

COPELAND BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE – 9 JANUARY 2020

Notice of decision to a complaint concerning Parton Parish Councillor Robert Huck

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 Robert 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

3.1.1 In accordance with paragraph 12 of the procedure adopted by Council on the 11th September 2018 (amended on 9th 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 both to be heard during the course of the one convened hearing.

3.2.3 One complaint was received on 28th October, in which the complainant alleges that Councillor Robert Huck disclosed confidential information to an unconnected third party, that third party not being a councillor nor member of Parton PC, but who is a member of the public; the information was disclosed without consent to do so.

3.2.4 The second complaint was received on 5th November, in which the complainant alleges that Councillor Robert Huck's inaction led to the Parish Council being without correct banking arrangements, leading to a delay in paying creditors (including the Clerk's salary) for a number of months.

3.2.5 That the complaints can be summarised as follows:

Complaint 1

- a) That on the 10th October 2019 Councillor Robert Huck sent an email to the complainant. The email related to an EGM held about the complainant in which he was not allowed to attend. The email was marked confidential. The complainant had been provided with a printed copy of the email, which despite being marked confidential, indicated that it had been forwarded to a third party by the Chair of Parton Parish Council, Councillor Robert Huck.

Complaint 2

- a) The resignation of a councillor on 11th September 2019, meant that the Council had insufficient signatories to issue cheques and therefore to meet its creditor obligations and satisfy financial arrangements.
- b) The Clerk of the Parish Council, requested that an item 'Bank Mandate' be exceptionally added to the Council meeting (11th September) agenda. Towards the end of the meeting the Clerk noted that the matter had not been addressed, and the Chair had failed to include this matter as previously indicated he would. However, Councillor Robert Huck confirmed to the clerk that he would be added to the mandate and become a cheque signatory for the Council.

- c) The Clerk attended Councillor Huck's house on the 29th September to seek his signature on both the minutes from the September meeting and the bank mandate. Councillor Huck signed the same without any further discussion or disagreement. On the following day the Clerk received an email sent by the Councillor Huck rescinding his agreement. The Clerk reminded Councillor Huck that until such time as the mandate was amended the Council were unable to make any payments.
- d) There were further emails exchanged between the Clerk and Councillor Huck which are evidenced within the complaint form.
- e) A period of time elapsed before any financial arrangements to remedy the Council's situation were broached. At the October Council meeting it was agreed that Councillor Robert Huck would become a signatory together with three other Councillors. Following this meeting, Councillor Robert Huck again rescinded his agreement to act.

3.2.6 That the evidence comprised of a copy of the email which showed that the email was forwarded to the third party just one minute after being sent to the complainant. An email sent by the subject member setting out his defence was also included in the evidence provided.

3.2.7 The subject member had written to the MO indicating that he 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 members 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 3.2.5 above.

- 4.3 The complainant confirmed 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 two complaints summarised in paragraph 3.2.5 above, the Standards and Ethics Committee unanimously agreed that the evidence presented showed there had been a breach of the Code.
- 5.2 It was agreed that the following sections of Parton Parish Council's Code of Conduct had been breached:

Complaint 1

- 5(3) you must not disclose any information given to you as a Member in breach of any confidence.
- 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.

Complaint 2

- 5(3) you must not disclose any information given to you as a Member in breach of any confidence;
- 5(8) You must be as open as possible about you decisions and actions and he decisions and action of your Council and should be prepared to give reasons for those decisions and actions;
- 5(11) you must promote and support high standards of conduct when serving in your office.

6 Reasons

- 6.1 In respect of complaint 1 the Committee accepted that, on the balance of probabilities, that the subject member had forwarded the email to a member of public despite it being marked 'confidential'. This he should not have done. The email related to business of the Council and the ongoing difficulties between the Council, the Chair and the clerk. The email was clearly marked confidential and should not have been issued outside of the Council.
- 6.2 With regard to complaint 2 the subject member is chair of the Council. He should not have allowed delays to be occasioned in the payment of creditors, including the clerk. He should have done everything possible to ensure that the bank mandate was completed promptly. If he had doubts or concerns about the lawfulness of the

decisions made relating to the mandate then he should have called an extraordinary general meeting under standing order 7 to correct the position.

7 Sanctions

- 7.1 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 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 That GDPR training be arranged for the Subject Member. It was agreed that Copeland Borough Council would facilitate this training.



Signed:

Sarah Pemberton, Monitoring Officer, Copeland Borough Council

Date: 21 January 2020

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.