

COPELAND BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE – 17 September 2021

Notice of decision to complaint concerning Whitehaven Town Councillor Carla Arrighi

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 (Chair) Councillor Jackie Bowman Councillor Hugh Branney Councillor Ged McGrath Councillor Russell Studholme
Independent Person:	Mr Henry Holmes
Complainant:	Mrs Marlene Jewell and Mrs Vanessa Gorley
Subject Member:	Councillor Carla Arrighi
Legal Officer:	Clinton Boyce, Solicitor
Democratic Services Representative:	Stephanie Shaw, Electoral & Democratic Services Manager, 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 Solicitor then presented the report, setting out the detail of the complaint and the evidence provided, which can be summarised as follows:

On 23 November 2020, a member of the public posted a comment on the Copeland Politics Facebook page, which stated: *“Just heard this lady called Marlene is on £52K per year. She’s actually getting paid more than Mike Starkie and he is the Mayor of Copeland. Plus there’s another drain on Public funds in WTC in the form of Vanessa. She’s on £38K. And please can someone tell me what are we, the public getting for our money. By the looks of things not very much. But I forgot they are OKanes little nodding dogs and an important part of his circus”*

In direct response to this comment, Subject Member *replied “Totally agree Richard”*.

- 3.4 The evidence provided comprised of screen shots of the Facebook post and the comments made.
- 3.5 The Committee agreed 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 the code of conduct applied to them at that time.

4.0 Hearing

- 4.1 The Committee considered the complaint together with the evidence provided. The Committee heard from both the Complainants. The Subject Member did not attend the hearing, nor did they submit any written representation to the Committee in advance.
- 4.2 The Solicitor set out to the Committee the case law for ‘acting in capacity’ and that on the comment made there was no reference to the Subject Member being a councillor. The complainants argued that whilst they acknowledged the point made by the solicitor, the Subject Member was well known for being a Whitehaven Town Councillor.

5.0 Decision

- 5.1 The Committee unanimously agreed that based on the evidence presented, the Subject Member had breached the Code of Conduct.
- 5.2 It was agreed that the following sections of Whitehaven Town Council’s Code of Conduct had been breached:

- (5) You must not bring your office or your Council into disrepute.

- 6) You must not act in such a way which a reasonable person would regard as bullying or intimidatory and behave in such a way that a reasonable person would regard as respectful 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 Council's statutory officers and its other employees.
- (12) You must promote and support high standards of conduct when serving your office.

6.0 Reasons

6.1 The Committee members accepted that the member did not post under the name of Councillor, however, the Committee agreed that by making the comment the Subject Member had shown disrespect. As a member of Whitehaven Town Council and therefore the employer of the staff members involved in the complaint, the Subject Member had a duty of care to the complainants and should not have commented on such a post.

7.0 Sanctions

7.1 In accordance with paragraph 13(i) of the adopted procedure for dealing with Code of Conduct complaints the Committee considered, and agreed, that the following sanction is necessary:

7.2 That the Subject Member be issued with a conditional warning in respect of future behaviour for a period of two years from the date of this notice. 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: 21 September 2021

Right of Appeal:

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