

COPELAND BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE – 27 July 2022

Notice of decision to complaint concerning St Bees Parish Councillor Simon Ritson

1. Decision on whether the hearing should be in private and anonymity.

1.1 The Committee agreed that members of the press and public should be excluded from the hearing under paragraph 1 of part 1 of schedule 12A of the Local Government Act 1972. This was on the basis that the hearing will be considering information relating to individuals that, in this case, it would not be in the public interest to consider such information in public.

1.2 It was noted that no application for anonymity had been made.

2. Attendances

2.1 The following persons were present at the hearing:

Members of the Committee:	Councillor David Banks (Chair) Councillor Hugh Branney Councillor Joan Hully Councillor Ged McGrath Councillor Russell Studholme
Independent Person:	Mr Anthony Payne
Complainant:	Mr John Williamson
Subject Member:	Councillor Simon Ritson
Monitoring Officer:	Nicola Hartley, Head of Corporate Governance and Legal
Democratic Services Representative:	Stephanie Shaw, Electoral & Democratic Services Manager and Clive Willoughby, Democratic Services Officer

3. Preliminary issues

- 3.1 In accordance with paragraph 12 of the procedure adopted by Council on the 11th September 2018 (amended on 17 June 2021) for dealing with complaints, the Chair commenced the hearing by reading out the procedure which was to be followed.
- 3.2 In accordance with paragraph 12 of the said procedure, the Committee decided that the matter should continue to be held in private.
- 3.3 The Councils Monitoring Officer then presented the report, setting out the detail of the complaint and the evidence provided, which was summarised as follows:

The Subject Member used his position on the Parish Council to prevent the Complainant from maintaining a piece of land outside of his property.

- 3.4 The circumstances of the complaint are:

The Complainant and Subject Member are neighbours, on Friday 27th May the Complainant was preparing to cut an area of grass outside his property which was overgrown. As he was preparing to start, he alleges that a voice came over a loud speaker which the complainant states said "Mr Williamson, you are not allowed to cut the grass. This is St Bees Parish Council and you cannot cut the grass. We are allowing it to grow to protect the insects. Do not cut the grass, you are breaking Parish Council rules".

The complainant goes on to say that the voice was that of the Subject Member and was coming from a CCTV camera installed at their property.

- 3.5 The Committee decided that no further evidence was likely to be required, it was not necessary to appoint an external investigator and no further witnesses were to be called.

4.0 Hearing

- 4.1 The Committee considered the complaint together with the evidence provided. The Committee heard from the Complainant, and the Subject Member and were able to ask questions of them.
- 4.2 They considered whether the Subject Member was acting in a capacity of a councillor at the time of the alleged breach and that the code of conduct applied to them at that time. The Committee unanimously agreed that based on the evidence presented, the member was acting in capacity of a councillor.

5. Decision

- 5.1 The Committee unanimously agreed that there had been a breach of the Code of Conduct and that it was in the public interests to proceed.

6. Reasons

- 6.1 The Committee agreed that based on the evidence supplied, on the balance of probability, the message conveyed over the speaker system did refer to the Parish Council. The Complainant's version of events were supported by a number of witnesses, whilst the Subject Member provided no evidence to support their version.
- 6.2 The Committee agreed that the Subject Member's behaviour was unacceptable and amounted to a breach of the Code of Conduct, specifically in relation to the following paragraphs of the code:
- (4) You must not bring your office or your Council into disrepute.
 - (5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers and its other employees.
 - (11) You must promote and support high standards of conduct when serving in your office.

7. Sanctions

- 7.1 In accordance with paragraph 13(i) of the adopted procedure for dealing with Code of Conduct complaints the Committee considered, and unanimously agreed, that the following sanctions are necessary:
- 7.1.1 That the Subject Member should be issued with a conditional warning in respect of future behaviour and specified a period that such warning will last up to a maximum term of 2 years provided that this shall not be later than the expiry of the Subject Member's term of office at the respective Council. This shall mean that if a further complaint is received against the Subject Member which is substantiated that any sanction imposed for that breach will take into account the present breach as well.
- 7.1.2 In addition to the above, the Committee recommended that the Parish Council be made aware of the matter. The Monitoring Officer will write to the Parish Clerk to inform them and recommend that the matter is referred to a parish council meeting for noting.

8. Additional Notes

- 8.1 The Committee Members accepted that this is a private dispute between neighbours, however, the Committee Members were in agreement, that the Parish Council should be made aware as it is now bringing the Council into disrepute.
- 8.2 Members found the behaviour of the Subject Member unacceptable and were appalled by the contents of the defending statement which was read out during the hearing.



Signed:

Nicola Hartley, Monitoring Officer, Copeland Borough Council

Date: 3 August 2022

Right of Appeal:

There is no right of appeal against the decision of the Standards and Ethics Committee.