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Standards Committee

Wednesday, 16th June, 2021 at 10.30 am or immediately following Standards Committee

First Floor Meeting Room, Parkside, Chart Way, Horsham

Councillors:

Brian Donnelly
Jim Sanson

David Skipp

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

Page No.

1. **Apologies for absence**
2. **Election of Chairman of the Sub-Committee for the Meeting**
3. **Declarations of Members' Interests**
To receive any declarations of interest from Members of the Committee

Exclusion of Press and Public

Exempt by virtue of Part 1 of Schedule 12A to the Local Government Act 1972

4. **To determine allegations following an investigation in accordance with arrangements in place under the Localism Act 2011** 3 - 12
To determine allegations following an investigation in relation to the alleged conduct of a Parish Councillor and, if appropriate and necessary, to consider any sanctions

Case reference number: CES / 001624

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DECISION NOTICE PUBLISHED BELOW

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Standards Sub Committee
DECISION NOTICE



Code of Conduct Complaint
Reference: CES / 001624

FINDINGS / DETERMINATION

Date of Sub Committee Hearing	16 June 2021
Subject Member	Councillor Edward Skeates
Council or Parish Council	Slinfold Parish Council
Complainant	Councillor Tricia Youtan
Council or Parish Council (If a Councillor)	Horsham District Council
Membership of Standards Sub Committee	Cllr Brian Donnelly (Chair) Cllr Jim Sanson Cllr David Skipp
Monitoring Officer & Legal Advisor to Sub-Committee	Sharon Evans, Head of Legal & Democratic Services
Investigating Officer	Lauren Kelly Principal Property & Contracts Solicitor and Deputy Monitoring Officer.
Summary of complaint	<p>Allegations were made that Councillor Edward Skeates ('Subject Member') breached Slinfold Parish Council's Code of Conduct ("the Code") by being disrespectful and using behaviour which amounted to bullying in a Slinfold Parish Council virtual and unrecorded meeting which was convened to discuss the proposed development of Crosby Farm ("the Proposal").</p> <p>In particular, it is alleged that the Subject Member was rude to the Complainant and accused the Complainant of failing in her duty as elected representative to support Slinfold Parish Council in relation to the Proposal. It is further alleged that the Subject Member sought to establish whether the Complainant would support Slinfold Parish Council's position in relation to the Proposal at the Planning Committee to be held at District Level. The Complainant declined to disclose her position and the Subject Member persisted in his line of questioning.</p> <p>The relevant paragraphs of the Code state:</p> <p>Paragraph 1: He/she shall behave in such a way that a reasonable person would regard as respectful.</p> <p>Paragraph 2: He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.</p>

Standards Sub Committee decision on whether or not there has been a failure to comply with the Code of Conduct and reasons for their decision

The Standards Sub Committee found the following:

i) The Subject Member had failed to comply with Paragraph 1 of the Code:

*“He/she shall behave in such a way that a reasonable person would regard as **respectful**”.*

ii) The Subject Member had not failed to comply with Paragraph 2 of the Code:

*“He/she shall not act in a way which a reasonable person would regard as **bullying** or **intimidatory**”.*

The Standards Sub Committee considered the complaint lodged by the Complainant, the Subject Member’s response to the complaint, the written accounts provided by both Slinfold Parish Councillors and members of the public present at the subject meeting, the Independent Person’s Report, the Parish Representative’s Report, the Code and the Investigating Officer’s Report, including further comments from both the Subject Member and the Complainant.

The Investigating Officer presented the case and the Standards Sub Committee discussed the complaint and took advice from the Monitoring Officer throughout the discussion.

The Standards Sub Committee concluded the following:

- (i) The Subject Member had breached Paragraph 1 of the Code as his behaviour towards the Complainant at the subject meeting was disrespectful because (i) it was inappropriate for the Subject Member to seek to establish the Complainant’s position in relation to the Proposal as this could give rise to complications pertaining to pre-determination, and, (ii) it was inappropriate for the Subject Member to persist in his line of questioning in light of the Complainant’s reticence to disclose her position in relation to the Proposal. Further, it was thought that the Subject Member should have had regard to and respect for the Complainant’s position as a District Councillor.
- (ii) The Subject Member had not breached Paragraph 2 of the Code as his behaviour towards the Complainant at the subject meeting did not amount to bullying as it is believed that the Subject Member did not intend to cause the Complainant harm but that the Subject Member merely intended to seek to establish whether the Complainant would support the Proposal.

Any mitigating circumstances taken into account	None.
Sanctions	<p>The Standards Sub Committee found the following sanctions to be appropriate in relation to this complaint:</p> <p><u>Sanctions</u></p> <p>1) That the decision of the Standards Sub-Committee be published; and</p> <p>2) To RECOMMEND to Slinfold Parish Council:</p> <ul style="list-style-type: none"> i) That the Subject Member makes a written apology to the Complainant; ii) That the Clerk and the Chairman to Slinfold Parish Council monitor contentious dialogue more closely and intervene at an earlier stage in order to prevent such dialogue from (i) causing harm to personal and professional relationships within both the Parish Council and community, and, (ii) forming the basis of a formal complaint; and iii) That all Slinfold Parish Council meetings are recorded without fail.
Additional comments	The Standards Sub Committee noted that there were earlier failed attempts to mediate and resolve this complaint by local resolution but the Subject Member felt unable to engage in that process.

Signed: 

Sharon Evans
Monitoring Officer and
Head of Legal and Democratic Services

Date: 17 June 2021

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CONFIDENTIAL

Ref: CES 001624

Complaint by Cllr Tricia Youtan (HDC) against Cllr Ed Skeates (SPC)

Independent Person Comments

SUMMARY

1. The Complaint originates from a special meeting of Slinfold Parish Council on 3/12/20 to discuss a planning issue (Crosby Farm Development) and took place on the CISCO WebEx (online) platform with participants attending virtually.
2. The Meeting was not audio or video recorded, but minutes were taken by the Parish Clerk. *(Although the Parish Clerk states that meetings are available to the public either by audio or video – presumably this means ‘at the time’ ?)*
3. Cllr Youtan alleges that Cllr Skeates put her in an invidious position, after the Parish Council had taken their vote, by demanding that she state her position as to whether she would support the Parish Council in any future vote on the issue and accused her of not supporting the PC at the earlier HDC/DNC Meeting.
4. When Cllr Youtan declined to answer, Cllr Skeates was ‘extremely rude’, alleging she had failed in her duty, attempted to bully her, had to be muted by the Chairman; but he over-rode the mute; and continued to behave in a ‘totally ill mannered fashion’.
5. Following the meeting Cllr Youtan received an email from a ‘senior member of the SPC’ apologising for the worst behaviour she had ever witnessed on behalf of herself and other members *(Who ? / Prepared to be witness ?)*
6. The Parish Clerk has attached a copy of the minute, which does not record actual comments made. She added a note regarding the debate and what followed afterwards, but this does not add much evidentially.
7. Cllr Skeates has responded to the complaint and denied he was rude, disrespectful, unreasonable or bullying, and that the allegations are not evidenced in the complaint. He does not deny that the debate was robust and wide ranging but considers that the complaint is a waste of public resources and could open the door for parish councillors to fear retribution if they stand up for robust debate and democracy in a public forum. He also alleges that Cllr Youtan has an undeclared personal interest in the planning application as she resides close by the proposed development and has ‘well known grievances with the management of Lyons Farm’.

IP COMMENTS

In respect of the members Code of Conduct:

1. Cllr Youtan does not provide any witness details, however the Chairman, Clerk and 'senior member' could be contacted if required.
2. Cllr Skeates was clearly acting in his 'official capacity' as a parish councillor and is therefore bound by the code of conduct.
3. The Complainant does not allege specific breaches of the Code by reference to Code of Conduct Paragraphs, but appears to allege breaches of: **3(1)** - Treat others with respect; **3(2)(b)** - Bully any person (or attempt to do so) and possibly, **5** - Conduct likely to bring your office or authority into disrepute.
4. It would appear that the current need for meetings to be conducted by Zoom or other virtual platforms; rather than face to face; has led to a change in behaviour and perhaps a inclination to act in a less responsible manner that was previously the case. This in no way excuses bad behaviour or breaches of the code.
5. Feelings were running high at this meeting, however Cllr Skeates did get the result he wanted with a 10-1 Vote in favour of his motion. The complaint refers, in the main, to his actions after the vote, where he did 'have a go' at Cllr Youtan. He could have left the matter there, or taken it up privately later. He did raise it there and therefore put it into the public domain.
6. I feel that there is currently 'insufficient direct evidence' to take the matter forward without speaking with other persons present. Cllr Youtan would be happy with an apology from Cllr Skeates, but this is unlikely to be forthcoming without some form of mediation.

██████████

Independent Person

6/1/21

Further IP Comments following investigation

7. The investigating Officer has obtained written accounts and one phone conversation, from thirteen people, both Parish Councillors and members of the public who were present at the (virtual) meeting. Rather like a Jury their 'verdicts' divide almost down the middle with, in my estimation, six people saying Cllr Skeates was NOT rude and bullying, six saying he was, and one 'abstention'. If we were north of the border a verdict of 'not proven' would possibly be recorded.
8. With the meeting not being audio or video recorded it seems that we are reliant on individual recollections. Both the Chairman and the Clerk of SPC are adamant that whilst the matter was one of intense local interest Cllr Skeates was robust in his views, but was not bullying Cllr Youtan or other parish councillors, whilst other participants considered the matter a 'storm in a teacup' or 'six of one and half a dozen of another', and some were adamant that Cllr Skeates behaviour was unacceptable and they were shocked by his behaviour.
9. As a mediation approach has failed, the matter will need a decision from the Monitoring Officer and/or the Standards Committee as to whether there are sufficient grounds to move forward with Cllr Youtan's complaint. In view of the diversity of views annotated above and Cllr Skeates denials I would consider that there are insufficient grounds to prove a breach of the Code. If the meeting had been video or audio recorded then there would have been an opportunity for an independent assessment. It may be worth exploring with the Parish Clerk whether this facility can be arranged for future meetings and this may have a positive influence on future behaviours.
10. This then leaves an unsatisfactory situation that may only calm down with the passage of time and perhaps a parochial solution.


CMgr, FCMI
Independent Person
30/04/2021

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