

Investigation Report Complaint against Councillor Eva Jedut

Final

1. INTRODUCTION

- 1.1 This is a report considering a complaint submitted by Councillor Mona Ahmed, (Cllr Ahmed) a member of the Royal Borough of Kensington and Chelsea (the Council), alleging that Councillor Eva Jedut (Cllr Jedut) who is also a member of the Council breached the Councillor Code of Conduct (the Code) on 17 March 2025.
- 1.2 Cllr Ahmed has also raised concerns in her complaint about the initial response she received to it from a member of the Council's in-house legal team, however, a consideration of this element of the complaint is not within the scope of a complaint under the Code.
- 1.3 I am a Solicitor of the Senior Court of England and Wales and a Partner in the firm of Anthony Collins Solicitors LLP. I qualified as a solicitor in 2003 and had a career working in two local authorities from then until 2022 when I moved into private practice. During that time, I held positions such as Head of Legal Services, Monitoring Officer, Assistant Director, and Interim Deputy Chief Executive. During my career I have carried out many investigations including alleged breaches of the code of conduct by councillors.

2. THE COMPLAINT

- 2.1 This report covers the investigation of the complaint submitted by Cllr Ahmed in respect of the content of a social media message posted by Cllr Jedut on the Uban Dandy London online blog on 17 March 2025, in response to an article on the blog concerning a meeting of the Council held on 29 January 2025. Whilst the complaint form included an abridged version of Cllr Jedut's post, the post in full reads:

"How could you be so Naïve?

They don't care for civilians who voted them in.

Some are happy to blow themselves up in a line of this Islamists ideology.

Palestinians Christian Stand Jews must free themselves from Hamas and Abbas first.

Attacking civilians on streets, attacking busses, throwing rockets into Israel, which has rights to exist like any other country, is not a way to peace.

Hamas / Abbas are not fit to build a country being driven by greed and arrogance towards human life.

As Golda said: Arabs need to love their children first and peace will follow.

Look at Yemen where kids starve as if in concentration camps. Their Islamists Ideology kills.

This Islamists death cult kills it's own children and cannot build a peaceful country based on democracy, equality, respect and love for human life no matter where you born and in what skin colour.

Do some research before jumping into this kind of article please

Well meant"

For ease of reference the specific comment of Cllr Jedut which is the basis of the complaint is emboldened above for the purposes of this report, and was similarly highlighted by Cllr Ahmed in the complaint form, however, for the avoidance of any doubt it was not in any way emboldened or highlighted in the original post.

3. THE INVESTIGATION

- 3.1 In accordance with the Council's 'Arrangements for dealing with complaints alleging a breach of the Councillor Code of Conduct' (the Arrangements), the complaint was considered by the Council's Monitoring Officer, in consultation with the Council's Ethics Panel, who decided that the complaint should be referred for investigation. The Monitoring Officer appointed me as an external investigating officer to undertake the investigation.
- 3.2 The terms of reference for this investigation are to:
 - 3.2.1 Establish the specific facts surrounding the alleged failure of Cllr Jedut to comply with the Code;
 - 3.2.2 Consider if Cllr Jedut was acting in the capacity of a councillor at the time of the alleged conduct and;
 - 3.2.3 Establish whether there is sufficient evidence to justify a finding of a failure to comply with the Code.
- 3.3 In undertaking this investigation, I have had the opportunity to read Cllr Ahmed's complaint and Cllr Jedut's initial and substantive response to the complaint. I offered Cllr Ahmed and Cllr Jedut the opportunity to meet with me separately if they had anything to add to their written representations in respect of the complaint, but I would otherwise undertake the investigation on the basis of the papers I received from the Council, and contact them for any other queries I may have. Neither Cllr Ahmed nor Cllr Jedut indicated that they wanted to meet with me and I have not had any additional queries.
- 3.4 This report is my work: any errors or admissions are mine alone. I have not at any stage been put under pressure as to what to investigate or not to investigate, or as to what findings and facts should or should not be made.

- 3.5 The investigation of this complaint is not governed by the strict rules of evidence appropriate to court proceedings, and concepts such as the burden of proof and standard of proof which are applicable in legal proceedings do not apply to this investigation. However, as a general requirement of fairness, I have treated the burden of establishing any complaint as resting on the person who complained. I have made findings and found facts on the basis that the applicable test is the balance of probabilities. This means something is more likely than not to have happened and is a lower threshold than the criminal test more often known as beyond reasonable doubt.
- 3.6 This report was sent in draft to the Monitoring Officer, complainant and subject member for consideration and comment. I have taken into account comments received when finalising this report.
- 3.7 Cllr Jedut's comments on the draft report are appended to this report at appendix 4. Cllr Jedut's comments largely present as a reiteration and an expansion of her response to the substantive complaint, including allegations against various third parties, which suggest a misunderstanding of the basis of the complaint, my findings and reasoning as set in the draft report and this final report. I have not considered it necessary to revise my findings in view of Cllr Jedut's comments, although I have clarified in this final report some areas to assist, including particularly as regards the emboldening of the Golda Meir quote at paragraph 2.1 above.
- 3.8 Cllr Jedut further comments that the draft report made no reference to her qualifications or her initial response to the complaint. References to Cllr Jedut's qualifications and her initial response were however included in paragraphs 6.4 – 6.8 of the draft report, as they are in this final report. I have revised and expanded paragraph 6.7 in this final report in view of other of Cllr Jedut's comments.
- 3.9 In her comments on the draft report, Cllr Jedut further states that the term "*Arabs*" was corrected on the blog. This I take to be a reference to Cllr Jedut's subsequent posting on the Urban Dandy London online blog at 7:43pm on 17 March 2025 of the message:

"should have read Palestinian Jews Christian Arabs..."

I understand this to mean that Cllr Jedut intended to add to the word Arab to the fourth sentence in her post on the Urban Dandy online blog set out above at paragraph 2.1 so it would read:

"Palestinians Jews Christians Arabs must free themselves from Hamas and Abbas first."

This is not however the words complained of by Cllr Ahmed, the compliant is centred upon Cllr Jedut's inclusion in the same post of the Golda Meir quote.

- 3.10 Cllr Ahmed did not respond to any correspondence that I sent to her and after giving her a final request for her comments on the draft report and warning her that I would do so, I have proceeded to conclude this investigation without any comments from her.

4. THE CODE OF CONDUCT

- 4.1 Section 27 of the Localism Act 2011 requires the Council to adopt a code of conduct to provide for what is expected of councillors when they are acting in their capacity as a member of the Council.
- 4.2 The Council last adopted the Code as Part 2, Section 1 of its Constitution on 29 January 2025.
- 4.3 The seven principles of public life known as the Nolan Principles, requires councillors to treat all persons fairly, with respect and act in a way that secures public confidence in their roles. These Nolan Principles are set out in Appendix C of the Code.
- 4.4 Building on the Nolan Principles, general principles have been developed specifically for the role of councillors as set out in Part 1 of the Code which are the minimum standards of conduct required.
- 4.5 Cllr Ahmed has not specified the elements of the Code which she considers Cllr Jedut to have breached, however, I consider Cllr Ahmeds complaint to engage the following elements of the Code:
- 4.5.1 Part 1.04 (x) Treating people with respect, including organisations and public I engage with and those I work alongside, and paying particular attention to the commitments made in the Hillsborough Charter;
 - 4.5.2 Part 1.04 (xi) Not conducting myself in a manner which is likely to bring the Council into disrepute;
 - 4.5.3 Part 1.04 (xii) Promoting equality and not discriminating unlawfully against any person;
 - 4.5.4 Part 1.04 (xiii) Promoting and supporting high standards of conduct through leadership and example.

5. OFFICIAL CAPACITY

- 5.1 In accordance with section 27 of the Localism Act 2011, the Code applies where members of the Council are acting in their capacity as such.

- 5.2 Pursuant to Part 103 of the Code, the circumstances in which members of the Council will be acting in their capacity as a member include:
- 5.2.1 (i) at formal meetings of the Council, its Committees and Sub-Committees, its Executive meetings;
 - 5.2.2 (ii) when acting as a representative of the Council;
 - 5.2.3 (iii) in taking any decision as an Executive member;
 - 5.2.4 (iv) in discharging my functions as a ward councillor;
 - 5.2.5 (v) at meetings with officers;
 - 5.2.6 (vi) at site visits;
 - 5.2.7 (vii) when corresponding or speaking with Council members, officers or others, including face-to face interactions and via social media other than in my personal capacity;
 - 5.2.8 (viii) any occasion when I might be seen by a reasonable person to be speaking as a member of the Council.
- 5.3 When corresponding via social media the Code only applies where there is a connection between a social media posting by a councillor and their role as a councillor or to the business of the Council. Where such a connection is present, the Code will apply even if the councillor has not described themselves as a councillor in the social media post, or where the post has been published on a non-Council social media account.

6. EVIDENCE

Cllr Ahmed

- 6.1 Cllr Ahmed's complaint form is appended to this report at appendix 1.
- 6.2 I summarise Cllr Ahmed's complaint below.
- 6.3 Cllr Ahmed considers the final paragraph of Cllr Jedut's post as set above under paragraph 2.1 to reveal anti-Muslim bigotry. Cllr Ahmed considers that Cllr Jedut's comment in the post: "*As Golda said: Arabs need to love their children first and peace will follow*" is Cllr Jedut indicating that the conflict in the region is because "Arabs" are "war loving people" who lack a universal instinct to love their children sufficiently and that there is war in Gaza not because of the Palestinians being subjected to what Cllr Ahmed considers is an illegal occupation and apartheid, but because of some intrinsic defect in Arab people that makes them incapable of loving their children more than they love war. Cllr Ahmed considers this is a dangerous dehumanisation of Arabs and

explicitly echoes the words of Golda Meir which have since been widely condemned as racist, and as such Cllr Jedut's paraphrased use of Golda Meir's quote is unacceptable. Cllr Ahmed states that in full, the quote of Golda Meir to which Cllr Jedut refers is:

"Peace will come when the Arabs will love their children more than they hate us".

Cllr Jedut

- 6.4 Cllr Jedut's email of 19 March 2025 in initial response to the complaint is appended to this report at appendix 2. Cllr Jedut's substantive response, submitted in the form of witness statement dated 7 May 2025 and the 26 exhibits to which it refers are appended to this report at appendix 3.
- 6.5 I summarise Cllr Jedut's initial response to the complaint below.
- 6.6 In short, Cllr Jedut states that she has MAs in 'Zionism' and the 'Theology of Suffering in Soviet Russia'; she maintains the conflict in Gaza is the fault of Hamas / the Muslim Brotherhood / Islamists; denies 'victim-blaming'; states that *"Golda Meir's saying cannot be taken out of context or stretched as generalisation; nobody in their right mind would claim Arabs all around the world do not love their children"*; and that she (Cllr Jedut) works very hard for the Muslim minority in her Ward. Cllr Jedut states that the views of Cllr Ahmed (and others) and based on Hamas propaganda and that Cllr Ahmed abridged and made selective use of Golda Meir's quote in her complaint. Cllr Jedut extends, via an initial email of 19 March 2025 at 11:10am to the Monitoring Officer, her apologies to Cllr Ahmed if she was offended.
- 6.7 Cllr Jedut's witness statement also contains comments on or references to a number of matters including the UK government's position on the Gaza conflict, the history of the Gaza conflict, the roots of the Hamas organisation and that it is proscribed as a terrorist organisation, Islamist ideology, and screen grabs from various sources as to the indoctrination of children by Islamists. However, these matters are not the subject of the complaint, which is concerned specifically with Cllr Jedut including in her post on the Urban Dandy London online blog the Golda Meir's historic quote, which in Cllr Ahmed's view dehumanises Arab peoples and in more recent times has come to be considered by many as racist. The context of the current conflict although providing context is not in itself a part of this complaint.
- 6.8 Cllr Jedut refers to her human rights to hold opinions and express them, particularly within the context of her being misrepresented on an online local blog as to what she said at the full Council meeting of 29 January 2025.

7. LOCAL GOVERNMENT ASSOCIATION GUIDANCE

- 7.1 Whilst the Council has not adopted the Model Code of Councillor Conduct' (the Model Code) produced by the Local Government Association (LGA), the provisions of the Code of Conduct align with the Model Code, and as such the LGA Guidance on the Model Code (the LGA Guidance) is relevant to the Code and complaints submitted under it.

RESPECT

- 7.2 The LGA Guidance on the model code of conduct for councillors states that as an elected representative of the public it is important for councillors to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech and in the written words.
- 7.3 Disrespectful behaviour can take many different forms ranging from acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and demeaning treatment of others. It is subjective and difficult to define but may include attempts to shame or humiliate others in public, fault-finding, inappropriate sarcasm and behaviour which would discourage others from interacting with the perpetrator in the expectation that to do so would be an unpleasant or highly uncomfortable experience. Disrespectful behaviour can be harmful as it can lower the public's expectations and confidence in a councillor and their local authority.
- 7.4 The circumstances in which the behaviour occurs is relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs together with the characters, behaviours and relationship of the people involved.
- 7.5 The requirement to treat others with respect must be within the context of the right to freedom of expression in accordance with Article 10 of the European Convention on Human Rights (ECHR) given effect under the Human Rights Act 1998.

DISCRIMINATION

- 7.6 The LGA Guidance states that discrimination is where someone is treated unfairly because of a protected characteristic as defined by the Equality Act 2010. The LGA Guidance further states that there four main forms of discrimination:
- 7.6.1 **Direct discrimination:** treating people differently because of a protected characteristic;
- 7.6.2 **Indirect discrimination:** treatment which does not appear to differentiate between people because of a protected characteristic, but which disproportionately disadvantages them;

- 7.6.3 **Harassment:** engaging in unwanted conduct on the grounds of a protected characteristic which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment;
- 7.6.4 **Victimisation:** treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.
- 7.7 The LGA Guidance states that examples of discrimination include: exclusion or victimisation based on a protected characteristic; treating someone less favourably or limiting their opportunities on the basis of a protected characteristic; comments, slurs, jokes, statements, questions or gestures which are derogatory or offensive to an individual's or group's characteristics; promoting negative stereotypes relating to an individual's or group's characteristics; racial or ethnic slurs, insults or jokes; homophobic, biphobic or transphobic comments or slurs; discrimination against pregnant women or mothers; declaring ('outing') someone's religion or sexuality or threatening to do so against their will; deliberate or unwarranted application of a practice, policy or rule in a way which may constitute indirect discrimination; and instructing, causing, inducing or knowingly assisting someone commit an act of unlawful discrimination.

DISREPUTE

- 7.8 The LGA Guidance states that councillors should be aware that their actions might have an adverse impact on their role, other councillors and / or the local authority, and may lower the public's confidence in a councillor's ability to discharge their functions as a councillor, or the local authority's ability to discharge its functions as a local authority. A councillor's behaviour will bring their role into disrepute if their conduct could reasonably be regarded as either 1) reducing the public's confidence in them being able to fulfil their role, or 2) adversely affecting the reputation of the authority's councillors in being able to fulfil their role.
- 7.9 Conduct by a councillor which would reasonably be regarded in reducing public confidence in their local authority being able to fulfil its functions and duties, will bring the authority to disrepute. The misconduct needs to be sufficient to damage the reputation of the role of a councillor or the local authority, as opposed simply to damaging the reputation of the individual concerned.

8. FREEDOM OF EXPRESSION FOR COUNCILLORS

- 8.1 Article 10 of the ECHR affords everyone a right to a freedom of expression. The European Court of Human Rights (ECtHR) has long since recognised the increased importance of freedom of EXPRESSION in the political sphere. As such, elected politicians are afforded enhanced protection against interference with their right to

freedom of expression, when expressing themselves politically. However, this is not an absolute right and it may be restricted if the restriction is prescribed by law and necessary in a democratic society for the protection of the rights and interests of others.

8.2 The High Court of England and Wales¹ has determined that a number of propositions can be derived from the ECtHR case law, which I summarise as follows:

8.2.1 The enhanced protection applies to all levels of politics, including the local level;

8.2.2 Article 10 protects both the substance of what is said, and the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive language, is tolerated where it would not be acceptable outside of the political context;

8.2.3 The protection goes to “political expression” which is a broad concept. It is not limited to expressions or critiques of political views, but extends to all matters of public administration and public concern. However, gratuitous personal comments do not fall within the concept of political expression;

8.2.4 There is a distinction between fact on the one hand and comment on matters of public interest involving a value judgement on the other hand. The latter is unsusceptible to proof and as such comments in the political sphere amounting to value judgements are tolerated even if untrue – provided they have some factual basis (even where it is incorrect). What amounts to a value judgement as opposed to a fact will be generously construed in favour of the former. Even where something expressed is not a value judgement but a statement of fact, it will be tolerated where it is said in good faith and there is some reasonable factual basis (even if incorrect) for saying it, and reasonableness in this context will take account of the political context within which the comment was made;

8.2.5 The Code must manage how it protects the freedom of expression and how it restricts it. Within the context of enhanced protection, the margin must be construed narrowly. There is little scope for restrictions on political speech where the debate or questions are on matters of public interest;

8.2.6 Any interference with this right of politicians or those who criticise them within the political arena calls for the closest scrutiny by the court.

¹ *Heesom v PSOW [2014] EWHC 1504 (admin)*

8.3 Where a complaint against a councillor engages the subject councillor's enhanced Article 10 rights it must be determined in accordance with a three-stage test established in case law²:

1. Does the conduct complained of, as a matter of fact, amount to a breach of the Code?
2. If yes, would a finding of a breach of the Code be a breach of the subject councillor's enhanced Article 10 rights?
3. If yes, would a breach of the subject councillor's enhanced Article 10 rights be justified?

9. FINDINGS

APPLICATION OF THE CODE

- 9.1 Taken alone, the social media post in which Cllr Jedut made the comments complained of does not identify Cllr Jedut as a councillor, and does not readily identify a connection to the Council or its business. However, in considering whether Cllr Jedut was acting in her capacity as a councillor when she posted the comments, in accordance with the LGA Guidance it is necessary to consider whether Cllr Jedut's posting of the comments would give the impression to a reasonable member of the public with knowledge of all the facts that in doing so she was acting in her capacity as a councillor. This requires a consideration of the context in which Cllr Jedut posted the comments – the facts of which the reasonable member of the public would have knowledge.
- 9.2 The context in which Cllr Jedut made the comments complained of is such that Cllr Jedut posted the comments on the Urban Dandy London online blog in response to an article on the blog which commented on the Council meeting on 29 January 2025 and other posted comments. At this meeting Cllr Ahmed advanced a motion in respect of the conflict in Gaza, on which Cllr Jedut was one of several councillors who spoke.
- 9.3 Cllr Jedut's message of 17 March 2025 on the Urban Dandy London online blog was in response to an article on the blog which was commenting on an item of business transacted at the Council meeting of 29 January 2025 – Cllr Ahmed's motion.
- 9.4 In my view, a reasonable member of the public with knowledge of the context in which Cllr Jedut made the comments complained of would have the impression that Cllr Jedut was acting in her capacity as a councillor in posting the comments, as it related to Cllr

² *Sanders v Kingston* [2005] EWHC 1145 (Admin), 2005 WL 1352269

Ahmed's motion that was debated at the Council meeting on 29 January 2025 in which she participated.

- 9.5 In neither her initial, substantive or response to the draft report does Cllr Jedut assert that that she was not acting in her capacity as a councillor and posted the comments in her private capacity.
- 9.6 For the reasons set out above, I am satisfied that there is sufficient evidence upon which a finding may be made that the Code applies to Cllr Jedut in the circumstances of the complaint.

THE COMPLAINT

- 9.7 This complaint concerns comments made (posted) by Cllr Jedut on an online blog and as such engages her enhanced Article 10 rights. As such, I am required to apply the three-stage test set out above at paragraph 8.3.

STAGE 1

- 9.8 Does Cllr Jedut's comment posted on the Urban Dandy London online blog on 17 March 2025: "*As Golda said: Arabs need to love their children first and peace will follow*" as a matter of fact, breach the Code?**

- 9.9 In consideration of her response to the complaint, I take Cllr Jedut to be suggesting that Golda Meir's reference to "Arabs" (her quote as set out at paragraph 2.1 above) is a reference, or intended as a reference, to the (extremist) Islamist predecessors of Hamas, and in the context of Cllr Jedut's post her paraphrasing (or misquoting) of Golda Meir's quote is intended as a reference to Hamas and / or the (extremist) Islamists of more recent times, and in both instances attributes the cause of the historic and ongoing conflict in Gaza to Arabs.
- 9.10 To whom Golda Meir was referring, or intended to refer, by using the term Arabs, and more particularly Cllr Jedut's intention in using the term in the context of the current conflict in Gaza is however, in my view, beside the point. Cllr Jedut's use of the term Arab, albeit by way of her quoting a third party, (Golda Meir), is in my view, careless, ill-conceived and apt to conflate Hamas / extremist Islamists, their doctrine and actions with Arab peoples generally, and in the context of the present conflict, the Palestinian people in particular.
- 9.11 In consideration of the LGA Guidance set out above at paragraphs 7.2 – 7.8 accepting that robust debate at times are expected and that there can be a disagreement on views. The Code requires such expression to be done respectfully. In my view, Cllr Jedut's inclusion of the paraphrased (or misquoted) words attributed to Golda Meir: "*Arabs need*

to love their children first and peace will follow” is inappropriate and is evidence upon which a finding may be made that Cllr Jedut breached, as a matter of fact, the following Parts of the Code:

9.11.1 Part 1.04 (x) Treating people with respect, including organisations and public I engage with and those I work alongside, and paying particular attention to the commitments made in the Hillsborough Charter;

9.11.2 Part 1.04 (xii) Promoting equality and not discriminating unlawfully against any person; and

9.11.3 Part 1.04 (xiii) Promoting and supporting high standards of conduct through leadership and example.

9.12 Whilst in posting the comments complained of, Cllr Jedut may have damaged her personal reputation, in further consideration of the LGA Guidance, in my view Cllr Jedut’s comments are however insufficient evidence upon which a finding may be made that they could be reasonably regarded as reducing the public’s confidence in her being able to fulfil her role as a councillor, or adversely affecting the reputation of the Council’s members in being able to fulfil their role as councillors, and nor are the comments sufficient evidence upon which a finding may be made that they reduce public confidence in the ability of the Council to fulfil its functions and duties as a local authority. As such, I do not consider the comments complained of to be sufficient evidence upon which a finding may be made that in making them Cllr Jedut has brought the Council into disrepute, and thereby breached her obligation under Part 1.04 (xi) of the Code.

9.13 Having found set as out above that the comments complained of are sufficient evidence upon which a finding may have breached the code, I am required to apply the second stage of the test.

STAGE 2

9.14 Would a finding that the comments complained of are a breach of the Code, breach Cllr Jedut’s Article 10 rights?

9.15 Provisions as to the enhanced protection afforded to Cllr Jedut’s right to the freedom of political expression under Article 10 ECHR are set out above under section 8, in consideration of which, in my view, Cllr Jedut’s posting of the comment “*As Golda said: Arabs need to love their children first and peace will follow*” on the Urban Dandy London online blog on 17 March 2025 is a comment made in the political sphere on a matter of public interest, and as such the comment is “political expression” as a value judgement that is not gratuitously personal.

- 9.16 As a result, the enhanced protection of Article 10 applies to both the substance of her comments, and the form in which they were conveyed and Cllr Jedut's comments must be tolerated even where they are immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational or aggressive.
- 9.17 In consideration of the above, whilst the use of the quote may be considered, outside of politics, to be inaccurate, provocative, offensive, and more, in my view Cllr Jedut's comments are protected and therefore if a breach was found this would interfere with Cllr Jedut's right to political expression under Article 10 ECHR.
- 9.18 Given my view that a finding that Cllr Jedut breached the Code by making the comments complained of would infringe her right to political expression under Article 10 and the enhanced protection afforded it, I am required to apply the third stage of the test.

STAGE 3

9.19 Would a breach of Cllr Jedut's enhanced protection to freedom of political expression be justified in the circumstances of this complaint?

- 9.20 Cllr Jedut's right to freedom of political expression under Article 10 and the enhanced protection afforded to it, is not absolute and may be restricted if the restriction is prescribed in law and is necessary in a democratic society for the protection of the rights and interests of others.
- 9.21 The requirement of the Council to adopt the Code is prescribed by law (the Localism Act 2011) and is the means through which the UK Parliament has qualified Cllr Jedut's freedom of political expression and provides for its restriction where it is, in the pursuit of a legitimate aim and necessary in a democratic society. The Code must manage how it protects Cllr Jedut's freedom of political expression and how it restricts it, and the courts require that the margin to be construed narrowly. Any restriction must be proportionate.
- 9.22 In the circumstances of this complaint, a finding that Cllr Jedut has breached the Code, thereby interfering with her freedom of political expression, will only be justified if the curtailment of her right to make the comment "*As Golda said: Arabs need to love their children first and peace will follow*" is necessary to protect the rights and interests of others.
- 9.23 In my view, the comments complained of, the context and circumstances in which they were made are very much of those held in mind by the courts whose judgements have established and shaped the concept of enhanced protection for the freedom of political expression. In my view Cllr Jedut's comments are within the parameters of acceptable

political expression and whilst they may be disagreeable to some, their rights and interests do not require the curtailment of Cllr Jedut's comments which must be tolerated within a democratic society. As such it is my further view that in the circumstances of this complaint an interference with Cllr Jedut's right to freedom of political expression and the enhanced protections it is afforded would not be a proportionate response and would not be justified.

10. CONCLUSION

- 10.1 I find there is sufficient evidence upon which a finding may be made that in the circumstances of the complaint the Code applied to Cllr Jedut.
- 10.2 I find that Cllr Jedut's comment: "*As Golda said: Arabs need to love their children first and peace will follow*" is within the parameters of acceptable political expression, and as such a finding that in making the comments, Cllr Jedut breached the Code would be an infringement of her right of freedom of political expression under Article 10 ECHR and the enhanced protection it is afforded
- 10.3 I find that in the circumstances of this complaint, there are insufficient grounds to justify an infringement of Cllr Jedut's right of freedom of political under Article 10 ECHR.
- 10.4 There is therefore insufficient evidence upon which a finding may be made that in the circumstances of the complaint Cllr Jedut breached the following elements of the Code:
- 10.4.1 Part 1.04 (x) Treating people with respect, including organisations and public I engage with and those I work alongside, and paying particular attention to the commitments made in the Hillsborough Charter;
 - 10.4.2 Part 1.04 (xii) Promoting equality and not discriminating unlawfully against any person;
 - 10.4.3 Part 1.04 (xiii) Promoting and supporting high standards of conduct through leadership and example; and,
 - 10.4.4 Part 1.04 (xi) Not conducting myself in a manner which is likely to bring the Council into disrepute.

Claire Ward

Partner

Anthony Collins Solicitors LLP

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