
STATES OF JERSEY



COMMISSIONER FOR STANDARDS: INVESTIGATION OF COMPLAINT OF BREACH OF THE CODE OF CONDUCT FOR ELECTED MEMBERS BY DEPUTY S.Y. MÉZEC OF ST. HELIER

**Presented to the States on 30th April 2018
by the Privileges and Procedures Committee**

STATES GREFFE

INTRODUCTION

The Privileges and Procedures Committee has received a report from the Commissioner for Standards into an alleged breach of the Code of Conduct for Elected Members by Deputy S.Y. Mezec of St. Helier.

The Commissioner for Standards has found that Deputy Mézec did not breach the Code of Conduct for Elected Members.

The Committee accepts the Commissioner's report, which is attached, and considers that no further action is necessary.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT OF THE COMMISSIONER FOR STANDARDS

Submitted on 26th March 2018

Introduction

1. Mr. J. Haworth (the complainant) submitted a complaint by means of an e-mail, dated 31 March 2018. I acknowledged the complaint on 4 April 2018.

Summary

2. Mr. Haworth's complaint was that Deputy Mézec had breached the provisions of the Code of Conduct for Elected Members by publishing on 'Facebook' comments which claimed that Mr. Haworth had threatened to kill a politician's landlord, had harassed victims of child abuse and was a 'sick and twisted maniac'.
3. I wrote to Deputy Mézec on 17 April 2018, setting out the alleged breaches and highlighting Section 5 of the Code of Conduct. I invited him to provide a full and accurate account.

The facts

4. Mr. Haworth supplied a short extract from an apparent 'Facebook' discussion/exchange involving Deputy Mézec, another person and himself. The exchange does show that Deputy Mézec claimed that 'Andy Le Vesconte' was a fake profile and that it was run by a person who he claimed had been convicted a few years ago of threatening to kill a politician's landlord. He went on to say that the individual concerned had also harassed victims of child abuse and was 'a pretty sick and twisted maniac'. He subsequently stated that 'Jon Haworth agrees with Andy. He IS Andy'.

Deputy Mézec's response

5. Deputy Mézec responded in an e-mail dated 24 April 2018. He provided a newspaper clipping which showed that Mr. Haworth was convicted in March 2011 in connection with threats and was bound over to keep the peace. He also provided a letter dated 25 November 2015 from the Jersey Care Leavers' Association ("JCLA"). That letter referred to an earlier incident and complaint involving Deputy Mézec and the complainant. The JCLA stated that Mr. Haworth had made vitriolic attacks on the JCLA and claimed that he had said that victims of child abuse only wanted compensation.

Analysis and findings

6. I am reluctant as a matter of policy to intervene, or to police disputes and exchanges on social media, and I have dismissed other complaints arising from such exchanges on the basis that they are in my judgement clearly frivolous or vexatious. However, I have always made it clear that the presence of aggravating factors such as foul language or clear evidence of malice might bring some exchanges within the provisions of Article 5 of the Code of Conduct and warrant investigation. Thus, the serious nature of the allegations in this case constituted a *prima facie* case that justified investigation.

7. Turning to the three points raised in Mr. Haworth's complaint:

(a) 'I threatened to kill a Politician's Landlord'

I am satisfied based on the newspaper coverage of a court case involving Mr. Haworth that he had been bound over to keep the peace in connection with a telephone call he made which involved a threat to the landlords of a Jersey politician. I find it significant that Mr. Haworth sought to explain his actions on that occasion, by stating that they were prompted by a social media exchange to which he objected.

(b) 'That I harass Victims of Child Abuse'

I am satisfied that the JCLA letter dated 25 November 2015 provides justification for Deputy Mézec's comment. I note that Deputy Mézec referred to other relevant evidence to justify his comment, but I felt it unnecessary to pursue these additional references.

(c) 'That I am a sick and twisted Maniac'

Whilst one could deprecate Deputy Mézec's choice of language in the light of the requirements of Article 5 of the Code of Conduct, I recognise that social media is a more informal media and that Mr. Haworth's history, as evidenced in the report of the court case in 2011, may have led Deputy Mézec to feel his comment was justified. I do not believe it was malicious in intent.

8. In my judgement Deputy Mézec did not breach the Code of Conduct for Elected Members.

Paul Kernaghan, C.B.E., Q.P.M.

Commissioner for Standards