
**MINUTES OF THE STANDARDS COMMITTEE
HELD ON MONDAY 12 MAY 2016 AT 10.02 A.M.
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present: Councillors Heaney (Chairman), Honeywood (Vice-Chairman), Broderick, J A Brown, Nicholls, Porter and Steady

Also Present: Councillors Bennison, Bucke, Davis, J Henderson, Hones, McWilliams (item 4 (part) only), Pemberton, Stephenson and Stock

In Attendance: Chief Executive (Ian Davidson), Monitoring Officer (Lisa Hastings), Senior Democratic Services Officer (Ian Ford), Deputy Management and Members' Support Manager (Lizzie Ridout) and Democratic Services Officer (Katie Sullivan)

Also in Attendance: John Wolton and Clarissa Gosling (Independent Persons)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

No apologies for absence were submitted on behalf of Councillors, as all of the Committee were in attendance.

2. MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 14 MARCH 2016

The minutes of the meeting of the Standards Committee, held on 14 March 2016, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received.

4. FAILURE TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT

There was submitted a report by the Monitoring Officer (Lisa Hastings) in respect of a failure to comply with the Members' Code of Conduct.

It was reported that three complaints had been received by the Monitoring Officer under the Members' Code of Conduct and Complaints Procedure, following the actions of District Councillor Mick Skeels Snr towards Mr William Hones prior to the Council meeting held on 5 April 2016. Two of the complaints had been received from members of the public, Ms C. Button and Mr J. Freebody and the third from Mr William Hones himself.

Members were informed that the complaints alleged that Councillor Mick Skeels Snr had breached the Tendring District Council Members' Code of Conduct. The alleged breaches related to paragraphs 3.1, 3.2, 3.4(a) and 3.5(b)(ii) of the Code. The complaints all related to the same incident, i.e. the manner in which Councillor Mick Skeels Snr had spoken to Mr William Hones outside the Town Hall prior to the Council meeting. The conversation between the two parties had been captured on film by Mr Hones and was available to view on YouTube. The Complaint Forms were attached as Appendix 2 to the Report of the Monitoring Officer. One of the forms included the link to the video (https://www.youtube.com/watch?v=3D_XDrZLZzU) which the Standards Committee had been advised contained obscene language, but it was felt necessary for the Committee to consider the language used by an elected Member.

The Committee was advised that written apologies had been issued by Councillor Mick Skeels Snr and the text of those apologies was contained within the body of the Monitoring Officer's report. In addition, Councillor Mick Skeels Snr had provided written acknowledgement to the Monitoring Officer that his conduct had fallen short of the standards required by the Members' Code of Conduct, and therefore an investigation into the matter had not been required. Under the Complaints Procedure once there was a finding that evidence existed of a failure to comply with the Code of Conduct, there were two options available, namely:

The first option was to consider an informal resolution (paragraph 7.1.1 of the Complaints Procedure). In this matter the Monitoring Officer did not consider that informal resolution was appropriate. It was noted that a formal apology had been given by Councillor Mick Skeels Snr however, due to the position he held on the Council's Cabinet, a referral to the Standards Committee was considered necessary.

The second option available (paragraph 7.1.2) was for the Monitoring Officer to report the outcome of any investigation to the Standards Committee to enable it to conduct a hearing before deciding whether the Member had failed to comply with the Code of Conduct and if so, whether to take any action in respect of the Member. In this case, Councillor Mick Skeels Snr had already admitted that he had failed to comply with the Code of Conduct and therefore the Standards Committee had the power to take action in respect of individual Members as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct. Accordingly, the Standards Committee could consider the sanctions set out in paragraph 8 of the Complaints Procedure.

The Committee was made aware that all parties had had the opportunity to comment on the Monitoring Officer's decision to refer the matter to the Standards Committee to determine the sanction in respect of Councillor Mick Skeels Snr.

In addition, one of the Council's Independent Persons, Mr John Wolton, had been consulted and his comments were as follows:

"The first thing that comes to mind is the acknowledgement to the Monitoring Officer "I accept fully that I should not have reacted to him in the manner I did regardless of any provocation or previous history between the two of us."

Councillor Mick Skeels Snr. having the hindsight of previous history should, or could, have ignored any confrontation with Mr. William Hones.

Also even though having encountered apparent previous provocation Councillor Mick Skeels Snr could have walked straight through into the Town Hall and not reacted. Even if he had been provoked Councillor Mick Skeels Snr should not have acted in the way that he did. A possibility, I personally feel is that all councillors are advised how to deal with a situation for their own protection and behaviour.

I strongly feel that a sanction has to be given if only to alert Mick Skeels Snr and other councillors to be aware of provocation from members of the public and the ease, with new technology to record incidents.

Infringement of Council Members' Code of Conduct: I would suggest that paragraphs 3.2(c) and 3.4(a) are, in my opinion, the most appropriate.

I believe that this incident needs to be carefully considered, not only from the public point of view, but also to alleviate future situations and not allowing them to escalate to a stage where it is accepted that intimidation from all parties is acceptable. To do nothing further, in my opinion, will bring Tendring District Council into disrepute and open to further challenge".

In summary the Monitoring Officer's conclusions were as follows:

"From viewing the video footage, it is clear that the actions of Councillor Mick Skeels Snr do breach various elements of the Code of Conduct. It is noted that apologies have been issued by Councillor Mick Skeels Snr and since the complaints were received he has acknowledged that his actions fell short of the standard of behaviour expected of the Code of Conduct, which Members sign up to upon their election as members of Tendring District Council.

The Leadership Principle of Public Life requires holders of public office to exhibit the other principles in their own behaviour and actively promote and robustly support the principles. The language used and the offer of violence towards a member of the public questioning the Councillor's elected position clearly brings the Council into disrepute. There is some history between the member of the public and the Councillor, however, Members are expected to promote high standards of conduct and not disrespect others based on their behaviours or views. The member of the public feels there may have been a breach of data protection with regards to his health and work situation. However, the Monitoring Officer has seen an email which the member of the public sent to all District Councillors and others sharing this information beforehand, therefore there was no evidence of Councillor Mick Skeels Snr using Council resources to gain details, which would not be shared with the Councillor in any event due to the protection and security of personal data. It is not considered proportionate to consider this element of the complaint any further as the Monitoring Officer can assure the Standards Committee of the Council's Information Governance procedures in this regard.

It is necessary for the Standards Committee to determine the level of the acknowledged breach as against the Principles of Public Life and Code of Conduct and their power to take action in respect of individual Members as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct."

The Committee, then retired to deliberate and reach its decision. The Monitoring Officer also accompanied them to advise on any legal points raised and to record the decision. The Independent Persons also accompanied the Committee during its retirement to comment upon any sanctions being considered by the Committee.

Following such deliberations the hearing resumed.

It was moved by Councillor Heaney, seconded by Councillor J A Brown and unanimously:

RESOLVED that the Committee:

- (a) notes that three complaints have been received by the Monitoring Officer concerning the conduct of Councillor Mick Skeels Snr towards an individual outside of the Town Hall on 5 April 2016 prior to the meeting of full Council;
- (b) notes that this conduct was filmed, is available for the public to view and has received media interest;
- (c) notes that written apologies have been issued by Councillor Mick Skeels Snr to the individual himself and all Councillors;
- (d) welcomes the acknowledgement by Councillor Mick Skeels Snr that he has breached the Code of Conduct;
- (e) endorses the referral to the Committee to consider the sanctions; and
- (f) in determining the sanctions available to them, is appalled by the disgraceful behaviour of an elected member of the Council, which was unnecessary and exhibited a lack of self-control. Those actions brought the Council into disrepute and the positions of all Portfolio Holders are very important. The Committee therefore recommends to the Leader of the Council that Councillor Mick Skeels Snr is removed

- from the Cabinet and all outside bodies connected with the Council with immediate effect; and
- (g) instructs the Monitoring Officer to report the outcome of the findings of the Committee to Council and to publish this decision on the Council's website.

The meeting closed at 11.46 a.m.

Chairman