

COPELAND BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE – 2 FEBRUARY 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 Town 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 Graham Calvin Councillor Steven Morgan Councillor Russell Studholme
Independent Person:	Mr Anthony Payne
Complainant:	Mrs Marlene Jewell
Subject Member:	Councillor Carla Arrighi
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 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 9th September 2019 and 5th May 2020) for dealing with complaints, the Councils Solicitor 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 That the complaint can be summarised as:

The Subject Member implied during a virtual meeting that the Complainant had breached Data Protection rules by giving out her address to a member of the public.

During a Council meeting held on Thursday 24th September 2020, the Subject Member said "I want to know how (named member of public) found my address in Glasgow because the only person who has that address is the Clerk"

The meeting was a live virtual meeting, held on Zoom and was attended by 33 members of the public.

3.2.3 That the evidence provided by the complainant comprised of the minutes for the meeting held on 24th September 2020.

3.2.4 That no further evidence was likely to be required.

3.2.5 It was not necessary to appoint an external investigator.

3.2.6 No further witnesses were to be called.

3.2.7 The members agreed the member was acting in capacity of a councillor as the alleged incident had occurred during the course of a Council meeting.

3.2.8 The Committee agreed that the hearing should proceed.

4. Hearing

4.1 The Committee considered the complaint together with the evidence provided. The Committee heard from the complainant, the Subject Member and were able to ask questions of them.

4.2 The complainant set out her complaint and her concerns of the reputational harm such an allegation could have.

- 4.3 The Subject Member acknowledged that the statement was made but denied that she had made any reference to the Clerk.
- 4.4 The complainant confirmed that the minutes had been agreed at the following meeting and that the Subject member was present when those minutes were agreed.
- 4.5 The Subject Member acknowledged this but also added that she had abstained from voting on the accuracy of the minutes as she did not think they were a true reflection. When asked by the committee if she had requested an amendment prior to the vote being taken, the subject member responded that she had not
- 4.6 Members agreed with the complainant that the statement which had been made by the Subject Member gave the impression that only the clerk (complainant) could have disclosed the address.
- 4.7 Members further agreed with the complainant's assertion that to make such a statement was denigrating and unacceptable. In summary, this constituted a breach of the code.

5 Decision

- 5.1 The Committee agreed, by way of four votes for, one against and one abstention, that the evidence presented showed there had been a breach of the code of conduct code.
- 5.2 It was agreed that the following sections of Whitehaven Town Council's Code of Conduct had been breached:
 - 8(1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefit for yourself, your family, a friend, a close associate, an employer or a business carried on by you.
 - 8(5) You must not bring your office or your Council into disrepute.
 - 8(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.
 - 8(12) You must promote and support high standards of conduct when serving your office.

6. Reasons

- 6.1 The committee members accepted that as the minutes of the meeting held on 24th September 2020 had since been agreed and signed as a true and accurate record, the statement must have been said. The Subject Member would have seen the minutes in advance of the next meeting and would have had the opportunity to request that the minutes be amended.
- 6.2 The committee further felt and agreed it was inappropriate for the member to raise such an issue during Ward matters in a public meeting, and that this would have been better dealt with in private.

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 agreed, that the following sanction is 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 The Committee also recommend that the Subject Member offers the complainant an apology at the earliest opportunity.



Signed:

Sarah Pemberton, Monitoring Officer, Copeland Borough Council

Date: 3rd February 2021

Right of Appeal:

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