

City of York Council
Joint Standards Committee
Hearings Sub Committee – 8 March 2022
Code of Conduct Complaints relating to Skelton Parish
Council

DECISION NOTICE

IN ATTENDANCE:

Hearing Panel:

Councillor D Carr (Chair)

Councillor T Fisher

Parish Councillor C Chambers

Advisors to the Hearing Panel:

Alex Oram, Independent Person

Janie Berry, Monitoring Officer, City of York Council

Frances Harrison, Deputy Monitoring Officer, City of York Council

Investigating Officers:

Faye Dickinson, Senior Solicitor, City of York Council

Dan Moynihan, Senior Solicitor, City of York Council

Complainants and or Subject Members:

Councillor A Mansell, Skelton Parish Council (complainant and subject member)

Mrs Mansell (complainant)

Councillor J Watt, Skelton Parish Council (complainant and subject member)

BACKGROUND

The Hearing Panel, a sub-committee of the Joint Standards Committee, was constituted in accordance with procedures approved by the City of York Council's Joint Standards Committee to consider complaints in relation to the conduct of Councillor A Mansell and Councillor J Watt of Skelton Parish Council.

In this matter the Hearing Panel noted that Councillor A Mansell and Councillor J Watt were both complainants and subject members of the complaints. A further complaint had been submitted by Mrs Mansell in relation to Councillor J Watt.

The Hearing Panel had the benefit of three Investigating Officer reports. Investigating Officer Report One addressed complaints submitted by Councillor A Mansell and Mrs Mansell. Investigating Officer Report Two addressed a complaint submitted by Councillor J Watt in relation to Councillor A Mansell. Investigating Officer Report Three addressed further complaints submitted by Councillor A Mansell and Mrs Mansell.

The Hearing Panel did not receive any witness statements or heard evidence from any named witnesses.

The Hearing Panel considered the allegations in light of the Joint Standards Committee published criteria for the assessment of complaints.

EVIDENCE AND FINDING OF FACT

During the period in question relating to these complaints, Skelton Parish Council was facilitating its meetings via remote means as a result of the Coronavirus pandemic.

Councillor J Watt is the Chair of Skelton Parish Council. Councillor J Watt had previously made a complaint in relation to Councillor A Mansell however this was concluded in July 2020, which was not upheld and the Panel did not consider any information or representations arising from this complaint.

Mrs Mansell was a former Member of Skelton Parish Council and during the hearing it was confirmed that Mrs Mansell was co-opted to Skelton Parish Council in October 2021.

The Panel was concerned with complaints initially submitted by Councillor A Mansell and Mrs Mansell in December 2020, in relation to Councillor J Watt; followed by a Complaint submitted by Councillor J Watt on 31 January 2021, in relation to Councillor A Mansell and finally two further complaints submitted in April 2021 by Councillor A Mansell and Mrs Mansell in relation to Councillor J Watt.

The Monitoring Officer instructed two Investigating Officers to consider the respective complaints.

During October and November 2020, a succession of vacancies arose on Skelton Parish Council and Mrs Mansell submitted successive applications to the Clerk for the Parish Council to consider her co-option at meetings on 22 October 2020 and 26 November 2020.

On each occasion, Mrs Mansell's application to be co-opted on to Skelton Parish Council was either not formally addressed or when it was considered she was unsuccessful. In October 2020, there were two candidates who put themselves forward, Mrs Mansell was unsuccessful following a vote.

Councillor A Mansell and Mrs Mansell have complained that Councillor J Watt has been disrespectful and intimidatory in his

behaviour at meetings and that he has improperly conferred a disadvantage on Mrs Mansell via his oversight of her applications to be co-opted to the Skelton Parish Council.

On 31 January 2021, Councillor J Watt submitted a complaint that Councillor A Mansell has been disruptive in meetings and has extended his inappropriate behaviour to others appointed to and or closely involved with Skelton Parish Council.

On 26 November 2020 Councillor J Watt/Skelton Parish Council addressed Mrs Mansell's application to be co-opted in a private meeting with the exclusion of the press and public.

The Panel noted that Councillor J Watt and Councillor A Mansell had attended training by Yorkshire Local Councils Association on 17 February 2021 entitled "Council Vacancies – filling Ordinary and Casual Vacancies". As a result, Councillor J Watt advised Skelton Parish Council at its meeting on 25 February 2021, that the procedures for co-option to Skelton Parish Council had not been correctly followed.

However it was not until October 2021, that Mrs Mansell's application for co-option was resolved.

The Panel took time to hear from Councillor A Mansell, Mrs Mansell and Councillor J Watt.

CONCLUSIONS

The Panel were concerned with regards to the heightened levels of animosity between Councillor A Mansell and Mrs Mansell and Councillor J Watt and that these also extended to matters beyond the scope of these complaints.

Whilst it is recognised that there is an acceptable degree of political freedom of speech during Council meetings, the Panel do accept the findings of the Investigating Officer and uphold the complaint that Councillor J Watt was disrespectful towards Councillor A Mansell during the meeting on 26 November 2020. The Panel note that Councillor J Watt did admit to this during the investigation. The Panel do not uphold any allegations of bullying and intimidatory behaviour by Councillor J Watt towards Councillor A Mansell.

As regards the co-option of Mrs Mansell to Skelton Parish Council, the Panel has considered the finely balanced role of Councillor J Watt in his capacity as Chair of Skelton Parish Council and the decision making role held by Skelton Parish Council as a whole.

The Panel has heard that Councillor J Watt did attend the YLCA Seminar on 17 February 2021, titled “Council Vacancies – filling Ordinary and Casual Vacancies” and is satisfied that from that date forward, Councillor J Watt was aware of the correct legal process to manage a co-option issue. However, the issue is whether Councillor J Watt acted in good faith or whether he improperly influenced the Parish Council as a whole to delay or dissuade a decision as to whether or not Mrs Mansell should be co-opted.

On balance, the Panel is not satisfied that there is sufficient evidence to uphold a complaint against Councillor J Watt as it is noted that the decision to delay was ultimately one for Skelton Parish Council and not Councillor J Watt as an individual. However the Panel was concerned by:

- Councillor J Watt’s statement that “I directed the Council”;
- Councillor J Watt’s assertion that he was waiting for the outcome of the Code of Conduct complaint, The Panel did not accept this as a legitimate reason for delay;
- Councillor J Watt’s concerns about the information received from the YLCA seminar though he was unable to confirm whether or not the Clerk had been instructed to obtain further clarity from YLCA;

- Councillor J Watt indicating that he was waiting for another potential candidate;
- that there was a significant period of time between Councillor J Watt and Skelton Parish Council being aware of the process in February 2021, and Mrs Mansell's co-option in October 2021, and noted an absence of reasoned explanation for this.

The Panel has not upheld the remaining complaints.

SANCTIONS

It is recommended that Skelton Parish Council passes a motion of censure that Councillor J Watt has acted in a disrespectful manner to Councillor A Mansell and has declined to offer an apology.

Recognising that Skelton Parish Council historically failed to address the co-option process correctly, training is recommended and that Councillor J Watt is actively encouraged to participate in the work to be undertaken to address governance issues as a result.

Whilst not upheld, the Panel believes that the Skelton Parish Council should address its attitude towards its Clerk to ensure they are fully supported and resourced.

From the evidence obtained during the investigation and from the hearing, it is evident that there are underlying issues involving long standing personal conflict and poor working relations between certain elected members and the Clerk. In addition, the Panel has detected a less than full understanding on both sides of the norms for officer/member relations and their respective powers and responsibilities. The Panel is conscious of the need to seek to resolve the difficulties with which the Parish Council is currently faced in a constructive manner for the benefit of the local community. There are concerns by all parties involved in this investigation about how this matter might

impact on the ability of the Parish Council to function in the future.

The Panel believes that unless constructive action is taken, complaints are likely to continue to be made (both against members of the Council and the Clerk). And as these problems are potentially affecting the Council as a whole it appears most appropriate that all members and officers are involved in their resolution.

It is the Panel's view that the Council should consider funding and implementing an action plan to address the concerns identified. This should involve making any necessary training, conciliation and mentoring available to all Council members and officers.

In the Panel's view the process should include the following:

- The appointment of an independent person / consultancy or YLCA to review the Council's processes and procedures.
- Ensuring the role of the Clerk is fully understood and supported and that sufficient time and resource is made available to them to effectively carry out their role to the correct standards expected.
- The training / mentoring of officers and councillors to identify and rectify any weakness in their understanding of the Parish Council's procedures and the Code.
- Training and guidance on conflict resolution with a view to improving working relations between elected members and the Council Clerk through more effective communication and improved conduct. As part of this process I would recommend that all parties work together on a Member / Officer protocol that establishes and ingrains agreed parameters.

- The Parish Council should consider the adoption of the LGA Model of Code of Conduct.

It is hoped that by implementing this action plan any personal conflicts will be resolved, acceptable standards of behaviour will be established and the Council will run in a proper manner that will command the respect of the community.

Councillor D Carr

Councillor T Fisher

Parish Councillor C Chambers