

> 4.1 a) – councillors must treat councillors… with courtesy and respect
>
> 4.2 a) – councillors must not engage in bullying or intimidating behaviour or behaviour which could be regarded as bullying or intimidation
>
> 4.2 f) – councillors must conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

I would be fascinated to learn how Councillor Mackinnon's behaviour could possibly have escaped the scope of these provisions. He has clearly treated me with an absence of respect on more than one occasion, he has engaged in behaviour which can clearly be regarded as bullying or intimidation (see below), and the subsequent release of this material to the public has clearly brought the council, and his office, into disrepute

Definitions (Appendix 2)

(My emphasis)

> 'Bullying or intimidating behaviour' means offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. (Such behaviour can have a damaging effect on a victim's confidence, capability and health. Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, **in the company of their colleagues,** through the press or in blogs, [but within the scope of the Code of Conduct]. **It may happen once or be part of a pattern of behaviour,** although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a councillor will be found guilty of bullying when both parties have contributed to a breakdown in relations.)"

This clearly meets the definition laid down by the council of bullying or intimidating behaviour.

It appears that I am seen by Councillor MacKinnon as a legitimate target for what appears to be an ongoing campaign of harassment. It is disappointing that members of this group of Conservative councillors and candidates were prepared to join in with this abuse.

The Nolan Principles

Again, emphasis mine. I believe these are the principles which have been failed by Cllr Mackinnon's behaviour.

- **Honesty and Integrity**

  Councillors should not place themselves in situations where their honesty and integrity may be questioned, **should not behave improperly**, and should **on all occasions** avoid the appearance of such behaviour.

- **Respect for others**

  Councillors should promote equality by not discriminating against **any person**, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability.

- **Leadership**

  Councillors should promote and support these principles **by leadership, and by example**, and **should act in a way that secures or preserves public confidence**.

Further Points

Councillor MacKinnon is a senior, serving Conservative member of the executive. He is of a high profile having presented the council budget less than a month before, and holding live chats with members of the public as part of the consultation effort. He was in a group speaking with other councillors BUT ALSO inexperienced individuals who aspire to join the party's ranks as councillors. The published screenshots show no leadership and show no respect for me. The screenshots paint a vivid picture of an environment in which new candidates are introduced to behaviour by Cllr MacKinnon that directly encourages disrespect and violent rhetoric as part of the culture of the group. The Nolan Principles clearly state that councillors should not behave improperly and ON ALL OCCASIONS avoid the appearance of such behaviour.

It has been alleged that this is just "humour"

I find this astonishing, and am absolutely unable to see the joke. I am not alone.

Two serving MPs have been murdered in the course of their duties. The atmosphere in the country is already febrile and divided. That anyone would "joke" about "choosing violence" is deeply concerning and reprehensible.

In addition, I understand there has been a suggestion by the Conservative groups that this is either political "dirty tricks" by opposition parties. I reject that entirely as the messages are from a Conservative group and published by an independent newspaper.

It's also telling that these "high spirits" were of such a nature that they caused enough concern for a member of the group to seek police advice.

We do not have the full transcript of what else was in the WhatsApp chat, only a very partial cross-section of its contents, but it hardly instils confidence in the behaviour of councillors in the rest of the discourse, nor does it reflect well on the council.

Debate Not Hate

In October of last year, Cllr Doherty introduced a motion to council, which passed, that proposed to adhere to a convention of “debate not hate” in line with the LGA campaign of the same name.

All of the council – including Councillor Mackinnon - were therefore signatories to this campaign as I understand it.

Timing and expected response

I would appreciate it if this complaint could be addressed in a timely manner. The previous complaint about Councillor MacKinnon's behaviour to me took over 6 months to resolve which was unacceptable.

Evidence base

I have included the watts app conversation and screen shots of messages from councillors within the conservative group along with media reports and public reaction on social media including but not limited to Burghfield and Mortimer Facebook comments.

Quote Tweets

22

[redacted] 13 Mar

We have a national problem & it is playing out, locally.

This should not be ignored.

[redacted]

> **Jenny Jones** [redacted] · 13 Mar
> Well, there are allegations that some @Conservatives on West Berks Council have been exchanging messages containing suggestions of violence towards a ...

1 1 52

Mark Kent [redacted] · 13 Mar

#BrexitIs desperate tories threatening opposition politicians.

> **Jenny Jones** [redacted] · 13 Mar
> Well, there are allegations that some @Conservatives on West Berks Council have been exchanging messages containing suggestions of violence towards a ...

1 1 255

giffgaff
WiFi Call

86% 08:13

Tweet

Lesley McEwen [redacted] · 11 Mar

[redacted]

Our DC publicly commended a very divisive planning application at our recent PC meeting despite knowing the huge numbers of objections to it. Shouldn't he remain objective? He represents the whole community, not just the wealthy businessman who cares nothing for the village.

1 154

Lee Dillon [redacted] · 11 Mar

[redacted]

Sorry to read the this Steve.

2 244

Hayden Wheeler🇺🇦 [redacted] · 11 Mar

[redacted]

My parents had experience with West Berkshire Tories. Some became good friends. As a family, we were active in local politics, and there was a genuine desire by all to improve life for everyone. Sadly, those days are long gone.

3 213

Loz Argyle [redacted] Mar

Replying to [redacted]

giffgaff
WiFi Call

86% 08:13

Tweet

[redacted]

You must be worrying them.

1 120

Mike Harling 💙❤️💚 [redacted] · 11 Mar

[redacted]

Solidarity to both of you ❤️

2 156

Vaughan Miller [redacted] · 12 Mar

[redacted]

Why am I not surprised! Stay strong.

1 135

(((Andrew Sharp))) #Rej... · 12 Mar

[redacted]

So it's not only National Tories bullying any opposition to their disgraceful policies this needs looking into -Lineker was spot on ! @itvmeridian @NewburyToday [redacted] @BBCBerkshire @guardian @BylineTimes [redacted]

[redacted]

1 1 107

Followed by some Tweeters you follow

Cllr David Lister 🔶 [redacted] · 11 Mar

giffgaff
WiFi Call

86% 08:13

Tweet

2 156

Vaughan Miller [redacted] 12 Mar

[redacted]

Why am I not surprised! Stay strong.

1 135

(((Andrew Sharp))) #Rej... · 12 Mar

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1 1 107

Followed by some Tweeters you follow

Cllr David Lister 🔶 [redacted] · 11 Mar

[redacted]

Sounds unpleasant. Hopefully those involved step back from local politics or at least fess up and publicly apologise.

1 196

33 >

Most relevant

Pete Logan
Apologies only just seeing this now, not seeing this before I submitted some questions to WBC in regards to those WhatsApp messages asking if disciplinary action was taken and if not suggested the leader accepts a vote of no confidence in her abilities to maintain order within the Council and or associated andbstep down as leader.

1 d Like Reply Message 2
Hide

Top fan
Garry Gazzadp Povey
Disgraceful behaviour and certainly what I believe to be "Conduct Unbecoming in Public Life & Office" BUT sadly it is NO more than I would expect from any tory. I hope that should this not be resolved in a timely fashion (a working week max) that Steve will publicly name those tory councillors concerned... I personally believe that what with the elections coming up it is in the "Public Interest" f... See more

1w Like Reply Hide 4

Comment as West Berkshire Green Party


giffgaff
WiFi Call
86% 08:16
33
Garry Gazzadp Povey
Disgraceful behaviour and certainly what I believe to be "Conduct Unbecoming in Public Life & Office" BUT sadly it is NO more than I would expect from any tory. I hope that should this not be resolved in a timely fashion (a working week max) that Steve will publicly name those tory councillors concerned... I personally believe that what with the elections coming up it is in the "Public Interest" for them to be named anyway.
1w Like Reply Hide
4
Maria Dobson
Garry Gazzadp Povey totally agree.
1w Like Reply Hide
Maria Dobson
Sadly I have and am still dealing with the consequences from them harassing me. My two local councilors both Conservate are also on the receiving end of the nastiness. Problem is they are accountable to NO ONE, god help us all if they are re-elected. Well done for calling them out.
1w Like Reply Hide
1
Comment as West Berkshire Green Party


giffgaff
WiFi Call
86% 08:16
33
are accountable to NO ONE, god help us all if they are re-elected. Well done for calling them out.
1w Like Reply Hide 1
Write a reply...
Conrad McBride
Hardly a surprise. If you're freely associating yourself with the post-2019 Conservative Party you're morally bankrupt.
1w Like Reply Hide 4
Richard Doc Watson Conrad McBride a...
Liz Bell
That's awful Carolyne Culver, what did they think they were doing? Just unacceptable.
1w Like Reply Hide 2
Catherine Bunting
Thank you to those who came forward with this bullying behaviour and well done on calling this out Carolyne Culver
1w Like Reply Hide 3
"Most relevant" is selected, so some comments may have been filtered out.
Comment as West Berkshire Green Party

Most relevant

Lettie Hammond
Exactly! Vileness was the reason I gave up on involvement in local politics, decades ago. Its so sad and such an insult to the voters. Some are there just to serve there own egos and vested interests. The thing they hate the most is a genuine, honest person. So sad 😥 Stay strong and don't get sucked into, or drained by their nasty goo 💚

4 d Like Reply 4

Kath Hodgson
Couldn’t quite believe my eyes when I saw this In yesterday’s Newbury Weekly News..


NEWBURY NEWS

Words turning ugly as WhatsApp row erupts

Green Party candidate called a 'jackanapes little toad' in Tory group chat

Roadworks close retail park road

Schools closed by strike action today

AWARD WINNING Mortgage Brokers
FIRST FOR ALL YOUR MORTGAGE NEEDS
HERE TO HELP
TODAY
01635 815348
FIRST CHOICE MORTGAGE COMPANY

4 d Like Reply

Write a comment...

Elizabeth Alexandra Weller
The phrase after the poogate protest springs to mind, 'that's not how we do politics' bit stupid if you ask me, what they really admitting is that to them 💩 in rivers is political, not very bright really. #enoughrope

4 d Like Reply

Simon Peek
Sorry to see you have had to put up with this Steve. Keep on doing the good work you do, advocating for the environment and people without a voice.

4 d Like Reply

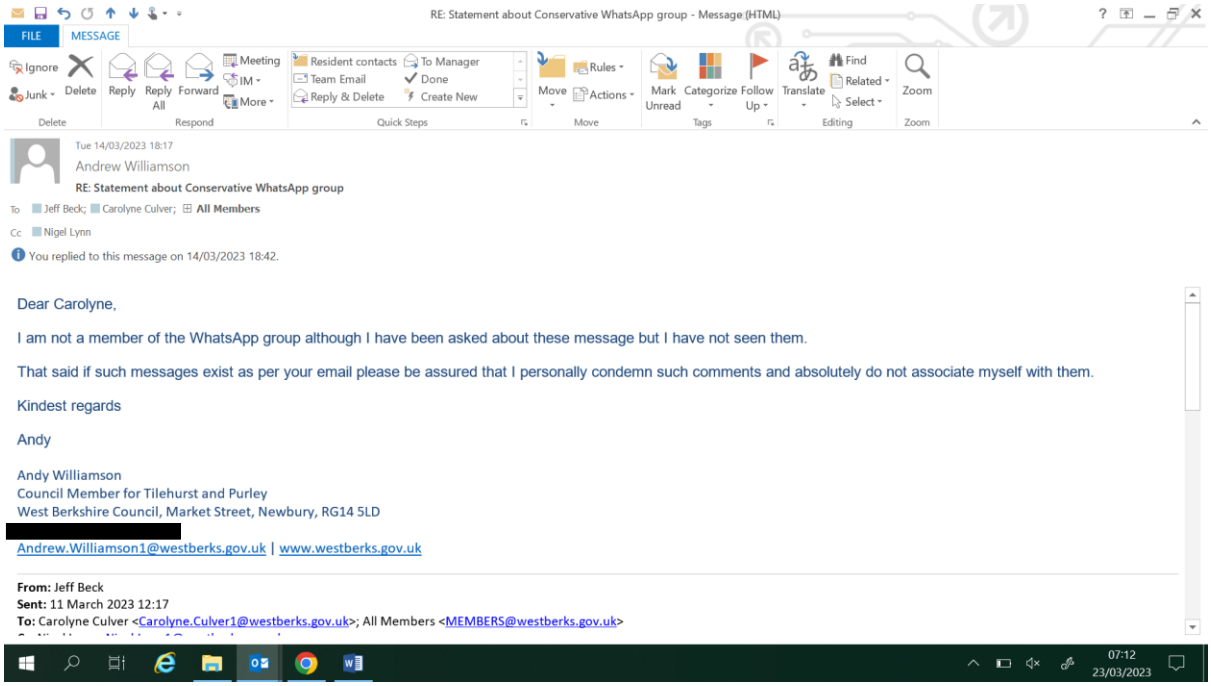
John Gotelee
I wrote to councillor Marino (portfolio holder for internal governance asking him to state at the executive meeting next week what action he would take regarding this WhatsApp group and told him that some members should not be allowed to stand at the election

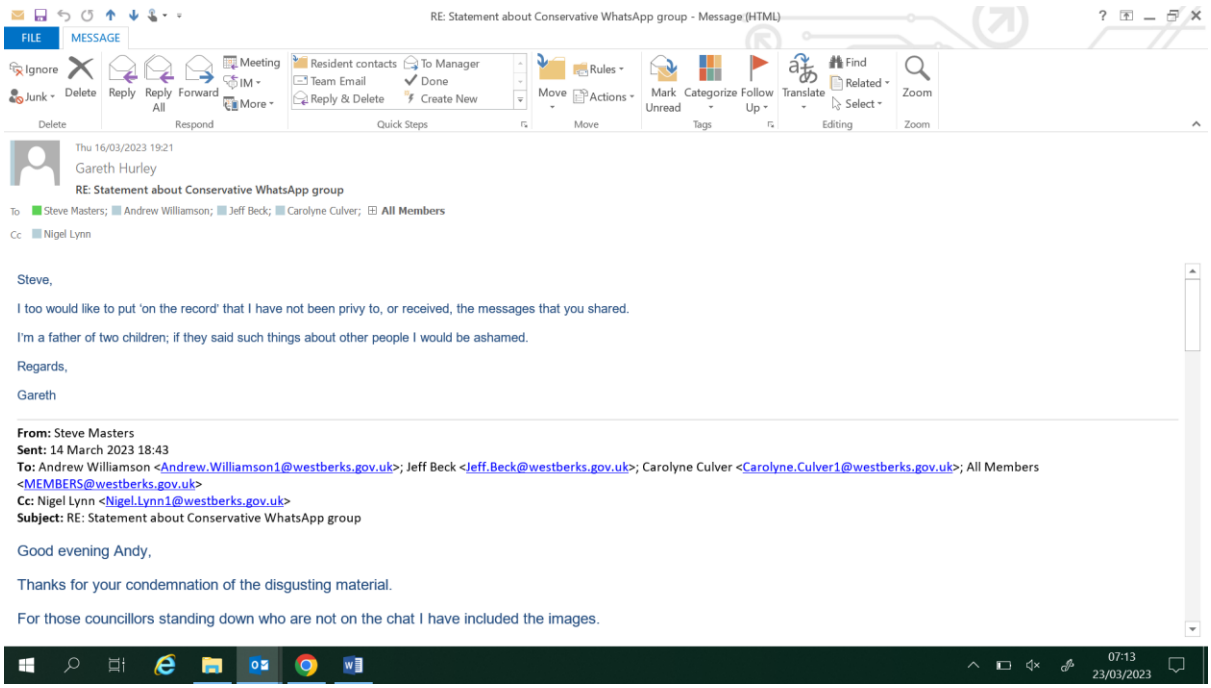
4 d Like Reply 3

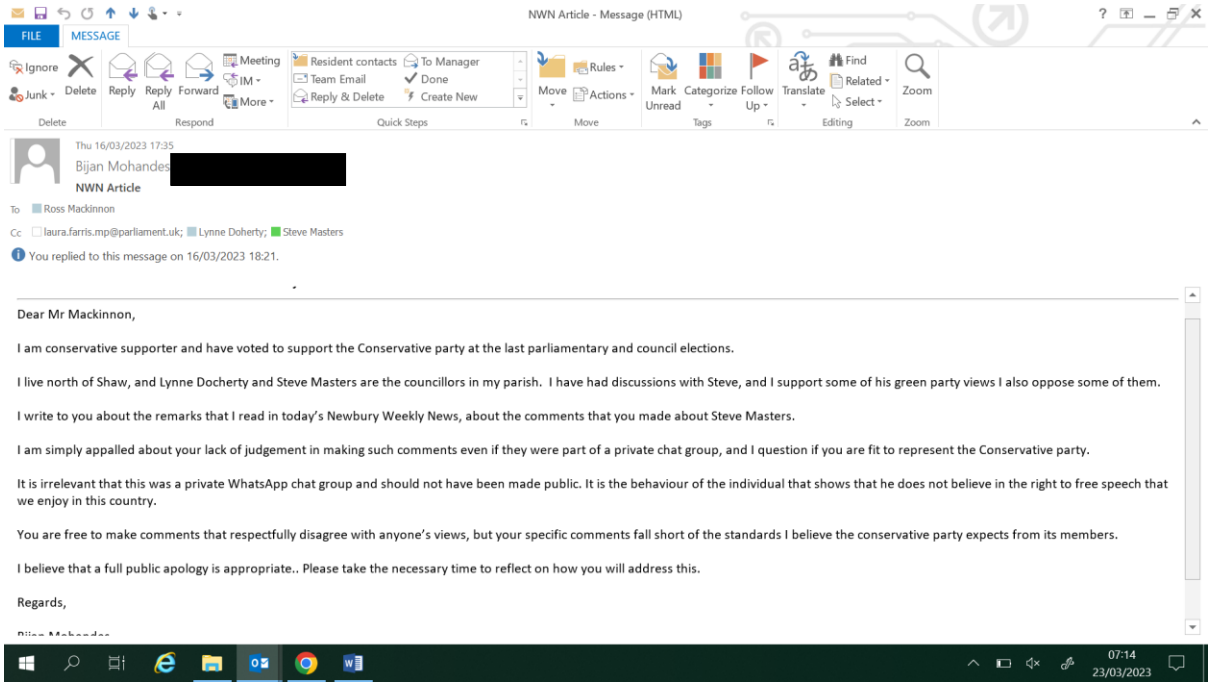
Ian Hall John Gotelee -he would of cour...

John Gotelee Ian Hall I know lol

Write a comment...


RE: Statement about Conservative WhatsApp group - Message (HTML)
FILE
MESSAGE
Ignore
Junk
Delete
Reply
Reply All
Forward
Meeting
IM
More
Resident contacts
Team Email
Reply & Delete
To Manager
Done
Create New
Move
Rules
Actions
Mark Unread
Categorize
Follow Up
Translate
Find
Related
Select
Zoom
Delete
Respond
Quick Steps
Move
Tags
Editing
Zoom
Tue 14/03/2023 18:17
Andrew Williamson
RE: Statement about Conservative WhatsApp group
To Jeff Beck; Carolyne Culver; All Members
Cc Nigel Lynn
You replied to this message on 14/03/2023 18:42.
Dear Carolyne,
I am not a member of the WhatsApp group although I have been asked about these message but I have not seen them.
That said if such messages exist as per your email please be assured that I personally condemn such comments and absolutely do not associate myself with them.
Kindest regards
Andy
Andy Williamson
Council Member for Tilehurst and Purley
West Berkshire Council, Market Street, Newbury, RG14 5LD
[redacted]
Andrew.Williamson1@westberks.gov.uk | www.westberks.gov.uk
From: Jeff Beck
Sent: 11 March 2023 12:17
To: Carolyne Culver <Carolyne.Culver1@westberks.gov.uk>; All Members <MEMBERS@westberks.gov.uk>
07:12
23/03/2023


RE: Statement about Conservative WhatsApp group - Message (HTML)
FILE
MESSAGE
Ignore
Junk
Delete
Reply
Reply All
Forward
Meeting
IM
More
Resident contacts
Team Email
Reply & Delete
To Manager
Done
Create New
Move
Rules
Actions
Mark Unread
Categorize
Follow Up
Translate
Find
Related
Select
Zoom
Delete
Respond
Quick Steps
Move
Tags
Editing
Zoom
Thu 16/03/2023 19:21
Gareth Hurley
RE: Statement about Conservative WhatsApp group
To Steve Masters; Andrew Williamson; Jeff Beck; Carolyne Culver; All Members
Cc Nigel Lynn
Steve,
I too would like to put 'on the record' that I have not been privy to, or received, the messages that you shared.
I'm a father of two children; if they said such things about other people I would be ashamed.
Regards,
Gareth
From: Steve Masters
Sent: 14 March 2023 18:43
To: Andrew Williamson <Andrew.Williamson1@westberks.gov.uk>; Jeff Beck <Jeff.Beck@westberks.gov.uk>; Carolyne Culver <Carolyne.Culver1@westberks.gov.uk>; All Members <MEMBERS@westberks.gov.uk>
Cc: Nigel Lynn <Nigel.Lynn1@westberks.gov.uk>
Subject: RE: Statement about Conservative WhatsApp group
Good evening Andy,
Thanks for your condemnation of the disgusting material.
For those councillors standing down who are not on the chat I have included the images.
07:13
23/03/2023


NWN Article - Message (HTML)
FILE
MESSAGE
Ignore
Junk
Delete
Reply
Reply All
Forward
Meeting
IM
More
Respond
Resident contacts
Team Email
Reply & Delete
To Manager
Done
Create New
Quick Steps
Move
Rules
Actions
Mark Unread
Categorize
Follow Up
Tags
Translate
Find
Related
Select
Editing
Zoom
Thu 16/03/2023 17:35
Bijan Mohandes
NWN Article
To Ross Mackinnon
Cc laura.farris.mp@parliament.uk; Lynne Doherty; Steve Masters
You replied to this message on 16/03/2023 18:21.
Dear Mr Mackinnon,
I am conservative supporter and have voted to support the Conservative party at the last parliamentary and council elections.
I live north of Shaw, and Lynne Docherty and Steve Masters are the councillors in my parish. I have had discussions with Steve, and I support some of his green party views I also oppose some of them.
I write to you about the remarks that I read in today's Newbury Weekly News, about the comments that you made about Steve Masters.
I am simply appalled about your lack of judgement in making such comments even if they were part of a private chat group, and I question if you are fit to represent the Conservative party.
It is irrelevant that this was a private WhatsApp chat group and should not have been made public. It is the behaviour of the individual that shows that he does not believe in the right to free speech that we enjoy in this country.
You are free to make comments that respectfully disagree with anyone's views, but your specific comments fall short of the standards I believe the conservative party expects from its members.
I believe that a full public apology is appropriate.. Please take the necessary time to reflect on how you will address this.
Regards,
07:14
23/03/2023