

COPELAND BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE – 21 APRIL 2022

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 David Banks (Chair)
Councillor Jackie Bowman
Councillor Hugh Branney
Councillor Graham Calvin
Councillor Joan Hully
Councillor Ged McGrath
Councillor Russell Studholme

Independent Person:

Mr Anthony Payne

Complainant:

Mayor Mike Starkie

Subject Member:

Councillor Mike Hawkins

Monitoring Officer:

Nicola Hartley, Head of Corporate Governance
and Legal

Democratic Services Representative:

Stephanie Shaw, Electoral & Democratic
Services Manager and 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 Monitoring Officer then presented the report, setting out the detail of the complaint and the evidence provided, which was summarised as follows:

The Subject Member, on 15 February 2022 posted a comment on the Whitehaven News Facebook page, which the complainant alleges brings the council into disrepute, fails to treat other with respect and questions his integrity.

- 3.4 The circumstances of the complaint are:

Following coverage in the Whitehaven News of the recent visit to the area by the Prime Minister, the subject member posted the following comment in response to a picture of the Prime Minister and the complainant on the Whitehaven News Facebook page:

“Two Liars together”

- 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.
- 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:
- (3) The Subject Member should be censured – an expression of strong disapproval or criticism - and that such censure will be in writing, copied to the leader of any relevant group.
 - (5) The breach is so serious that a recommendation should be made to a relevant group leader that the member should be removed from relevant committees or the executive or outside bodies;
 - (6) that appropriate training should be arranged for the Subject Member by the Council.

Signed:



Nicola Hartley, Monitoring Officer, Copeland Borough Council

Date: 12 May 2022

Right of Appeal:

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