



Falmouth Town Council

EM/MB

11th September 2025

TO: All Members of the Full Council Committee

Dear Councillor

RE: Full Council Agenda 15th September 2025

Further to the dispatch of the agenda please see below an additional attachments for part I of the agenda:

Item 19 CODE OF CONDUCT

19.1 Assessment Decision Notice CNN067/25/26

To note the outcome of the Code complaint relating to Councillor Evans and consider the recommendation therein.

19.2 Assessment Decision Notice CNN73,75,76/25/26

To note the outcome of the Code complaint relating to Councillor Robinson.

Yours sincerely

Mark Williams
Town Clerk

Enc



Falmouth
Cultural
Services



FALMOUTH
the spirit of the sea

Town Clerk

A.M. Williams FCIS

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ASSESSMENT DECISION NOTICE

A BREACH OF THE CODE HAS BEEN FOUND

ACTION REQUIRED

Reference:	CCN067/25/26
Complainant:	Councillor J Robinson – Falmouth Town Council
Subject Member:	Councillor D Evans – Falmouth Town Council
Person conducting the Assessment:	Simon Mansell, Group Manager - Assurance
Date of Assessment:	14 August 2025

Decision

That, for the reasons set out in this Notice, there has been a breach of the Code of Conduct.

It is considered that a suitable way to remedy this breach is for the Subject Member to email the Manager who was in attendance at the Committee meeting on 11 June 2025, and the Complainant, and apologise for his actions. If this is not done within 28 days of the date of this Notice, then it is recommended to the Town Council that the Subject Member should be censured.

The Complaint

In the complaint the Complainant has said that the Subject Member attended the meeting of Cultural Services and Leisure Committee at Falmouth Town Council on 11 June 2025.

Although the Subject Member is not a member of the Committee, the Complainant who was chairing the meeting allowed him to speak and ask a question about the Year End Accounts, which seemed to show an overspend on the cost of service of the Princess Pavilion. The accounts were not on the CSL Committee agenda and had already been noted at the Finance & General Purposes meeting.

The Complainant pointed out that this was a matter for the Finance & General Purposes Committee, and the Subject Member began to argue, but the Chair allowed the question and for the General Manager of Princess Pavilion to respond, as he would want to clear up this matter.

The Manager answered, but the Subject Member then turned to the Manager and, without regard to the Chair, disagreed with his answer, speaking in quite an aggressive manner. The Chair tried to stop the Subject Member, but he persisted and talked over both the Manager and the Chair, making it impossible for either party to provide further answer. The Chair had to stand to restore order and then moved the meeting on.

In the complaint it is said that it is the practice of the Council for questions on reports to be sent in advance to the Committee Chairs, so that full answers can be given, and in the complaint, it is said that this has been impressed on the Subject Member on several occasions.

This meeting was public and being recorded by a member of the public. The General Manager of the Pavilion has always been willing to engage in discussion and challenge on the operation of the venue and is very detailed in his responses and explanation of the issues and reasons for his operational decisions.

The confrontational approach and accusations, in the opinion of the Complainant, were beyond a reasonable challenge, and the Complainant feels that the Council would be failing in its duty of care to employees if it allowed this kind of approach to become commonplace.

Consequently, the Chair of the Staffing Committee is writing to all Committee Chairs reminding them of the requirements, particularly with regard to attending officers.

Discussion of the Princess Pavilion's success was curtailed by the disruption, and this also affected the ability of the committee to carry out their duties.

The Council's Standing Orders require all councillors to be cognisant of the Chair and this was not observed. It is frustrating that, only a month ago, councillors underwent Code of Conduct training, and an experienced councillor has failed to observe the Standing Orders. Due to these issues on the previous council, the Civility and Respect Pledge, which Councillors have signed up to, is printed at the top of every agenda and the Chair drew attention to this at the beginning of the meeting.

The Council has a significant turnover of elected members at elections, and this type of behaviour was shocking to new councillors. We do not want this to create a precedent for the way the Council conducts its business over this term of office.

The Response from the Subject Member

The Subject Member has started his response by stating that he does not agree with the complaint that has been made against him. He has then continued his response to say that the Complainant's view of events is exaggerated.

At the meeting, the Manager in charge of the running of the Princess Pavilion gave his routine update report and the Subject Member has said that he raised his hand as an

indication that he wanted to ask a question about an overspend, as is the usual practice. This was followed by the Manager providing a response to the question.

The Subject Member has then set out that he did not raise his hand to ask a supplementary question but immediately responded to the Manager challenging the response which had been given, and it was at this point that the Subject Member, who was Chairing, interrupted and stood up to stop the meeting.

The Subject Member considers that the questions he asked were fair and appropriate when directed to the Manager who is responsible for that budget as the Financial Regulations state that:

4.3 Service Heads shall monitor revenue expenditure and report projected year end forecast to their respective committees

In quoting this regulation, the Subject Member believes his questions were not outside the items on the agenda and he does not see that the fact that the meeting was being live screened is relevant.

In the opinion of the Subject Member, he was at no time disrespectful towards the Manager, nor behaved in a bullying manner. When the Complainant stood to stop the meeting, the Subject Member has said he may have continued to finish his sentence but said no more, and he disputes that he spoke in quite an aggressive manner, but he did point out that the answer he was given was not entirely correct.

In closing, the Subject Member has stated that he had concerns about the overspend at the pavilions and he is of the opinion that, even though asking questions on this subject since 2021, he has not had a satisfactory answer and considers he has not been given the information as is claimed by the Complainant.

The Views of the Independent Person

It is regrettable that, other than the written response, the Subject Member failed to make contact with the IP as it may have added a sense of balance to the complaint. It appears that Councillor Evans had received sufficient and clear explanation about the acceptable procedures relating to the submission of questions before the meeting and there have been other occasions when he has been reminded of this fact. It appears that he had a full response to his question before the meeting. Even though these actions have been taken, Councillor Evans persisted in making his opinions clear without considering the effect on the meeting. I consider this to be a breach of 2.1, 2.5 and 2.13 of the Code of Conduct. There is insufficient evidence to prove the subject member acted in a bullying manner.

The Chair seems to have behaved with generosity by allowing the Subject Member to speak at the meeting. Unfortunately, the Subject Member considered his responses more important than the smooth process of the meeting he was attending and failed to treat his fellow councillors with respect

Application of the Code of Conduct

In considering the complaint as made, I am satisfied that the Subject Member was acting in their official capacity at the time of the alleged conduct and therefore was bound by the Code of Conduct.

As with all ethical standards complaints, this is assessed against the Code of Conduct adopted by the Council and the procedures for assessing complaints adopted by Cornwall Council. The information provided is assessed on the balance of probabilities; this is, would a reasonable person objectively considering of all the facts be of the view it is more likely than not that the actions of the Subject Member amount to a breach of the Code of Conduct.

Findings of Fact

As someone who is not a member of the Cultural Services and Leisure Committee, the Subject Member does not have an automatic right to speak but, if he does speak, he does so with the discretion of the person who is Chairing that meeting.

The initial question, which was allowed by the Chair, was asked in accordance with this procedure, but then the Subject Member opted to immediately ask another question, without doing this through the Chair. Whether or not he was aggressive in his asking of the second question is a subjective view, it was the fact he sought to press a second question when not a member of the Committee and challenge an officer in public, setting out that the previous answer he had given was inaccurate.

In taking an objective view of the actions of the Subject Member, it is clear from his submission that he is an experienced councillor and therefore understands the rules of debate and would be expected to follow them.

There was, after the initial question, a deliberate attempt to circumvent the rules, and in the response from the Subject Member there is a sense of frustration on his part that he had been seeking answers on the Pavilions but, in his view, had not been provided with them.

Whether or not the Subject Member had been provided with the responses he sought is not for this process to determine. However, no matter how right the Subject Member thought he was, he should not have pressed the matter in the manner in which he did, this went against the rules of debate and accused the Manager of an inaccurate response. It should be noted that the Subject Member does have a right to challenge the Manager about the accuracy of his report, but not in this way.

In taking into account that there is a quasi-employer/employee relationship between a Councillor and an officer of the Council, it is important that both sides maintain a relationship of trust and confidence. It is quite reasonable for an employee to expect to be challenged on matters, and a member can be critical and challenging, however, this was not done in a way a reasonable person would expect.

As a result of this, I consider that the Subject Member has shown a lack of respect for the rules of debate and for the Manager attending the meeting and he has therefore breached paragraph 2.1 of the Code of Conduct for Falmouth Town Council. In finding with regards to the rules of debate, I have taken into account if all non-committee members attended the meeting and acted in the same manner the meeting would become untenable.

Taking this last point into consideration, I am also of the view that the Subject Member has acted in a manner which has brought his office but not his authority into disrepute. There is nothing in the Subject Member's actions which would indicate a reasonable person would think he was acting as the Council, but it is clear that he was

acting of his own volition and sought to circumvent the rules of debate and would have continued to do so had the Complainant not intervened. It is important that, in particular for non-committee members, they have respect for their peers as Committee members, and then in turn officers, in order to ensure that the smooth running of the debate is not hindered. By his actions the Subject Member did hinder the debate and has breached 2.10 of the Code of Conduct.

With the actions of the Subject Member breaching 2.1 and 2.10 of the Code of Conduct, it follows that the Subject Member has failed to uphold the high standards of conduct expected of him and has therefore breached paragraph 2.5 of the Code.

Decision and Actions

The actions of the Subject Member were the right thing done at the wrong time.

It is appreciated that the Subject Member may be frustrated about what he sees as a lack of responses on the budgetary questions, but the meeting of the Committee on 11 June 2025 was not the time to press it as he did.

In taking this into account, it is considered that a suitable way to remedy this breach is for the Subject Member to email the Manager and the Complainant and apologise for his actions. If this is not done within 28 days of the date of this Notice, then it is recommended to the Town Council that the subject Member should be censured.

What happens now?

This decision notice is sent to the Complainant, the member against whom the allegation has been made and the Clerk to Falmouth Town Council and a copy of the Notice will be placed on Cornwall Council's website.

Right of review

At the written request of the Subject Member the Monitoring Officer can review and, if the review is successful this may result in a change to the finding made in the original assessment.

We must receive a written request from the Subject Member to review this decision within 14 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed. The grounds for requesting a review must be substantive, and a re-submission of the original complaint will not be classed as substantive and neither will a request that sets out the findings are disagreed with. There must be fresh information in the request which was not considered at assessment which is such that this may result in a different outcome.

If we receive a request for a review, we will write to all the parties mentioned above, notifying them of the request to review the decision.

Additional help

If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

We can also help if English is not your first language.



ASSESSMENT DECISION NOTICE

NO BREACH OF THE CODE

Reference: CCN73, 75, 76/25/26

Subject Member: Councillor J Robinson, Falmouth Town Council

Person conducting the Assessment: Simon Mansell, Group Manager - Assurance

Date of Assessment: 28 July 2025

Decision

That, for the reasons set out in this Notice, there has been no breach of the Code of Conduct and no further action needs to be taken.

The Complaints

There have been three complaints submitted about posts made by the Subject Member on social media, and the complaint below is indicative of them:

'I am writing to express my concern and make a complaint about the prejudiced online conduct of one of Falmouth's councillors, Cllr Jude Robinson. I am most concerned that this seems to be an official and publicly available account, with her profile 'bio' listing her ward and mentioning Cllr Tom Pierce (Deputy Falmouth Mayor) by name as her 'promoter'. A selection of screenshots to give evidence and context is attached to the email I sent this with, though more can be found on the page <https://x.com/juderobinson>.

However, I've recently been alerted to her Twitter/X account (<https://x.com/juderobinson>), and discovered that she frequently 'retweets' Islamophobic and Transphobic materials, including from accounts named '@FarRightThug3' and the likes of Jayda Fransen (who used to run Britain First and has just founded a party with Nick Griffin).

'Retweets', as you can see via the attached, seem to promote racist tropes including that Islam (as a whole) suppresses women's rights and implying all Palestinians are

'Jihadists' who have a 'sh*thole culture'. She regularly posts from accounts (namely '@realMaalouf') which - in their other material - often implicitly state that all Muslims are paedophiles, rapists and that all migrants bring dangerous crime to 'western' nations as part of the so-called 'Great Replacement' theory. Again, I find these conspiracy theories and propagation of hateful stereotypes on a publicly accessible Councillor's social media, where she also shares articles she's written on her council work, shocking.

I am deeply concerned and worried that someone propagating these views is allowed on the council whilst holding these thoughts and sharing them openly on a page referencing her party, the deputy Mayor and her council ward. Coupled with the 'tweets' she's written in regard to Trans-women, and my identity as a queer person, I feel this undermines my faith in the council's ability to fairly listen to the needs of our community's LGBTQ+ and Muslim people. In short, her tweets show a complete lack of respect for both groups, in a way that contributes to an environment that is unsafe and incendiary. I don't believe a person who harbours the views expressed can represent, interact or treat people from these marginalised groups fairly, nor that sharing this on a professional platform represents values of inclusivity that I'm sure the council is committed to.

Whilst councillors are entitled to their political opinions, at least a number of the materials that she has shared cross a line, and I hope that some form of antiprejudice training, at the very least, could be made available to the councillor, to help educate her on her views and where they come from.

The councillor has completely failed to show respect in these posts to Palestinians, Muslims and Trans people; all of whom are likely represented in her constituents'.

In support of their complaints, each of the Complainants have sent in screen shots of the posts which have been made by the Subject Member on her social media page.

The Response from the Subject Member

'The tweets were posted as an individual, not a councillor. Before the 2024 election, we were asked to put imprints on. I forgot to change it back from 'candidate'.

Twitter/X is full of controversial opinions. I went on sporadically, looked at anything of interest and reposted that or sometimes controversial tweets. Few people have engaged me with over these posts, most of which are years old. No-one has objected until now.

The same complaints have been made publicly over the last couple of weeks, including on a new, anonymous 'media' website, which refers back to my protests about antisemitism during Jeremy Corbyn's time as leader of the Labour Party. Speaking out on this issue made me a target for abuse and hostility at that time.

The article also refers to my views on Israel and some people take exception to this and accuse me of supporting genocide. I find this an offensive response to a serious issue. I do not hold with using insults and accusations to silence debate on complex issues.

The complainants have trawled through more than 14 years and around 22,000 tweets to find 16 to form a complaint without any coherent explanation. I have added the dates posted and responded to the screen shots without always being clear how they relate to the accusations'.

The Subject Member's screen shots that have been provided comments on the screen shots and that dates they were posted which range from 2011 – 2024.

In closing the Subject Member has said:

'These posts were not made as a councillor. There is a collusion between the complaints and the anonymous article on Cobblestone media. The posts shown are a biased selection. I object to any and all promotion of hate and oppression, including by religions. I have also posted positively in the past about the Haj and about the duty of Muslims to give to charity and have defended other cultures against attacks from the right.

I have a history of feminism and standing up for women's rights. The Supreme Court judgement held that being a woman at birth is a protected characteristic, I do not believe I can be censored for agreeing with this judgement. These tweets have been selected to give a distorted view of my opinions or deliberately misinterpreted. The aim of the complaints is to suppress debate and my opinions. I am not the bully here'.

The Views of the Independent Person

Councillor Robinson says that the tweets posted are as an individual, not as a Councillor. She was on X looking at anything of interest and reposted that or sometimes controversial tweets. There has been no objection until now. She states that the Complainants have trawled through more than 14 years and 22,000 tweets to find 16 to form complaints without a coherent explanation and that they are a biased selection. She has responded to both complaints and commented on each screenshot, explaining her views on the subjects raised. She maintains that they have been selected to give a distorted view of her opinions or deliberately misinterpreted to suppress debate and her opinions.

The majority of the screenshots appear to be re-postings of comments made by others, which appear to be those containing Islamophobic and transphobic views. Councillor Robinson's comments relate to gender and feminist issues, and I can see no evidence of her opinions on the other subjects mentioned. This does not alter the fact that her website contains controversial material accessible to those who wish to view it and that could be considered a lack of judgement. I note that one of the screenshots identifies her as a Labour and Co-operative candidate Trescobeas and Budock, but not as a Falmouth Town Councillor.

Having spoken to Councillor Robinson and read her response and explanation, I am prepared to accept that the tweets were not made in her capacity as a Councillor but still could give offence to certain areas of society. Even so, I cannot say that I consider that there have been Code of Conduct breaches in this instance.

Application of the Code of Conduct

In considering the complaint as made, I am not satisfied that the Subject Member was acting in their official capacity at the time of the alleged conduct, and therefore was not bound by the Code of Conduct.

As with all ethical standards complaints, this is assessed against the Code of Conduct adopted by the Council and the procedures for assessing complaints adopted by Cornwall Council. The information provided is assessed on the balance of probabilities; this is, would a reasonable person objectively considering of all the facts be of the view

it is more likely than not that the actions of the Subject Member amount to a breach of the Code of Conduct.

Findings of Fact

In considering this complaint, firstly it needs to be considered as to whether the Subject Member was acting in her official capacity at the time she made the posts.

The Code of Conduct, as adopted by Councils in Cornwall, sets out when a person elected as a Councillor is bound by the Code of Conduct, and this reflects case law which has existed since 2006.

The case law set out that there was a distinction between the person and the office, and it stated that private capacity conduct will rarely be capable of bringing a member's office or authority into disrepute, even if the conduct is considered inappropriate, outrageous or unlawful.

As a result, the Code of Conduct, describes when a person is bound by the Code and this binds the person when they:

- (a) conduct the business of the Council, which in this Code includes the business of the office to which the person has been elected or appointed to; or they
- (b) act, hold themselves out as acting or conduct themselves in such a way that a third party could reasonably conclude that they were acting as a representative of the Council or use knowledge they could only have obtained in the persons role as a representative of the Council

I have reviewed the online screenshots as provided by the Complainant, and I have also considered the Subject Member's profile on social media against the profile which was used to make the offending posts, and then her Councillor profile.

The profile used sets out that it is in the name of Jude Robinson, 'Labour & Co-operative candidate Trescobeas and Budock, for sharing power and working with communities, promoted by T Pearce, Box 16, Jubilee Wharf, TR10 8FG'. The latter part of the wording is a requirement for anyone standing as a candidate and, whilst the person named may also be a Councillor, this is not stated on the profile, nor for the purposes of promoting a candidate should it be.

I have then compared this to the Subject Member's profile on her Town Council page, and she is listed there as being the Councillor for Trescobeas Ward, not Trescobeas and Budock as is set out in the profile on social media, as the wording for a parliamentary election is different.

When standing as a candidate in an election the person would, if they were seeking to promote themselves, put down the area they were standing for and who was promoting them, which was done in this case. However, this was for the general election and, even though the Subject Member was a Councillor at the time, there is a clear distinction between her role as a Councillor and a Candidate.

Adopting the stance of a reasonable person looking at the Subject Member's social media profile which they have just seen, and not knowing that the person was a Councillor, there is nothing on it to suggest that the person the profile relates to is also a local Councillor. It seems the complaint has arisen as the Complainants know the

person, and indeed who is promoting them, not because the post is something done in the Subject Member's official capacity.

The Code is clear when it applies, and there has to be something which would give the impression the person was acting in their official capacity or give that impression when they were undertaking the act complained of. This is not the case with the posts. You could search the person and then find out they are a Councillor, but this is different and does not bring the Code into play with regards to the member's conduct.

Whilst the Code of Conduct would not apply to the actions of the Subject Member making the posts, it is important to also look at the time period the posts cover.

The Standards Committee, when creating the procedures by which complaints are considered, were concerned that there were often complaints made where information was gathered over a period of time, in some cases to 'save up' the offences, to then try to cause maximum impact when the complaint was considered.

To prevent this, the Committee put in place a time limit on when the alleged behaviour had occurred and a complaint will not be processed if:

3.5(iii) it is over 3 months since the alleged behaviour occurred and it would be unfair, unreasonable or otherwise not in the public interest to pursue unless there are, in the Monitoring Officer's opinion, exceptional circumstances, such as there having been a failure to declare a disclosable pecuniary interest which is sufficiently serious to warrant the complaint being progressed

Whilst it is appreciated that the Complainants may see this as 'exceptional circumstances', this reference is included as under the legislation which covers the Code of Conduct it can be a criminal offence for up to a year if there is a failure to declare an interest, and the initial consideration of such a complaint has to come through the ethical standards complaints process. Even were this to be seen as a matter which could be dealt with by the courts, depending on the offence, the time limit may only be six months from the date of the offence.

There is also the fact that, whilst the Complainant has made reference to the nature of the posts made by the Subject Member, the Code of Conduct cannot take on a prosecution or similar for any of the actions alleged, this can only be done by the police.

As a result of the above there are no breaches of the Code of Conduct.

Summary and Actions

In making the finding as above, it is important that this is not taken to be condoning the actions of the Subject Member in any way and, were the posts to have been made in the Subject Member's official capacity and relating to conduct in the last 3 months, then fault would have been found.

However, this process, whilst limited in its scope with regards to any action it can take if a breach is found, is bound to follow the law and procedures which are set in place and, when considering these against the complaint, there can be no breach of the code.

Notwithstanding this, the Subject Member should take note of the concerns raised within this complaint and consider what she posts online going forwards.

What happens now?

This decision notice is sent to the Complainant, the member against whom the allegation has been made and the Clerk to Falmouth Town Council and a copy of the Notice placed on Cornwall Council's web site.

Right of review

At the written request of the Complainant, the Monitoring Officer can review and, if the review is successful, this may result in a change to the finding made in the original assessment.

We must receive a written request from the Complainant to review this decision within 14 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed. The grounds for requesting a review must be substantive, a re-submission of the original complaint will not be classed as substantive and neither will a request that sets out the findings are disagreed with, there must be fresh information in the request which was not considered at assessment which is so substantive this may result in a different outcome.

If we receive a request for a review, we will write to all the parties mentioned above, notifying them of the request to review the decision.

Additional help

If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

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