

## STANDARDS COMMITTEE

12 MAY 2016

### REPORT OF THE MONITORING OFFICER

#### A.1 FAILURE TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT

(Report prepared by Lisa Hastings)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

In accordance with the District Council's Complaints Procedure, the Monitoring Officer will report to the Standards Committee, where there is evidence of a failure to comply with the Members' Code of Conduct.

##### EXECUTIVE SUMMARY

Three complaints have been received by the Monitoring Officer under the Members' Code of Conduct and Complaints Procedure (**Appendix 1**), which was adopted by full Council on 26 November 2013, following the actions of District Councillor Mick Skeels Snr towards Mr William Hones prior to the Council meeting on 5 April 2016. Two of the complaints were from members of the public, Ms C. Button and Mr J. Freebody and the third from Mr William Hones himself.

The complaints alleged that Councillor Mick Skeels Snr had breached the Tendring District Council Members' Code of Conduct. The alleged breaches relate to the following paragraphs of the Code:

(i) 3.1 – Six of the Seven Principles of Public Life as follows:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Leadership

(ii) 3.2 – in fulfilling the Duties and Responsibilities, a Councillor must not:

- (a) breach your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their beliefs or disability;
- (b) disrespect others; and
- (c) bully or harass any person

(iii) 3.4(a) – a Councillor must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

(iv) 3.5(b)(ii) – a Councillor must not use, or authorise others to use, the resources of the Authority in breach of the Authority's requirements.

The complaints all relate to the same incident, i.e. the manner in which Councillor Mick

Skeels Snr spoke to Mr William Hones outside the Town Hall prior to the Council meeting. The conversation between the two parties was captured on film by Mr Hones and is available to view on YouTube. The Complaint Forms are attached as **Appendix 2**. One of the forms includes the link to the video ([https://www.youtube.com/watch?v=3D\\_XDrZLZzU](https://www.youtube.com/watch?v=3D_XDrZLZzU)) which the Standards Committee are advised does contain obscene language, but unfortunately it is necessary for Members of the Committee to consider the language used by an elected member.

Written apologies have been issued by Councillor Mick Skeels Snr which are referred to within the body of this report. In addition, Councillor Mick Skeels Snr has provided written acknowledgement to the Monitoring Officer that his conduct fell short of the standards required by the Members' Code of Conduct, therefore an investigation into the matter is not required. Under the Complaints Procedure once there is a finding that evidence exists of a failure to comply with the Code of Conduct, there are two options available.

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

The second option available (paragraph 7.1.2) is for the Monitoring Officer to report the outcome of any investigation to the Standards Committee to conduct a hearing before deciding whether the Member has 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 has already admitted that he has failed to comply with the Code of Conduct therefore the Standards Committee has 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 may consider the sanctions set out in paragraph 8 of the Complaints Procedure.

All parties have 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.

The Council's Independent Person has been consulted and his comments are included within the body of the Report.

## **RECOMMENDATION**

### **That the Standards 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) Determines what action to take in respect of Councillor Mick Skeels Snr, as**

**may be relevant and proportionate, and necessary to promote and maintain high standards of conduct.**

#### **BACKGROUND - SUMMARY OF THE MONITORING OFFICER'S CONCLUSIONS:**

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.

#### **SANCTIONS**

Section 8 of the Complaints Procedure sets out what action the Standards Committee can take where a Member has failed to comply with the Code of Conduct.

- 8.1 The Standards Committee has 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 or Sub-Committee may:-
- 8.1.1 Publish its findings in respect of the Member's conduct on the Council's website;
  - 8.1.2 Report its findings to Council for information;
  - 8.1.3 Recommend to the Member's Group Leader that they are removed from any or all Committees or Sub-Committees of the Council;
  - 8.1.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - 8.1.5 Instruct the Monitoring Officer to arrange training for the Member;
  - 8.1.6 Recommend to the relevant Group Leader that the Member be removed from all outside appointments to which they have been appointed or nominated by

the authority;

- 8.1.7 Recommend to the relevant Group Leader the withdrawal of facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or
- 8.1.8 Recommend to the relevant Group Leader the exclusion of the Member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 8.2 In each circumstance, where the Member subject of the complaint is the Group Leader, appropriate alternative arrangements will be required, this will be dependent upon whether the Group has allocated a Deputy to undertake this role, involve the Group Leader directly or an independent individual or suitable alternative, depending upon the circumstances.
- 8.3 In each circumstance, where the Standards Committee or Sub-Committee recommend the Group Leaders take action, it is expected that the Group Leader will within 6 weeks of the referral to them, or as soon as reasonably practicable thereafter, submit a report back to the Standards Committee or Sub-Committee giving details of the action taken or proposed to comply with the Committee's direction.
- 8.4 The Standards Committee or Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' special responsibility allowances.

The Standards Committee will be aware that Councillor Mick Skeels Snr holds the position of Cabinet Member for Leisure, which includes the Council's tourism events. Any sanction considered must be necessary, relevant and proportionate to the matter of the complaint and breach of the Code of Conduct.

## **WRITTEN APOLOGIES**

1. Prior to being aware of the complaints being received by the Monitoring Officer, Councillor Mick Skeels Snr had sent the following message via an email on 6 April 2016, to all Councillors of Tendring District Council:

*Subject: Apologies to All Tendring District Council Members*

*Dear Councillors,*

*I wish to apologise unreservedly for the comments I made to Mr William Hones when he spoke to me as I arrived at the meeting of Tendring District Council yesterday evening.*

*I recognise that the language I used was unacceptable and inappropriate for me to use as a Councillor and the tone of my comments in the exchange between us was unbecoming of a District Councillor and Portfolio Holder.*

*I have written separately to Mr Hones to give him my personal apology.*

**Councillor MJD Skeels (Senior)**

2. Councillor Skeels (Snr) has provided a copy of an email he sent to Mr Hones on 6 April

2016:

*Dear Mr Hones*

*I wish to apologise to you for the language I used and my attitude to you when you questioned me as I arrived at the meeting of Tendring District Council yesterday evening.*

*The words I used were inappropriate and unacceptable and I regret using them. I wish to apologise to you unreservedly.*

*Yours Sincerely  
Cllr M Skeels Snr*

3. In accordance with the Complaint Procedure, a copy of the complaint is provided to the Councillor to comment on and provide the Monitoring Officer with any response they wish to be taken into account, when deciding upon the next stage in the process. In this instance, upon receipt of the complaint, Councillor Mick Skeels Snr submitted the following to the Monitoring Officer:

*"In response to the complainants, I apologise for causing any distress.*

*In respect of comments I made to the member of the public on the Town Hall steps prior to the recent Full Council Meeting and to avoid the inconvenience and unnecessary expense of an external investigation I am happy to re-state that I fully accept that my conduct was unacceptable and fell below the high standards that I have previously maintained and which are demanded by the Council's Code of Conduct.*

*I made a full and unqualified apology to all members of the Council and to the member of the public himself which I am happy to re-state. 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.*

*I should like my previous good conduct to be considered in mitigation as since first being elected to Tendring District Council in 2007 and to Essex County Council in 2009 my behaviour has always been exemplary. I can assure you that in future there will be no repeat of this situation."*

#### **CONSULTATION WITH THE INDEPENDENT PERSON**

The Independent Person as been provided with details of the complaints and a link to the YouTube footage and has commented, 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".

## **APPENDICES**

- Appendix 1 – Code of Conduct and Complaints Procedure
- Appendix 2 – Complaints received
- Appendix 3 – Monitoring Officer Decision Notices dated 21 April 2016

# **TENDRING DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT**

## **1. Introduction**

- 1.1 Trust and confidence in public office-holders and institutions are important for the functioning of local authorities. This is particularly true in the case of elected office-holders. The Council has therefore adopted this Code of Conduct to promote and maintain high standards of conduct in public life. It is each Councillor's responsibility to comply with the provisions of this Code.
- 1.2 The Code of Conduct applies to all elected Councillors, voting co-opted members and appointed members.

## **2. When does the Code of Conduct apply?**

- 2.1 In this Code "meeting" means any meeting of
- (a) Tendring District Council ("the Authority");
  - (b) the Executive of the Authority
  - (c) any of the Authority's or its Executive's committees, sub committees joint committees, joint sub-committees, or area committees (including working parties); or
  - (d) informal meetings with other Members and/or Officers relating to the discharge of the Authority's functions.
- 2.2 The Code of Conduct applies—
- (a) whenever you conduct the business, or are present at a meeting, of the Authority; or
  - (b) whenever you act, claim to act or give the impression you are acting in the role of Member to which you were elected or appointed; or
  - (c) whenever you act, claim to act or give the impression you are acting as a representative of the Authority (including representation on outside bodies); or
  - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 3.4(a) and 3.5; or
  - (e) in respect of any criminal offence for which you have been convicted during your term of office.
- 2.3 Where you are elected, appointed or nominated by the authority to serve on any other authority or body you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body.

- 2.4 Where you are elected, appointed or nominated by the authority to serve on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, unless it conflicts with any other lawful obligations to which that other body may be subject.

### **3. Rules of Conduct**

- 3.1 As a Member of Tendring District Council you shall have regard to the Seven Principles of Public Life.

*Selflessness* Holders of public office should act solely in terms of the public interest.

*Integrity* Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

*Objectivity* Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

*Accountability* Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

*Openness* Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

*Honesty* Holders of public office should be truthful.

*Leadership* Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

These general principles are the underlying principles behind the rules of conduct set out below.



### 3.2 In fulfilling your **Duties and Responsibilities**

You must not:

- (a) breach your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) disrespect others;
- (c) bully or harass any person; or
- (d) do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the Authority.

### 3.3 **Information**

You must not:

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

### 3.4 **Conduct**

You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the Authority.
- (c) comply with any request of the authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted in accordance with their respective statutory powers.

### 3.5 **Use of your Position**

You must not:

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the Authority—
  - (i) imprudently;
  - (ii) in breach of the Authority's requirements;

- (iii) unlawfully;
- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the Authority or of the office to which you have been elected or appointed;
- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

### **3.6 Decision Making**

You must:

- (a) when participating in meetings or reaching decisions regarding the business of the Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the Authority's officers, in particular by—
  - (i) the Authority's head of paid service;
  - (ii) the Authority's s.151 Officer/ Chief Finance Officer;
  - (iii) the Authority's Monitoring Officer/ Chief Legal Officer;
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

### **3.7 Compliance with the Law and the Authority's Rules and Policies**

You must:

- (a) observe the law and the Authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) comply with the provisions of the Bribery Act 2010 or similar;
- (c) comply with the Authority's Gifts and Hospitality Policy;
- (d) comply with any other policy (or part of policy) which sets out required conduct from Members, for example the Member/Officer Working Protocol and Planning Code for Members, or similar.

## PART 2 MEMBERS' INTERESTS

### 4. Disclosable Pecuniary Interests

- 4.1 You have a Disclosable Pecuniary Interest in any business of your authority if it is of a description set out in 4.2 below and is either:
- (a) an interest of yours,  
or that of a Relevant Person being:
  - (b) an interest of your spouse,
  - (c) an interest of your civil partner, or
  - (d) an interest of a person you are living with as a spouse or civil partner,

and in the case of paragraphs 4.1(b) – (d) you are aware that the Relevant Person has the interest.

- 4.2 “Disclosable Pecuniary Interests” are defined by *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012* and are:-

#### **Employment, office, trade, profession or vacation**

Any employment, office, trade, profession or vocation carried on for profit or gain.

#### **Sponsorship**

Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

#### **Contracts**

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority—

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

#### **Land**

Any beneficial interest in land which is within the area of the relevant Authority.

#### **Licences**

Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.

### **Corporate tenancies**

Any tenancy where (to the Member's knowledge)—

- (a) the landlord is the relevant Authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

### **Securities**

Any beneficial interest in securities of a body where—

- (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant Authority; and
- (b) either—
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **5. Other Pecuniary Interests**

- 5.1 You have a Pecuniary Interest in any business of the Authority where it relates to or is likely to affect:
- (a) any person or body who employs or has appointed you;
  - (b) any contract for goods, services or works made between the Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraphs 6.1 (a)-(b) which has been fully discharged within the last 12 months;

## **6. Non-Pecuniary Interests**

- 6.1 You have a Non-Pecuniary Interest in any business of the Authority where it relates to or is likely to affect –
- (a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;
  - (b) any body –
    - (i) exercising functions of a public nature;
    - (ii) directed to charitable purposes; or
    - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
- of which you are a member or in a position of general control or management;
- (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

- (d) a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of their family or friends to a greater extent than the majority of:-
  - (i) (in the case of Authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of the Authority's area.

## **7. Disclosure of Interests (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)**

- 7.1 Subject to sub-paragraphs 7.2 to 7.3, where you have a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.
- 7.2 Sub-paragraph 7.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's Interest.
- 7.3 Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 7.1 but by virtue of paragraph 12 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary Interest you need not disclose the nature of the interest to the meeting.
- 7.4 Where you have a Pecuniary Interest in any business of the Authority and a function of the Authority may be discharged by you acting alone in relation to that business, you must ensure you notify the Authority's Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business.
- 7.5 Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 7.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

## **8. Disclosure of Interests generally**

- 8.1 Subject to sub-paragraph 8.2 below, you have a duty to disclose any interest, as set out in paragraphs 5 and 6 above, in considering any business of the Authority, where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 8.2 You do not have a disclosable interest in any business of your Authority where that business relates to the functions of your Authority in respect of:
- i. housing, where you are a tenant of your Authority provided that those functions do not relate particularly to your tenancy or lease;
  - ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - iv. an allowance, payment or indemnity given to Members;
  - v. any ceremonial honour given to Members; and
  - vi. setting Council Tax or a Precept under the Local Government Finance Act 1992

## **9. Effect of Disclosable Pecuniary Interests on participation**

- (a) If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and you are aware of that Interest:
- (i) You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.
  - (ii) You must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's Monitoring Officer.
- (b) If you have a Disclosable Pecuniary Interest in any business of the Authority you must not:
- (i) exercise executive functions in relation to that business; and
  - (ii) seek improperly to influence a decision about that business
- (c) If a function of the Authority may be discharged by a Member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that

function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).

## **10. Effect of Other Pecuniary or Non-Pecuniary Interests on participation**

- 10.1 If you have a pecuniary interest (other than a disclosable pecuniary interest) or a non-pecuniary interest in any business of your Authority which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered you must:-
- (a) Disclose the existence and nature of the interest in accordance with paragraph 7.1 (but subject to paragraph 12)
  - (b) Withdraw from the room or chamber where the meeting considering the business is being held, immediately after making your representations or in any other case when the business is under consideration, unless you have obtained a dispensation from your authority's Monitoring Officer

### **PART 3 REGISTER OF MEMBERS' INTERESTS Registration of Members' Interests**

11.1 Subject to paragraph 12, you must, within 28 days of—

- a. this Code being adopted by or applied to your authority; or
- b. your election, re-election or appointment or re-appointment to office (where that is later), or co-option onto the authority,

register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- (i) disclosable pecuniary interests as referred to in paragraph 4 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time.
- 11.2 Subject to paragraph 12, you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest as referred to in paragraph 4 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any interest registered under paragraph 4 above by providing written notification to your authority's Monitoring Officer.

## **12. Sensitive Information**

- 12.1 Where you have a Disclosable Pecuniary Interest referred to in paragraph 4 or other Pecuniary Interest referred to in paragraph 5, and the nature of the interest is such that you and your authority's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 12.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 18.1 is no longer sensitive information, notify your authority's Monitoring Officer.
- 12.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.



## **TENDRING DISTRICT COUNCIL COMPLAINTS PROCEDURE**

### **1. Context**

- 1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted member (with voting rights) of this Authority (‘Tendring District Council’ or of a Town or Parish Council within its area (see 1.3.below)) has failed to comply with the Member Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the Member Code of Conduct.
- 1.2 Under **Section 28(6) and (7) of the Localism Act 2011**, Tendring District Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the Authority (*or of a Town or Parish Council within the authority’s area*), or of a Committee or Sub-Committee of the Authority, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Town and Parish Councils within the Tendring District are set out on the Council’s website.
- 1.4 Such arrangements must provide for the District Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation against a Member, which it has decided shall be investigated, and whose views can be sought by the District Council at any other stage. The Council has adopted an Independent Person Protocol which sets out some general principles.

### **2. The Member Code of Conduct**

- 2.1 The Council has adopted a Code of Conduct for Councillors, which is available on the website or on request from reception at the Council Offices.
- 2.2 Each Town or Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Town or Parish Council’s Code of Conduct, you should visit the website operated by the Town or Parish Council or request the Town or Parish Council Clerk to allow you to inspect the Town or Parish Council’s Code of Conduct.

### **3. Making a complaint**

- 3.1 If you wish to make a complaint, please write to or email:

The Monitoring Officer, Tendring District Council  
Corporate Services, Town Hall, Station Road  
Clacton-on-Sea Essex CO15 1SE

[Standards@tendringdc.gov.uk](mailto:Standards@tendringdc.gov.uk)

The Complaints Form can be downloaded from the website.

3.2 The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of member misconduct. This information will be retained by the Council for a period of two years in accordance with its Retention and Destruction Policy. The Council has adopted a Monitoring Officer Protocol which sets out some general principles.

3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form which is available on request from the reception at the Council Offices or via the website. You must also include all relevant information relating to the complaint which you have to enable it to be fully considered.

Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. The name and address of a complainant will be provided to the member that is the subject of the complaint. In exceptional cases, we may agree to withhold your name and address from the member. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form along with the reasons why you feel it is necessary for your name and address to be withheld. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the member against whom you make the complaint, without your prior consent.

3.4 The authority does not normally investigate anonymous complaints, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct and there is a clear public interest in doing so.

3.5 Following receipt of your complaint, the Monitoring Officer will: -

- (a) acknowledge receipt of your complaint within 5 working days of receiving it;
- (b) notify, within 5 working days, the member that is the subject of the complaint that you have made a complaint about them and provide them with the information set out on the complaint form; excluding any personal information but including your name and address, unless this is to be withheld in accordance with section 3.3 above; and
- (c) keep you and the Member that is the subject of the complaint informed of the progress of your complaint.
- (d) Your complaint will be given a reference number which will appear on complaint documentation to preserve the privacy of the complainant and the subject Member until the complaint outcome is determined.

3.6 The Complaints Procedure Flowchart is set out at the end of this procedure for reference.

3.7 The Complaints Procedure follows the principles of natural justice and the presumption of innocence until proven otherwise.

#### 4. Will your complaint be investigated?

4.1 The Monitoring Officer will review every complaint received and, may consult with one of the Independent Persons before taking a decision as to whether the complaint:

4.1.1 Merits no further action

4.1.2 Merits early informal resolution or mediation

4.1.3 Merits further investigation.

4.2 In reaching a decision in respect of how to progress the complaint the Monitoring Officer will take account of the following factors where appropriate:-

- Was the Member acting in their official capacity?
- Was the Member in office at the time of the alleged misconduct?
- Is the complaint of a very minor or trivial nature?
- Is the complaint vexatious or malicious?
- Are there historical matters?
- Is there a potential breach of the Code?
- Assessment of public interest?
- Is additional information required prior to making a decision?

4.3 The decision as to how the complaint is to be progressed will normally be taken within 15 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria included at **Annex D (set out at the end of this procedure for reference)**.

Where the Monitoring Officer has taken a decision, you will be informed of the decision and the reasons for that decision. The Monitoring Officer may require additional information in order to come to a decision, and may come back to you for such information. In the absence of a response from you within 15 working days the Monitoring Officer may close the complaint. Information may be requested from the member against whom your complaint is directed to enable the Monitoring Officer to take the decision. In the absence of the subject Member's response within 15 working days the Monitoring Officer may proceed with the complaint.

Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer *may* also inform the Town or Parish Council of your complaint and seek the views of the Town or Parish Council before deciding whether the complaint merits formal investigation.

Any failure to comply with the time scale by the Monitoring Officer or parties concerned will be notified to the Standards Committee or Sub-Committee together with reasons for the delay and the member subject of the complaint and the complainant will be kept informed of progress and reasons for the delay.

4.4 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally through informal resolution, without the need for a formal investigation. Such informal resolution may involve notifying the Group Leader and the Member accepting that his/her conduct was unacceptable and/or offering an apology, and/or

agreeing to mediation and/or other remedial action by the authority. Where the Member or the Authority make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.

Where the Member subject of the complaint is the Group Leader, appropriate alternative arrangements will be required for informal resolution or mediation; this will be dependent upon whether the Group has allocated a Deputy to undertake this role, involve the Group Leader directly or an independent individual or suitable alternative, depending upon the circumstances.

- 4.5 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

## **5. Referral to the Standards Committee or Sub-Committee and how is the Investigation conducted?**

(The Committee and Sub-Committee Terms of Reference are included at **Annex C (set out at the end of this procedure for reference)**).

- 5.1 The Council has adopted a procedure for the investigation of misconduct complaints a summary of which is attached as **Annex E (set out at the end of this procedure for reference)**.

The Council has a Town and Parish Councils' Standards Sub-Committee which has responsibility for dealing with complaints regarding the actions of a Town or Parish Councillor, reference to the Sub-Committee throughout this procedure relates to the Town and Parish Council's Standards Sub-Committee.

- 5.2 If the Monitoring Officer decides that a complaint merits further investigation without referral to the Standards Committee or Sub-Committee, he/she will commission the investigation to be undertaken by a suitably qualified investigator with requisite experience and may include another officer of the Council, a senior officer of another authority or an appropriately experienced consultant, ensuring that independence and impartiality is maintained.

When deciding that a complaint merits further investigation, the Monitoring Officer may, in exceptional circumstances, refer the matter to the Council's Standards Committee or Sub-Committee, with a recommendation together with any information received from either the complainant or member who is the subject of the complaint. The Committee or Sub-Committee, upon consideration of this recommendation and information, may decide that the complaint merits no further action, conciliation or similar resolution.

- 5.3 The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet you or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen and who needs to be interviewed.

- 5.4 As referred to in section 3.5, upon receipt of your complaint the member that is the subject of the complaint will ordinarily be informed that you have made a complaint about them and will be provided with details of the complaint. If an investigation is to be undertaken, the Investigating Officer or Monitoring Officer will normally write to the Member against whom you have complained and provide him/her with full details of your complaint, (including your name and address but excluding any additional or sensitive personal information) and formally ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is felt appropriate to continue to keep your identity confidential or where disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay providing full details of the complaint to the member until the investigation has progressed sufficiently.
- 5.5 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a draft report (“the Investigation Report”) and will, in all cases, send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matters in that draft report which you disagree with or which you consider requires more consideration.
- 5.6 Having received and taken account of any comments which you, or the Member that is the subject of the complaint, may make on the draft Investigation Report, the report will be finalised. Where an Investigating Officer has been appointed the Investigating Officer will send his/her final report to the Monitoring Officer together with a conclusion as to whether the evidence supports a finding of failure to comply with the Code of Conduct.
- 6. What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**
- 6.1 If an Investigating Officer has been appointed, the Monitoring Officer will review the Investigating Officer’s report and may consult with the Independent Person(s). If he/she is satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the member concerned (*and, if appropriate, to the Town and Parish Council, where your complaint relates to a Town or Parish Councillor*), notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Investigation Final Report. The Monitoring Officer will also notify the Standards Committee or Sub-Committee and the relevant Independent Person.
- 6.2 If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

## 7. **What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and will then either refer the matter for a hearing before the Standards Committee or Sub-Committee or in consultation with one of the Independent Persons seek an informal resolution or mediation.

### 7.1.1 Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with one of the Independent Persons and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and/or offering an apology, and/or mediation and/or other remedial action by the Authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee or Sub-Committee (*and the Town or Parish Council*) for information, but will take no further action.

### 7.1.2 Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigation Report to the Standards Committee or Sub-Committee which will conduct a hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

At the hearing, following the Council's procedures, a copy of which will be provided, the Investigating Officer or the Monitoring Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Standards Committee or Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee or Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Members of the Standards or Sub-Committee, after hearing all the evidence and information, may adjourn the meeting for a short period and deliberate together in private. The hearing will then be reconvened and the Decision will be announced in public. It is expected that this will usually be on the same day.

The Standards Committee or Sub-Committee, with the benefit of any comments or advice from one of the Independent Persons, may conclude that the Member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the decision is contrary to a recommendation from the Investigating Officer and/or Monitoring Officer, detailed reasons will be required to be published in the Decision Notice. The Decision of the Standards Committee or Sub-Committee will also be reported to the next meeting of Full Council.

If the Standards Committee or Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Committee or Sub-Committee will then consider what action, if any, the Committee or Sub-Committee should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Committee or Sub-Committee will give the Member an opportunity to make representations and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

## **8. What action might the Standards Committee or Sub-Committee take where a member has failed to comply with the Code of Conduct?**

8.1 The Standards Committee or Sub-Committee has 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 or Sub-Committee may:-

- 8.1.1 Publish its findings in respect of the Member's conduct on the Council's website;
- 8.1.2 Report its findings to Council (*or to the Town or Parish Council*) for information;
- 8.1.3 Recommend to the Member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.1.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.1.5 Instruct the Monitoring Officer to (*or recommend that the Town or Parish Council*) arrange training for the member;
- 8.1.6 Recommend to the relevant Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) that the Member be removed (*or recommend to the Town or Parish Council that the Member be removed*) from all outside appointments to which he/she has been appointed or nominated by the authority (*or by the Town or Parish Council*);
- 8.1.7 Recommend to relevant Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) the withdrawal of (*or recommend to the Town or Parish Council that it withdraws*) facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or

- 8.1.8 Recommend to the relevant Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) the exclusion of (*or recommend that the Town or Parish Council exclude*) the Member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 8.2 In each circumstance, where the Member subject of the complaint is the Group Leader, appropriate alternative arrangements will be required, this will be dependent upon whether the Group has allocated a Deputy to undertake this role, involve the Group Leader directly or an independent individual or suitable alternative, depending upon the circumstances.
- 8.3 In each circumstance, where the Standards Committee or Sub-Committee recommend the Group Leaders take action, it is expected that the Group Leader will within 6 weeks of the referral to them, or as soon as reasonably practicable thereafter, submit a report back to the Standards Committee or Sub-Committee giving details of the action taken or proposed to comply with the Committee's direction.
- 8.4 The Standards Committee or Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' special responsibility allowances.

## **9. What happens at the end of the hearing?**

- 9.1 At the end of the hearing, the Chairman will state the decision of the Standards Committee or Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Committee or Sub-Committee resolves to take.
- 9.2 Within 5 days, the Monitoring Officer shall prepare a formal Decision Notice in consultation with the relevant Chairman of the Standards Committee or Sub-Committee, and send a copy to you and to the Member (*and to the Town or Parish Council if appropriate*), make that Decision Notice available for public inspection and, report the decision to the next convenient meeting of the Council for information.
- 9.3 Should a police investigation result in a Member being convicted of a criminal offence the Monitoring Officer in consultation with an Independent will determine whether it is in the public interest for the matter to be reported to Council for information. In such circumstances the Group Leader will also be consulted and notified of the decision accordingly.

## **10. Who forms the Standards Committee or Sub-Committee?**

- 10.1 The Standards Committee will comprise of 7 District Councillors;
- 10.2 The Standards Town and Parish Sub-Committee will comprise of 3 District Councillors and 3 Town and Parish Councillors (nominated by the Association of Local Councils);



- 10.3 At least one of the three Independent Persons must have been consulted on their views and taken into consideration before the Standards Committee or Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **11. Who are the Independent Persons?**

- 11.1 The Council has appointed three Independent Persons to support the Standards Committee and Sub-Committee.
- 11.2 An Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.
- 11.3 Section 28 (8) of the Localism Act 2011 provides the definition and restriction of the Independent Person. The Council has adopted an Independent Person Protocol which sets out some general principles.

## **12. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, upon the advice of the Monitoring Officer where it is necessary, fair, proportionate and expedient to do so.

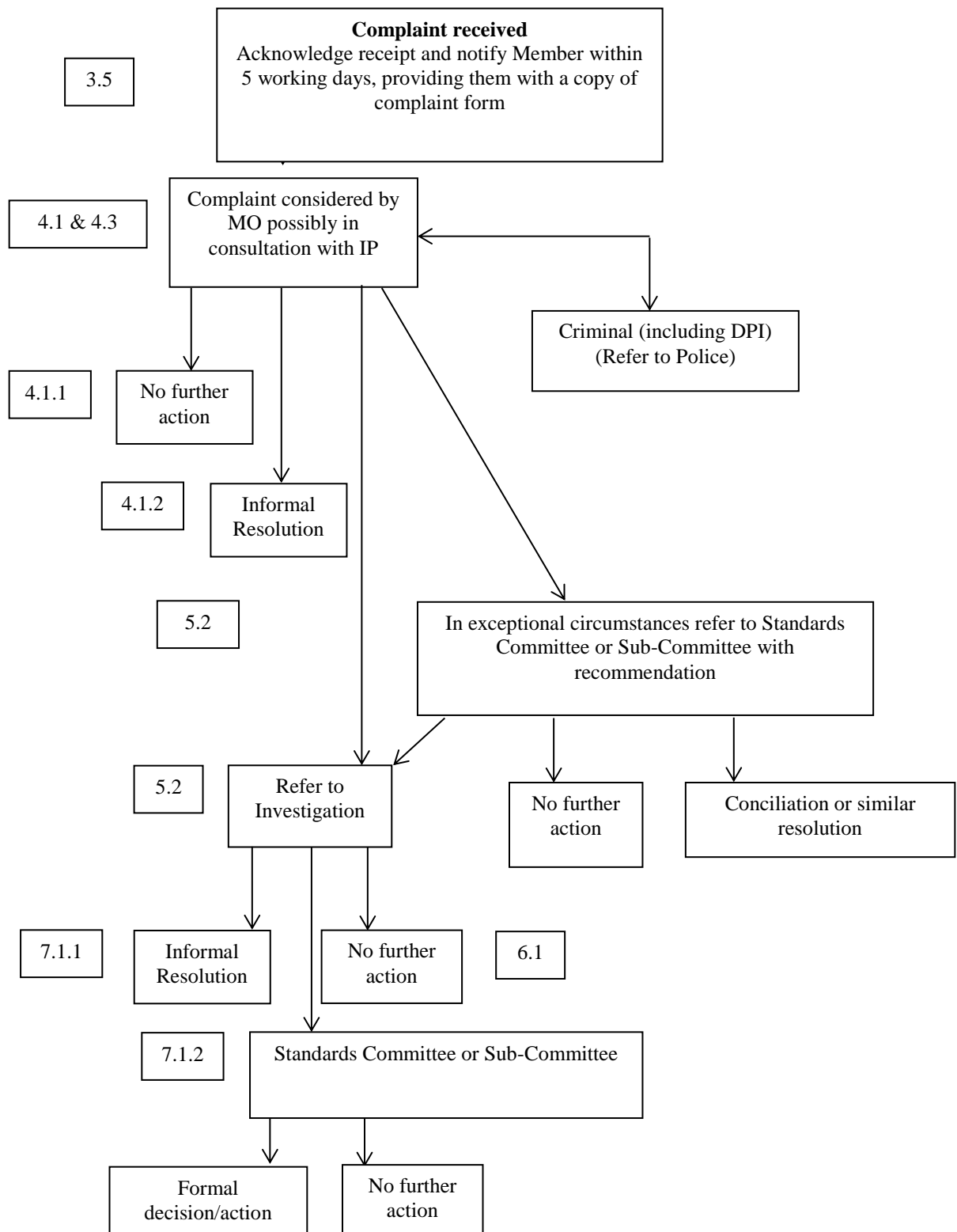
## **13. Appeals**

- 13.1 There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Standards Committee.
- 13.2 If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

## ANNEX B

This Flowchart is to be read in conjunction with the Tendring District Council's Complaints Procedure

(Reference is made to the relevant paragraphs of the Procedure in the boxes on the left hand side)



## **ANNEX D**

## **CONDUCT COMPLAINTS ASSESSMENT CRITERIA**

### **Complaints which would not normally be referred for investigation or to the Standards Committee or Sub-Committee**

1. The complaint is not considered sufficiently serious to warrant investigation;
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”;
3. The complaint appears to be politically motivated;
4. It appears that there can be no breach of the Code of Conduct; for example that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision;
5. It is about someone who is no longer a Councillor
6. There is insufficient information available;
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances, e.g. an allegation of bullying, harassment etc.
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out;
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Member Development and Conduct Committee;
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

### **Complaints which may be referred to the Standards Committee or Sub-Committee**

1. It is serious enough, if proven, to justifying the range of sanctions available to the Standards Committee or Sub-Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation; or
3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to consider; or
4. The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to consider; or
5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him/her to consider.

**Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers’ and Members’ time. This is an important consideration where the complaint is relatively minor.**

## **ANNEX E**

### **STANDARDS COMPLAINTS INVESTIGATION PROCEDURE**

#### **1. Planning Stage:**

Upon receipt of an instruction to carry out an investigation the Investigator should :-

- Acknowledge receipt of the instruction to conduct the investigation.
- Maintain a written record throughout the investigation.
- Assess whether any additional information is required from the complainant.
- Identify the paragraph(s) of the Member Code of Conduct that are alleged to have been breached.
- Identify the facts which will need to be determined to establish if the Member has breached the Member Code of Conduct.
- Identify the evidence that is needed to determine the issues.
- Consider how to undertake the evidence gathering.
- Identify how long it is likely to take to conduct the investigation.

#### **2. Evidence Gathering Stage:**

- Contact the complainant to request any supporting or documentary evidence relating to the complaint.
- Contact the subject member with details of the complaint and seek an explanation.

#### **3. Interview Stage:**

- Identify witnesses.
- Arrange interview dates.
- Conduct interviews (with complaint, subject member and witnesses).

#### **4. Report Stage:**

- Review evidence from interviews and any documentary evidence provided.
- Draft the report to contain :-
  - Agreed facts
  - Facts not agreed and corresponding conflicting evidence
  - Conclusions as to whether a breach has occurred.
  - Where a draft report is issued this will be supplied to both the complainant and subject member for comment.

In all cases the Investigator will issue a final report and the Monitoring Officer will then determine appropriate action to be taken in line with the report conclusion



**Complaint alleging a breach of the Members' Code of Conduct  
by a Tendring District Councillor or Town/Parish Council**

**COMPLAINTS FORM**

**YOUR DETAILS**

Name:

William Hones

Address:

12, Ambleside Court

Marine Parade East

Clacton-On-Sea

Post Code: CO156 JZ

Telephone (day):

Telephone (eve):

E-mail address:

**Please identify which complainant type best describes you:**

- A member of the public
- An elected or co-opted member of an authority
- A Standards Committee Independent Person
- Member of Parliament
- Local Authority Monitoring Officer
- Other council officer or authority employee
- Other (please specify):

**Confidentiality** — ~~Not~~ ~~Right!~~

A copy of your complaint (as set out in this form), together with your name and address will be provided to the Member that is the subject of your complaint. In exceptional cases, we may agree to withhold your name and address from the Member. If you want to keep your name and address confidential, please indicate this in the space provided below along with the reasons why you feel it is necessary for the name



and address to be withheld. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent.

Please note that the Monitoring Officer is unlikely to withhold your identity or the details of your complaint unless you have a good reason to believe that not to do so would impede the Council's ability to deal with your complaint or would have personal safety or other serious implications for you or your family.

If you make a request for your name and address to be withheld, the Monitoring Officer will advise you of the decision on this before disclosing your details to the Member that is the subject of your complaint.

**Please insert your reasons requesting your name and address to remain confidential in the box below:**

The Council will not normally accept an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct and there is a clear public interest in doing so.

As with all personal data provided to the Council, your personal data will be held in accordance with the Data Protection Act 1998. — L O L O L O L O



**YOUR COMPLAINT**

Please state which Councillor(s) your complaint is about

Title	First name	Last name	Council name
	MICK M.D. J.	SKEEELS Snr	MICK Skeels

Please indicate below which paragraph(s) of the Code of Conduct you believe have been breached. Please note that it is not possible to proceed without reference to Code:

3.4 (a)  
3.5 ~~(a)~~ (b) (ii) he appears to have accessed my personal data about my health and benefits status.

Please explain below (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct.

If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.



It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when they decide whether to take any action on your complaint. For example:

- You should be specific, wherever possible; about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said and how that affected you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information including any evidence you hold which supports the complaint.

5-4-16  
On the steps of the Town Hall Councilor Mick Skeels called me a cunt and belittle me about my heart condition. then went onto provoke a fist fight.  
I'm Concerned about Councilor Skeels having information about my heart condition. this seems like a breach of my data by Tendring Council!  
You can watch the video on youtube at Tendring News channel.  
Councilor Calling me the C word.





We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

- Following receipt of your complaint, the Monitoring Officer will: -
  - a) Acknowledge receipt of your complaint within 5 working days of receiving it;
  - b) Notify, within 5 working days, the Member that is the subject of the complaint that you have made a complaint about them and provide them with the information set out on the complaint form; excluding any personal information but including your name and address, unless the Monitoring Officer has agreed to this being withheld;
  - c) Keep you and the Member that is the subject of the complaint informed of the progress of your complaint.
- Your complaint will be given a reference number which will appear on complaint documentation.
- The Monitoring Officer will review every complaint received and may consult with one of the Independent Persons before taking a decision as to whether it:
  - a) Merits no further action
  - b) Merits early informal conciliation
  - c) Should be referred for further investigation or to the Standards Committee with a recommendation.
- The Monitoring Officer may require additional information in order to come to a decision, and may come back to you for such information. In the absence of a response from you within 15 working days the Monitoring Officer may close the complaint.
- The Monitoring Officer may request information from the Member against whom your complaint is directed to help them to come to a decision. In the absence of the subject Member's response within 15 working days the Monitoring Officer may proceed with the complaint.
- This decision as to how the complaint is to be progressed will normally be taken within 15 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria (which are appended to



the Complaints Procedure). Where the Monitoring Officer has taken a decision, you will be informed of the decision and the reasons for that decision (Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Town or Parish Council of your complaint and seek the views of the Town or Parish Council before deciding whether the complaint merits formal investigation).

- Further detail on what will happen if the Monitoring Officer decides that a complaint merits further investigation is contained in the Complaints Procedure.
- **Please note that the Monitoring Officer maintains openness and transparency with regards to their decision making and therefore, the final decision, may be disclosed.**
- There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer has the power to call in the Police or other regulatory agencies.
- If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman [www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint).

## Debbie Bunce

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**From:** Cheryl Button  
**Sent:** 06 April 2016 13:27  
**To:** Standards  
**Subject:** Complaint about a Councillor

I am writing to raise a complaint about Councillor Skeels MJD under the council members' code of conduct.

As you may already be aware, a video of the Councillor using obscene language towards a citizen outside of the town hall whilst wearing his TDC name badge has been circulated on social media. The Councillor then continued to insult the member of the public by insinuating he was a benefit claimant who was too ill to work (as if being in such a situation is derogatory) and incited the citizen to use physical violence towards him. This video is available on the following link:

[https://m.youtube.com/watch?v=3D\\_XDrZLZzU](https://m.youtube.com/watch?v=3D_XDrZLZzU)

Without wishing to state the obvious, this behaviour falls short of the members' code on at least these points:

**Selflessness:** this behaviour was not in the public interest and serves to damage any respect and credibility citizens may have for those in office.

**Integrity & objectivity:** the Councillor asked the citizen if he was too ill to work, demonstrating disdain towards citizens in receipt of health related benefit; this is both discriminatory in using benefit dependency as an insult and bias against peoples who claim such benefit.

**Accountability & openness:** the citizen asked the Councillor for comment on a reasonable question. The Councillor responded with obscenities. He did not answer the question or respond with how he intended to answer it in the future.

**Leadership:** the Councillor's behaviour did not exhibit the principles of the code.

I trust that this complaint will now be dealt with accordingly.

Many thanks,

Cheryl Button



**Complaint alleging a breach of the Members' Code of Conduct  
by a Tendring District Councillor or Town/Parish Council**

**COMPLAINTS FORM**

**YOUR DETAILS**

Name: Joseph George Robert Freebody

Address:

Post Code:

Telephone (day):

Telephone (eve):

E-mail address:

**Please identify which complainant type best describes you:**

- **A member of the public**
- An elected or co-opted member of an authority
- A Standards Committee Independent Person
- Member of Parliament
- Local Authority Monitoring Officer
- Other council officer or authority employee
- Other (please specify): .....

**Confidentiality**

**A copy of your complaint (as set out in this form), together with your name and address will be provided to the Member that is the subject of your complaint. In exceptional cases, we may agree to withhold your name and address from the Member. If you want to keep your name and address confidential, please indicate this in the space provided below along with the reasons why you feel it is necessary for the name**

**and address to be withheld. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent.**



Please note that the Monitoring Officer is unlikely to withhold your identity or the details of your complaint unless you have a good reason to believe that not to do so would impede the Council's ability to deal with your complaint or would have personal safety or other serious implications for you or your family.

If you make a request for your name and address to be withheld, the Monitoring Officer will advise you of the decision on this before disclosing your details to the Member that is the subject of your complaint.

**Please insert your reasons requesting your name and address to remain confidential in the box below:**

I am happy that my name and address relating to this complaint and its resolution do not remain confidential.

The Council will not normally accept an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct and there is a clear public interest in doing so.

As with all personal data provided to the Council, your personal data will be held in accordance with the Data Protection Act 1998.



## YOUR COMPLAINT

Please state which Councillor(s) your complaint is about			
Title	First name	Last name	Council name
Mr	Michael J D	Skeels	

**Please indicate below which paragraph(s) of the Code of Conduct you believe have been breached. Please note that it is not possible to proceed without reference to Code:**

I believe Councillor Skeels has clearly broken the Tendring District Council Members Code Of Conduct which apply under Clause 2.2 (a) of those terms as he was attending a public meeting of the council, in the following areas: -

- Clause 3.1 Objectivity, Accountability, and Leadership criteria – Councillor Skeels has clearly not followed the personal behavioural ideals underpinning these requirements of a Councillor,
- Clause 3.2 (a), (b) and (c) – Councillor Skeels has clearly not followed these principles as he has disrespected, bullied and abused another person in public based on their beliefs and disability,
- Clause 3.4 (a) – Councillor Skeels conduct has clearly brought the Authority of Tendring District Council and potentially other Councillors into disrepute.

**Please explain below (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct.**

If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when they decide whether to take any action on your complaint. For example:



- You should be specific, wherever possible; about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said and how that affected you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information including any evidence you hold which supports the complaint.

On the evening of 5<sup>th</sup> April 2016, Councillor Skeels attended the Full Tending District Council Meeting at the Town Hall. A gentleman called William Hones (a local activist) was standing on the pavement outside the Town Hall taking video pictures on his mobile phone. Mr Skeels approached the Town Hall from the beach side, noticed Mr Hones and made a direct line towards Mr Hones rather than avoiding confrontation by walking up the slope. Mr Hones had his video operating and asked Councillor Skeels a question. What followed was absolutely disgusting. Councillor Skeels called Mr Hones a four letter word (C\*\*T) and then proceeded to abuse Mr Hones disability, benefits status and work record. This was recorded on video (with sound) which was subsequently published on YouTube and Facebook which have received hundreds of comments all sharing my feelings that this sort of behaviour is not what one would expect from an elected public official in that it was foul, abusive and tantamount to bullying which would not be acceptable under any circumstances. What makes the situation even worse is that Councillor Skeels outburst took place in front of young children who were near Mr Hones at the time.

Signed: .....  
(To be signed by the person making the complaint)

Dated : 7, 4, 2016

#### Additional Information

Further details can be found in the Code of Conduct Complaints Procedure, which is available on the Council's website or by emailing or telephoning the Council's Monitoring Officer (details below).

- If you wish to make a complaint, please complete the official complaints form and send or email it to:

The Monitoring Officer,  
Tending District Council  
Corporate Services,



Town Hall, Station Road  
Clacton-on-Sea  
Essex CO15 1SE

[standards@tendringdc.gov.uk](mailto:standards@tendringdc.gov.uk)

- Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

- Following receipt of your complaint, the Monitoring Officer will: -
  - a) Acknowledge receipt of your complaint within 5 working days of receiving it;
  - b) Notify, within 5 working days, the Member that is the subject of the complaint that you have made a complaint about them and provide them with the information set out on the complaint form; excluding any personal information but including your name and address, unless the Monitoring Officer has agreed to this being withheld;
  - c) Keep you and the Member that is the subject of the complaint informed of the progress of your complaint.
- Your complaint will be given a reference number which will appear on complaint documentation.
- The Monitoring Officer will review every complaint received and may consult with one of the Independent Persons before taking a decision as to whether it:
  - a) Merits no further action
  - b) Merits early informal conciliation
  - c) Should be referred for further investigation or to the Standards Committee with a recommendation.
- The Monitoring Officer may require additional information in order to come to a decision, and may come back to you for such information. In the absence of a





response from you within 15 working days the Monitoring Officer may close the complaint.

- The Monitoring Officer may request information from the Member against whom your complaint is directed to help them to come to a decision. In the absence of the subject Member's response within 15 working days the Monitoring Officer may proceed with the complaint.
- This decision as to how the complaint is to be progressed will normally be taken within 15 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria (which are appended to the Complaints Procedure). Where the Monitoring Officer has taken a decision, you will be informed of the decision and the reasons for that decision (Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Town or Parish Council of your complaint and seek the views of the Town or Parish Council before deciding whether the complaint merits formal investigation).
- Further detail on what will happen if the Monitoring Officer decides that a complaint merits further investigation is contained in the Complaints Procedure.
- **Please note that the Monitoring Officer maintains openness and transparency with regards to their decision making and therefore, the final decision, may be disclosed.**
- There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer has the power to call in the Police or other regulatory agencies.
- If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman [www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint).

## Monitoring Officer

### Decision Notice

This Decision records the outcome of the Decision taken by the District Council's Monitoring Officer on 21<sup>st</sup> April 2016 in accordance with the Tendring District Council's arrangements for dealing with an allegation that an elected member has failed to comply with the Members' Code of Conduct.

These arrangements were approved by full Council on 26<sup>th</sup> November 2013.

<b>Councillor:</b>	<b>Mr Mick Skeels Snr – Tendring District Council</b>
<b>Complainant:</b>	Mr William Hones (plus 2 other individuals)  <b>3 separate complaints received</b>
<b>Relevant Paragraph(s) of the Members' Code of Conduct:</b>	The Complaint considered that the following paragraphs were contravened: <ul style="list-style-type: none"><li>• Clause 3.4(a) – a Councillor must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.</li><li>• Clause 3.5(b)(ii) – a Councillor must not use, or authorise others to use, the resources of the Authority in breach of the Authority's requirements.</li></ul>
<b>Summary of Complaint:</b>  <b>Complaint dated 11<sup>th</sup> April 2016</b>	On 5 <sup>th</sup> April 2016, on the steps of the Town Hall Councillor Mick Skeels called me a 'c...' and belittled me about my heart condition, then went onto provoke a fist fight. I'm concerned that Councillor Mick Skeels having information about my heart condition, this seems like a breach of my data by Tendring Council.  You can watch the video on YouTube at Tendring News Channel.
<b>Councillors Response:</b>	In response to the complainants received, I have never at anytime used my position to access personal data on anyone, I have provided a copy of an email sent by Mr William Hones on 8 <sup>th</sup> February 2016, to every councillor on TDC plus others regarding his work/health situation.  In respect of comments I made to Mr Hones on the Town Hall steps prior to the recent Full Council Meeting and to avoid the inconvenience and unnecessary expense of an external investigation I am happy to re-state that I fully accept that my

	<p>conduct was unacceptable and fell below the high standards that I have previously maintained and which are demanded by the Council's Code of Conduct.</p> <p>I made a full and unqualified apology to all members of the Council and to Mr Hones himself which I am happy to re-state. 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.</p> <p>I should like my previous good conduct to be considered in mitigation as since first being elected to Tendring District Council in 2007 and to Essex County Council in 2009 my behaviour has always been exemplary. I can assure you that in future there will be no repeat of this situation.</p>
<b>Monitoring Officer Recommendation</b>	Referral to the Standards Committee is considered necessary to determine the sanction in respect of Councillor Mick Skeels Snr, as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct. Accordingly, the Standards Committee may consider the sanctions set out in paragraph 8 of the Complaints procedure.
<b>Consultation with Independent Person</b>	This will take place prior to the Standards Committee and be included within the Monitoring Officer's report.
<b>Relevant Paragraph of Complaints Procedure and assessment criteria:</b>	4.2 and 7
<b>Reasons for Decision:</b>	<p>Councillor Mick Skeels Snr has provided written acknowledgement that his conduct fell short of the standards required by the Members' Code of Conduct, therefore an investigation into the matter is not required. Under the Complaints Procedure once there is a finding that there is evidence of a failure to comply with the Code of Conduct, there are two options available.</p> <p>The first option is to consider informal resolution (paragraph 7.1.1) and in this matter the Monitoring Officer does not consider that informal resolution is appropriate, it is noted that a formal apology has been given by Councillor Skeels Snr however, due to the position held on the Council's Cabinet, referral to the Standards Committee is considered necessary.</p> <p>The second option available (paragraph 7.1.2) is for the</p>

	<p>Monitoring Officer to report the outcome of any investigation to the Standards Committee to conduct a hearing before deciding whether the Member has 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 has already admitted that he has failed to comply with the Code of Conduct therefore the Standards Committee has 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 may consider the sanctions set out in paragraph 8 of the Complaints procedure.</p>
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**Signed:**

**Dated: 21<sup>st</sup> April 2016**

**Monitoring Officer**

## Monitoring Officer

### Decision Notice

This Decision records the outcome of the Decision taken by the District Council's Monitoring Officer on 21<sup>st</sup> April 2016 in accordance with the Tendring District Council's arrangements for dealing with an allegation that an elected member has failed to comply with the Members' Code of Conduct.

These arrangements were approved by full Council on 26<sup>th</sup> November 2013.

<b>Councillor:</b>	<b>Mr Mick Skeels Snr – Tendring District Council</b>
<b>Complainant:</b>	Ms Cheryl Button (plus 2 other individuals)  <b>3 separate complaints received</b>
<b>Relevant Paragraph(s) of the Members' Code of Conduct:</b>	The Complaint considered that the following paragraphs were contravened: <ul style="list-style-type: none"><li>• 3.1 - the Six Principles of Public Life as follows:<ol style="list-style-type: none"><li>1. Selflessness</li><li>2. Integrity</li><li>3. Objectivity</li><li>4. Accountability</li><li>5. Openness</li><li>6. Leadership</li></ol></li></ul>
<b>Summary of Complaint:</b>  <b>Complaint dated 6<sup>th</sup> April 2016</b>	<p>A video of Councillor Skeels using obscene language towards a citizen outside of the Town Hall whilst wearing his TDC name badge has been circulated on social media. The Councillor then continued to insult the member of the public by insinuating he was a benefit claimant who was too ill to work (as if being in such a situation is derogatory) and incited the citizen to use physical violence towards him. This video is available on the following link: <a href="https://m.youtube.com/watch?v=3D_XDrZLZzU">https://m.youtube.com/watch?v=3D_XDrZLZzU</a></p> <p>Without wishing to state the obvious, this behaviour falls short of the members' code on at least these points:</p> <p><u>Selflessness:</u> This behaviour was not in the public interest and serves to damage any respect and credibility citizens may have for those in office.</p> <p><u>Integrity &amp; objectivity:</u> The Councillor asked the citizen if he was too ill to work, demonstrating disdain towards citizens in receipt of health related benefit; this is both discriminatory in using</p>

	<p>benefit dependency as an insult and bias against peoples who claim such benefit.</p> <p><u>Accountability &amp; openness:</u> The citizen asked the Councillor for comment on a reasonable question. The Councillor responded with obscenities. He did not answer the question or respond with how he intended to answer it in the future.</p> <p><u>Leadership:</u> The Councillor's behaviour did not exhibit the principles of the code.</p>
<b>Councillors Response:</b>	<p>In response to the complainants received, I apologise for causing any distress.</p> <p>In respect of comments I made to the member of the public on the Town Hall steps prior to the recent Full Council Meeting and to avoid the inconvenience and unnecessary expense of an external investigation I am happy to re-state that I fully accept that my conduct was unacceptable and fell below the high standards that I have previously maintained and which are demanded by the Council's Code of Conduct.</p> <p>I made a full and unqualified apology to all members of the Council and to the member of the public himself which I am happy to re-state. 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.</p> <p>I should like my previous good conduct to be considered in mitigation as since first being elected to Tendring District Council in 2007 and to Essex County Council in 2009 my behaviour has always been exemplary. I can assure you that in future there will be no repeat of this situation.</p>
<b>Monitoring Officer Recommendation</b>	<p>Referral to the Standards Committee is considered necessary to determine the sanction in respect of Councillor Mick Skeels Snr, as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct. Accordingly, the Standards Committee may consider the sanctions set out in paragraph 8 of the Complaints procedure.</p>
<b>Consultation with Independent Person</b>	<p>This will take place prior to the Standards Committee and be included within the Monitoring Officer's report.</p>
<b>Relevant Paragraph of Complaints Procedure and assessment</b>	<p><b>4.2 and 7</b></p>

<b>criteria:</b>	
<b>Reasons for Decision:</b>	<p>Councillor Mick Skeels Snr has provided written acknowledgement that his conduct fell short of the standards required by the Members' Code of Conduct, therefore an investigation into the matter is not required. Under the Complaints Procedure once there is a finding that there is evidence of a failure to comply with the Code of Conduct, there are two options available.</p> <p>The first option is to consider informal resolution (paragraph 7.1.1) and in this matter the Monitoring Officer does not consider that informal resolution is appropriate, it is noted that a formal apology has been given by Councillor Skeels Snr however, due to the position held on the Council's Cabinet, referral to the Standards Committee is considered necessary.</p> <p>The second option available (paragraph 7.1.2) is for the Monitoring Officer to report the outcome of any investigation to the Standards Committee to conduct a hearing before deciding whether the Member has 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 has already admitted that he has failed to comply with the Code of Conduct therefore the Standards Committee has 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 may consider the sanctions set out in paragraph 8 of the Complaints procedure.</p>

**Signed:**

**Dated: 21<sup>st</sup> April 2016**

**Monitoring Officer**

## Monitoring Officer

### Decision Notice

This Decision records the outcome of the Decision taken by the District Council's Monitoring Officer on 21<sup>st</sup> April 2016 in accordance with the Tendring District Council's arrangements for dealing with an allegation that an elected member has failed to comply with the Members' Code of Conduct.

These arrangements were approved by full Council on 26<sup>th</sup> November 2013.

<b>Councillor:</b>	<b>Mr Mick Skeels Snr – Tendring District Council</b>
<b>Complainant:</b>	Mr Joseph G.R. Freebody (plus 2 other individuals)  <b>3 separate complaints received</b>
<b>Relevant Paragraph(s) of the Members' Code of Conduct:</b>	<p>The Complaint considered that the following paragraphs were contravened:</p> <ul style="list-style-type: none"><li>• 3.1 – Three of the Seven Principles of Public Life as follows:<ul style="list-style-type: none"><li>3. Objectivity</li><li>4. Accountability</li><li>7. Leadership</li></ul></li><li>• Clause 3.2 – in fulfilling the Duties and Responsibilities, a Councillor must not:<ul style="list-style-type: none"><li>(a) breach your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their beliefs or disability;</li><li>(b) disrespect others; and</li><li>(c) bully or harass any person</li></ul></li><li>• Clause 3.4(a) – a Councillor must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.</li></ul>
<b>Summary of Complaint:</b>  <b>Complaint dated 7<sup>th</sup> April 2016</b>	<p>Councillor Skeels has clearly not followed the personal behavioural ideals of Objectivity, Accountability and Leadership underpinning the requirements of a Councillor.</p> <p>Councillor Skeels has clearly not followed the duties and responsibilities in Clause 3.2 (a), (b) and (c), as he has disrespected, bullied and abused another person in public based on their beliefs and disability.</p>



	Councillor Skeels has clearly brought the Authority of Tendring District Council and potentially other Councillors into disrepute.
<b>Councillors Response:</b>	<p>In response to the complainants received, I apologise for causing any distress.</p> <p>In respect of comments I made to the member of the public on the Town Hall steps prior to the recent Full Council Meeting and to avoid the inconvenience and unnecessary expense of an external investigation I am happy to re-state that I fully accept that my conduct was unacceptable and fell below the high standards that I have previously maintained and which are demanded by the Council's Code of Conduct.</p> <p>I made a full and unqualified apology to all members of the Council and to the member of the public himself which I am happy to re-state. 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.</p> <p>I should like my previous good conduct to be considered in mitigation as since first being elected to Tendring District Council in 2007 and to Essex County Council in 2009 my behaviour has always been exemplary. I can assure you that in future there will be no repeat of this situation.</p>
<b>Monitoring Officer Recommendation</b>	Referral to the Standards Committee is considered necessary to determine the sanction in respect of Councillor Mick Skeels Snr, as may be relevant and proportionate, and necessary to promote and maintain high standards of conduct. Accordingly, the Standards Committee may consider the sanctions set out in paragraph 8 of the Complaints procedure.
<b>Consultation with Independent Person</b>	This will take place prior to the Standards Committee and be included within the Monitoring Officer's report.
<b>Relevant Paragraph of Complaints Procedure and assessment criteria:</b>	<b>4.2 and 7</b>
<b>Reasons for Decision:</b>	Councillor Mick Skeels Snr has provided written acknowledgement that his conduct fell short of the standards required by the Members' Code of Conduct, therefore an investigation into the matter is not required. Under the Complaints Procedure once there is a finding that there is evidence of a failure to comply with the Code of Conduct, there

	<p>are two options available.</p> <p>The first option is to consider informal resolution (paragraph 7.1.1) and in this matter the Monitoring Officer does not consider that informal resolution is appropriate, it is noted that a formal apology has been given by Councillor Skeels Snr however, due to the position held on the Council's Cabinet, referral to the Standards Committee is considered necessary.</p> <p>The second option available (paragraph 7.1.2) is for the Monitoring Officer to report the outcome of any investigation to the Standards Committee to conduct a hearing before deciding whether the Member has 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 has already admitted that he has failed to comply with the Code of Conduct therefore the Standards Committee has 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 may consider the sanctions set out in paragraph 8 of the Complaints procedure.</p>
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**Signed:**

**Dated: 21<sup>st</sup> April 2016**

**Monitoring Officer**