

**Complaint against Cllr Benner and Cllr Walker of Mountsorrel Parish Council concerning posts on the Mountsorrel Parish Council Community Facebook page, from Jennifer Cornish**

**Complaint Ref: MC2 20/21**

**Date: 31 July 2020**

**Summary of the Complaint and Potential Breaches of the Code of Conduct**

Ms Cornish's complaint is that Cllr Benner and Cllr Walker both 'liked' a response made on the Facebook page regarding the newly elected Chair and Deputy which said 'WELL DONE PEOPLE, dark clouds have lifted, no more back room deals'.

She states that she does not feel it is appropriate for them to have liked the post, which seems to accuse previous councillors of wrongdoing.

Cllr Benner's and Cllr Walker's conduct as referred to within the complaint could potentially be in breach of the following requirement contained within the Member Code of Conduct of the Council:

*3.1 You must treat others with respect.*

**Responses to the Complaint**

Cllr Benner's response is that she was merely acknowledging the well done and thanks comments by liking and thumbs upping the comments made relating to her vice chairman position, as she had done on other social media sites.

Cllr Walker's response is that she is confused as to what the complainant is accusing her of, and that she liked all the comments that were made in support of her in the role as Chair of the Council. She states that she can see nothing in the post that suggests there was any wrong doing, and that the post supports, change, fresh ideas and attitudes.

**Conclusion of the Monitoring Officer**

Having reviewed the relevant Facebook postings, I can see no evidence that anything done by Cllr Benner or Cllr Walker was inappropriate or disrespectful in any way.

I therefore conclude that the actions complained about do not amount to a breach of the Code of Conduct, and that consequently the complaint does not merit further action or investigation.

**Adrian Ward**  
**Monitoring Officer**

**Information issued to the Independent Person by Mr Ward to allow the complaint to be appropriately appraised on 28<sup>th</sup> July 2020**

- A copy of the original complaint
- A copy of the Email exchange between Mr Ward and the complainant seeking clarification
- Copies of the original messages posted on Facebook by Mr Gunby and Ms Wellborn and the comments made against them by members of the public and the councillors to which this complaint relates
- Response to Mr Ward about the complaint from Councillor Benner
- Response to Mr Ward about the complaint from Councillor Walker
- Mr Ward's draft finding summary.

**Views of the Independent Person Dated: 31<sup>st</sup> July 2020**

Both Mr Gunby and Ms Wellborn begin their comments by congratulating the councillors on their election into the Chair and Vice Chairs position. Mr Gunby states "*Well done People*" while Ms Wellborn states "*Brilliant so very pleased*".

For the councillors to like 'thumbs up these comments' or issue a reply in private is therefore in my opinion not disrespectful or a breach of any legal activity.

As noted by the Monitoring Officer Mr Ward, Mr Steve Gunby is not a councillor or member of the Parish Council and therefore has a legal right to voice his personal opinion provided any opinions he posts on social media are within legally defined criteria.

I can see nothing illegal or disrespectful in the statement "*The dark clouds above the future for the village may have just been blown away with bright skies ahead.*" As regards the referral within the next sentence to "*...and information being given out instead of back room deals kept quiet for the benefit of the few?*".

I again do not find the referral within the end of the statement to "*back room deals*" either a disrespectful or illegal comment.

I am aware such accusations have been made throughout the history of politics usually in relation to a continued lack of openness and transparency within the democratic structure; and Mr Gunby's earlier reference to improved transparency through the use of social media to make information on council decisions more

readily available, in my opinion counteracts and places his later comments in context therefore.

My view in this matter would have been very different if Mr Gunby had named councillors individually and/or referred to specific events and/or accused individual councillors directly of illegal wrongdoing, or if Mr Gunby had used social media to incite racial hatred, condone and/or incite acts of terrorism, sexual hatred, condoned and/or encouraged explicit illegal activity etc.

As regards the comments made by Michelle Wellborn, I am not aware as to whether Ms Wellborn is a councillor or member of the Parish Council, however I find nothing illegal or disrespectful within her statement "*A new start nice to have people elected in stead of just opted in*".

Having read the message several times I have assumed that the "*opted in*" part refers to the fact that not enough councillors may have previously stood for election thereby allowing some councillors to stand unopposed, thereby making the election a foregone conclusion. Because this is not an illegal or unethical practice within politics it is not disrespectful if a member of the public then goes on to comment and voice their personal annoyance on the use of such practices within politics. Neither would it be disrespectful for a member of the public to voice their opinion on why and how a certain party always wins within a local area for example.

My overall opinion on the complaint is that in this case there is '**No case to answer**'.

**Mr Mark Shaw**  
**Independent Person**