

COPELAND BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE – 2 AUGUST 2022

Notice of decision to complaints concerning Ennerdale & Kinniside Parish Councillors

Richard Taylor and Daniel Young

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 and the business affairs of Ennerdale and Kinniside Council and 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 Joan Hully
Councillor Ged McGrath

Independent Person:

Mr Anthony Payne

Complainant:

Victoria Lancaster, Forestry England

Subject Members:

Councillor Richard Taylor and Councillor Daniel Young

Monitoring Officer:

Nicola Hartley, Head of Corporate Governance and Legal

Democratic Services Representative:

Stephanie Shaw, Electoral & Democratic Services Manager and Rose Blaney, 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 complaints and the evidence provided, which was summarised as follows:

The Subject Members behaviour during the incidents set out within the complaint has brought Ennerdale and Kinniside Parish Council into disrepute and constitutes harassment and bullying of members of staff involved in the Wild Ennerdale Project.

- 3.4 The circumstances of the complaint are:

Incident 1 – An employee of Forestry England was asked to attend a meeting of the Parish Council on 22 November 2021 to present a presentation. During the presentation, the Complainant alleges that the employee was interrupted, talked over and belittled by the Subject Member. (Councillor Taylor)

Incident 2 – A public drop-in session was held in Cleator Moor on 16th March 2022 for the Wild Ennerdale Beaver Project. Whilst an employee of Forestry England (same employee involved with incident 1 above) was answering questions raised by a member of the public, it is alleged that the Subject Member's behaviour became confrontational and intimidating, rubbishing the employees answers, talking over him, giving false information and making personal comments. (Councillor Taylor)

Incident 3 – During a public drop-in session at Whitehaven Civic hall on 18 March 2022. The Complainant alleges that both Subject Members were in attendance outside the venue when the Forestry England employee arrived. No-one attended this drop-in session, and the Complainant alleges that the Subject Member was talking to people at the entrance, giving false information in what they believe was attempts to sabotage the attempts to engage with interested members of the public. (Councillor Taylor and Councillor Young)

Incident 4 – On 21 March 2022, two employees of Forestry England attended a site meeting as requested by representatives of the Parish Council. On the morning of the meeting, the employees received emails that had been sent from the Subject Member, (Councillor Young) over the weekend. One was sent on Saturday asking for various information to be brought to the meeting with a further email on Sunday chasing a response to the earlier one. The Complainant states that it was unreasonable to expect them as employees to be able to gather this information with so little notice between the emails being received at a weekend and the meeting starting on Monday morning and the employees 'felt harassed'.

The Subject Members were in attendance at the meeting, during which it is alleged that they talked over the employees, rubbished their answers, gave false information and made personal comments. The Complainant also states that the Subject Members (Councillor Taylor's) behaviour during the meeting was "aggressive, intimidating and overbearing".

- 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 Members and were able to ask questions of them.

- 4.2 The Committee considered whether the Subject Members were 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 Subject Members were acting in capacity of a councillor in two of the four incidents detailed in paragraph 3.4.

5. Decision

- 5.1 Based on the evidence provided, the Committee unanimously agreed that incidents two, (Councillor Taylor) and three (Councillor Taylor and Councillor Young) detailed in paragraph 3.4 were to be discounted as the Subject Members were not acting in capacity.
- 5.2 The Committee unanimously agreed that incidents one, (Councillor Taylor) and four, (Councillors Taylor and Young) set out in paragraph 3.4, did amount to a breach of the Code of Conduct.

6. Reason

- 6.1 The complainant set out in the complaint witness statements from the employees in attendance at the meetings. The Committee agreed that these were credible statements and had no reason to doubt the employees feelings, and on this basis upheld the complaint.

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, Councillor Taylor 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 Parish 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 That the Subject Member, Councillor Young although there has been a breach of the Code of Conduct, with the Committee of the view that his actions were unreasonable, after taking into account the public interest test, no further action will be taken.



Signed:

Nicola Hartley, Monitoring Officer, Copeland Borough Council

Date: 8 August 2022

Right of Appeal:

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