

COPELAND BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE – 20 July 2021

Notice of decision to complaint concerning Copeland Borough Councillor Mike Hawkins

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 the Borough 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 Joan Hully (Deputy Chair) Councillor Jackie Bowman Councillor Graham Calvin Councillor Russell Studholme Councillor Hugh Branney
Independent Person:	Mr Anthony Payne
Complainant:	Mayor Mike Starkie
Subject Member:	Councillor Mike Hawkins
Monitoring Officer:	Sarah Pemberton, Director of Corporate Resources and Commercial Strategy
Legal Officer:	Clinton Boyce, Solicitor
Democratic Services Representative:	Stephanie Shaw, Electoral & Democratic Services Manager

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 Solicitor then presented the report, setting out the detail of the complaint and the evidence provided, which was summarised as follows:

The Subject Member, following a Full Council meeting on 27 April 2021, posted a comment on his personal Facebook page, which stated that the complainant had lied to members of the Council.

3.4 The circumstances of the complaint are:

At a full council meeting on 27 April, the subject member asked the Complainant a question relating to the Future High Street Fund for Whitehaven and asked when the bid was pulled (ie the bid was withdrawn from the MHCLG process) and when was an amended bid submitted.

The Mayor replied and in a supplementary, the subject member asked when the Mayor pulled the bid. The Mayor replied that the bid was pulled on 23 December 2020 and the successful bids were announced after Christmas.

Immediately following the meeting, the Subject Member posted on his personal Facebook page, a message which stated the Mayor had lied to him during the Council Meeting.

Factually according to the MHCLG web site the announcements of successful bids was made on the 26th December 2020.

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.

3.6 The final Preliminary issues for the committee to consider was whether the Subject Member was acting in a capacity of a councillor at the time of the alleged breach and that a 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.

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.

5. Decision

5.1 The Committee unanimously agreed that there had been a breach of the Code of Conduct.

6. Reasons

6.1 The Committee agreed that the posting made by the Subject Member was unacceptable. Such comments, without foundation or evidence are disrespectful and inappropriate and go against the Council's Code of Conduct.

6.2 The Committee agreed that the Subject Members actions 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 Authority 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.



Signed:

Sarah Pemberton, Monitoring Officer, Copeland Borough Council

Date: 13 August 2021

Right of Appeal:

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