

## Assessment Decision Ref 2019-049

<b>Complainant:</b>	<b>Mirfield Town Councillor Sean Guy</b>
<b>Subject Member:</b>	<b>Mirfield Town Councillor Steven Benson</b>
<b>Consultees:</b>	<b>Councillor Mohan Sokhal, Councillor Karen Allison, Councillor Alison Munro and Councillor Richard Smith</b>
<b>Decision Makers:</b>	<b>Councillor Paul Davies (Chair of Standards), Mr Michael Stow (Independent Person), Julie Muscroft (Monitoring Officer)</b>

As Monitoring Officer, Chair of Standards and Independent Person, we have considered what action should be taken in respect of this complaint and have consulted the above Group Business Managers (GBMs and Consultees) in doing so.

In coming to a decision we took account of various information including:

- the written complaint by Mirfield Town Cllr Sean Guy
- the response to the complaint by Mirfield Town Cllr Benson, and
- a further response from Cllr Guy submitted when he had seen Cllr Benson's response to his complaint,
- information and screenshots from the investigation
- information from Kirklees' IT on some technical aspects of Facebook

Cllr Guy's complaint related to allegations about Cllr Benson's behaviour on social media. The allegation related to a post, from September 2019, made by Cllr Guy, that Cllr Benson had responded to.

His complaint was that the comments posted by Cllr Benson on his post were '*defamatory and untrue*'.

In further correspondence, Cllr Guy clarified that the alleged breaches of the code of conduct were:

- 3.8 – Leadership
- 3A1 – Respect
- 3A2 – Bullying
- 3A3 – Promoting high standards of behaviour

Steps were taken to try to get the matter resolved informally which didn't prove successful. Following that the Monitoring Officer and the Independent Person reviewed the relevant evidence and were of the view that there was sufficient evidence of a breach to take the complaint further through the standards process.

Cllr Benson was asked to respond to the complaint, and he did so. In his response, he asserted that, as he was no longer 'friends' with Cllr Guy on Facebook, he was not able to delete his comments. He suggested that Cllr Guy could do that himself, by deleting his post.

He did state that he felt that, with the exception of the reference to '7 pints' that his comments were mostly true. He suggested that he was owed an apology by Cllr Guy from earlier in the year.

In line with the standards process, the complainant was given the opportunity to respond to Cllr Benson's response. Cllr Guy reiterated his view, stating that he had hoped that the matter could have been resolved informally, with an apology and deletion of the posts. With regards to the alleged incident referred to by Cllr Benson, he stated that he did not know what this referred to.

In line with the published standards process, the assessment panel met to consider the complaint. The general view was that, it was a very minor breach, and that it was something that should have been resolved informally, at a local level.

The panel felt that the complaint may have been a by-product of issues that had arisen within Mirfield Town Council following the defection of Cllr Benson from the Conservative Party to the Green Party and that this could have been better managed locally to prevent working relationships breaking down.

## **Conclusion/Decision**

Having considered the information and evidence it is our view that Cllr Benson did breach the Code of Conduct and the complaint is upheld. Having said that, we do not believe that it was anything beyond a minor breach and were disappointed that attempts to resolve the complaint informally had been unsuccessful.

With regards to sanctions, we would suggest that the following should be considered:

- i) an apology from Cllr Benson, in writing or in person. If necessary this can be made via a third party, e.g. the Chair of the Town Council.
- ii) an admission by Cllr Benson that the comments may not have been true

As decision makers, we did consider the issue around removing or deleting the post but were satisfied, that it would not now be possible for Cllr Benson to do this, as he was no longer 'friends' with Cllr Guy. Under the circumstances, we were satisfied that Cllr Guy does have the power to 'hide' the comment and that, given his views on the post, he should do so.

Signed:

Dated:

**Julie Muscroft**

**Monitoring Officer**

Signed:

Dated:

**Cllr Paul Davies**  
**Chair of Standards**

Signed:

Dated:

**Michael Stow**  
**Independent Person**