

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