

## Assessment Decision Ref 2024-055

<b>Complainants:</b>	<b>Denby Dale Parish Cllr Karen Hirst Cllr Hannah McKerchar Cllr Will Simpson</b>
<b>Subject Member:</b>	<b>Denby Dale Parish Councillor Glenn Hirst</b>
<b>Consultees:</b>	<b>N/A</b>
<b>Decision Makers:</b>	<b>Councillor Bill Armer (Chair of Standards), Samantha Lawton (Monitoring Officer), Mike Stow (Independent Person)</b>

This decision notice relates to three complaints that were received by the Monitoring Officer, all of which related to the same set of Facebook posts made by Denby Dale Parish Cllr Glenn Hirst.

As Monitoring Officer, Independent Person and Chair of Standards, we have considered what action should be taken in respect of these complaints, having consulted first with the Assessment Panel.

The complaints arose following the sharing by 2 Kirklees Denby Dale ward Councillors of a post on social media about some work in the village that they had used their ward budgets to complete. This post led to a number of comments on local social media pages, but it was the tone and manner of the posts by Cllr Hirst that are the subject of the complaint.

Cllr Hirst was given the opportunity to respond to each of the complaints, in line with the standards process. He failed to respond, despite being chased and the decision makers have had to base their decisions on the information provided by the complainants, which comprised of their own complaints, plus screenshots of the posts complained of. Cllr Hirst was made aware that the complaint would proceed without his responses to the allegations, should he not respond.

The relevant Code of Conduct is that of Denby Dale Parish Council.

Consideration was given to the applicability of Article 10 of the European Convention on Human Rights and the right to freedom of speech. There was acknowledgment that this was not an absolute right and that a distinction needed to be made between what was being said and the manner in which it was said, as well as who was the subject of such comments.

In coming to their decisions, the decision makers took account of various pieces of information including:

- the written complaints submitted
- the Facebook posts provided

- confirmation from the Monitoring Officer that no complaints about Cllr McKerchar had been made to her or upheld

## **Conclusion/Decision**

Consideration had been given to whether or not Cllr Hirst was acting in his capacity as an elected Councillor when the incidents took place.

In respect of the complaints it was held that Cllr Hirst was acting in his capacity as a Parish Councillor.

The breaches that had been alleged by the complainants were:

- 1.1. *I treat other councillors and members of the public with respect.*
- 1.2. *I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.*
- 2.1 *I do not bully any person.*
- 3.1 *I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.*
- 5.1 *I do not bring my role or local authority into disrepute.*

In addition to this the decision makers considered whether or not Cllr Hirst, in failing to engage with the process, was in further breach of the code:

### *8. Complying with the Code of Conduct As a Councillor:*

*8.2 I cooperate with any Code of Conduct investigation and/or determination*

It was accepted that it was not inappropriate for Cllr Hirst to engage with members of the public or other Councillors through social media, but rather it was suggested that it was his manner of doing so that was inappropriate.

The decision makers find that the following breaches of the Code of Conduct occurred:

#### 1. Respect

- I treat other Councillors and members of the public with respect

Cllr Hirst had not treated Cllrs Hirst and McKerchar with respect. He made a number of allegations that were unsubstantiated and one in particular alleged that the

Monitoring Officer had upheld complaints he made about Cllr McKerchar. This is untrue and, as the Monitoring Officer, I can say with certainty that no complaints about Cllr McKerchar have been made to me or upheld.

The decision makers also found that the language that he used to describe fellow councillors and school staff was disrespectful.

#### 5. Disrepute

- I do not bring my role or local authority into disrepute

This breach relates to the Nolan principle requiring councillors to '*act with integrity and honesty*'. Cllr Hirst was found to have been untruthful when he made the suggestion that complaints about Cllr McKerchar had been upheld by the Monitoring Officer. The decision makers were of the view that Cllr Hirst's dishonesty had brought the Parish Council into disrepute.

#### 8. Complying with the Code of Conduct As a Councillor:

- I cooperate with any Code of Conduct investigation and/or determination

This breach follows from Cllr Hirst's failure to engage with the complaint investigation. He was contacted on a number of occasions and given the opportunity to provide a response to the allegations, but did not do so, failing to even acknowledge the correspondence. It was made clear to him that the matter would proceed without his response should he continue to fail to engage.

#### Sanctions

To this end, the following sanctions are to be applied:

Cllr Hirst will be asked to remove the Facebook posts complained of if these are still visible.

Cllr Hirst will be asked to issue an apology in respect of his behaviour to both Cllr Hirst and Cllr McKerchar.

Cllr Hirst will also be asked to apologise to Denby Dale Parish Council for bringing it into disrepute.

Cllr Hirst will be asked to undertake some suitable training that will cover best practice for councillors and social media use. The Monitoring Officer would suggest that any such training should be open to all Parish Council members to attend.

This decision notice will be published on the Kirklees Standards complaints page and the entry will be updated as and when Cllr Hirst complies with the sanctions.

Signed: Samantha Lawton

Dated: 1<sup>st</sup> April 2025

**Samantha Lawton**

**Monitoring Officer**