

COPELAND BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE – 9 JANUARY 2020

Notice of decision to complaints concerning Parton Parish Councillor Julie Huck

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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 an individual and the legality of business affairs of the Parish 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 Graham Calvin  
Councillor Joan Hully  
Councillor Steven Morgan  
Councillor Russell Studholme

Independent Person:

Mr Henry Holmes

Complainant:

Mr Chris Shaw (Supported by Mr Billy Morton)

Subject Member:

Councillor Julie Huck (not in attendance)

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 11<sup>th</sup> September 2018 (amended on 9<sup>th</sup> September 2019) for dealing with complaints, the chair commenced the hearing by reading out the adopted procedure which was to be followed.
- 3.2 In accordance with paragraph 12 of the said procedure the Committee made the following initial decisions:
- 3.2.1 That the matter should continue to be held in private;
- 3.2.2 There were two complaints submitted by the complainant against the subject member, these complaints were of a similar nature and therefore heard together during the course of the one hearing.
- 3.2.3 One complaint was received on 28<sup>th</sup> October 2019, and the second on 5<sup>th</sup> November 2019. In both complaints, the complainant alleges that Councillor Julie Huck disclosed confidential information to an unconnected third party, who is a member of the public, without consent to do so.
- 3.2.4 That the complaints can be summarised as follows:
- a) Councillor Julie Huck in July 2019 forwarded an email to an unconnected third party. The forwarded email included a trail of emails between the Councillors of Parton Parish Council. The email was forwarded to a third party along with a derogatory slur against a serving member of the Parish Council.
  - b) Further to the above an email was sent from Councillor Robert Huck to the complainant relating to an EGM recently convened. This email was forwarded less than one minute later to the same third party (as in (1) above). The email sent by Councillor Robert Huck was also orientated by Council Julie Huck to be delivered in hard copy to two Councillors of Parton Parish Council without means to receive email.
  - c) Further to both incidents (a) and (b) above, the complainant states that he has reviewed other emails from both Councillors Robert and Julie Huck which show several different coloured vertical lines down the left hand side of the documents. The complainant claims that on an Apple device this indicates that elements of email text had been forwarded or amended. There are also several emails where the font changes within the body of the email.
  - d) Councillor Julie Huck had reproduced and distributed a document which is made up of extracts from emails to and from the Chair and Proper Officer of Parton Parish Council. This document had been marked 'in confidence' by Councillor Julie Huck before being posted and addressed in error to the intended Councillors wife, not the Councillor himself. Councillor Julie Huck was not party to any of the emails which constituted the make up the document she forwarded. Furthermore, the complainant alleges the emails containing Council business, should not have been forwarded to a Councillor's wife, who is not a member of Parton Parish Council.

- 3.2.5 That the evidence comprised of a copy of the email which was forwarded to the third party together with copies of a number of email exchanges between members of Parton Parish Council and the complainant. An email sent by the subject member setting out her defence was also included in the evidence provided.
- 3.2.6 The subject member had written to the MO indicating that she would not attend the hearing and also put forward a reasoned request to the committee (via the MO) for an adjournment. However, the Committee, after discussion, acknowledged that this hearing had already been adjourned on one previous occasion, also at the subject member's request, and, the current hearing had been rescheduled to meet the subject member's requirements of earliest, convenient available date. The reasons put forward by the subject member for an adjournment were, in the opinion of the Committee, unrelated to the subject matter of the complaint. If conflict arose a decision could be taken at that point on whether to adjourn the hearing.
- 3.2.7 Whilst it would have been of benefit to the Committee to hear from the subject member directly, it was decided that no adjournment was deemed necessary and, given the subject member's written submissions, no further evidence was likely to be required.
- 3.2.8 It was not necessary to appoint an external investigator.
- 3.2.9 The Committee agreed that the hearing should proceed.

#### **4. Hearing**

- 4.1 The Committee considered the complaints together with the evidence provided. The Committee heard from the complainant and the Committee were able to ask questions of him.
- 4.2 The complainant confirmed that the complaint had been adequately summed up, as set out in 3.2.4 above.
- 4.3 The complainant confirmed the he believed that by disclosing confidential information to a third party, unconnected to Parton Parish Council, the subject member had breached the Parish code of conduct.

#### **5 Decision**

- 5.1 In relation to the complaint summarised in paragraph 3.2.4 above, the Committee unanimously agreed that the evidence presented showed there had been a breach of the code in relation to parts (a) and (d), of the complaint.
- 5.2 In relation to parts (b) and (c) of the complaint, the Committee unanimously agreed that the evidence presented showed there had been no clear breach of the Code.

- 5.3 It was agreed that the following section of Parton Parish Council's Code of Conduct had been breached:
- 5(5) you must treat other with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Council's statutory officers and its other employees.
- 5.4 In relation to complaint (a) the Committee made clear the evidence that was submitted and relied on by Councillor Julie Huck appeared too coincidental in context and lacked credibility; it was noted, that disappointingly, this is contradictory to Nolan Principles in holding public office of honesty and integrity. Even if the member's version of events was to be believed, the member's mobile phone should have been better protected to ensure confidentiality of Council business.
- 5.5 In respect of complaint (b) the member was asked by the chair to send hard copies of the email to members who could not receive email. She was a member delivering a Council business related email to other members and the Committee did not find anything improper in this. In respect of (c) the evidence of different coloured vertical lines was not conclusive and insufficient to maintain any breach of a code.
- 5.6 With regard to complaint (d) the Committee found that this constituted a technical breach and accepted that it may have been due to a slip of the pen and not done deliberately. However the consequences of incorrectly addressing an envelope containing information marked 'in confidence' could, in GDPR/data protection terms, be quite significant. Whilst there was a technical breach of the code it was not felt that any further action was needed in respect of this other than the member taking greater care in the future.

## **6 Sanctions**

- 6.1 In accordance with paragraph 13(j) of the adopted procedure for dealing with Code of Conduct complaints the Committee considered, and unanimously agreed, that the following action is necessary as a result of the breach found in relation to paragraph 3.2.4 (a).
- 6.1.1 That the Subject Member should be issued with a conditional warning in respect of future behaviour and specify a period that such warning will last up to a maximum term of two 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.
- 6.1.2 It was recommended that the subject Member undertake GDPR training, which Copeland Borough Council would, on request, be able to facilitate.



Signed:

Sarah Pemberton, Monitoring Officer, Copeland Borough Council

Date: 21 January 2020

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**Right of Appeal:**

Subject to judicial review or a decision of a Local Government Ombudsman, there is no right of appeal against the decision of the Standards and Ethics Committee.