Correspondence between Cllr Michael Breslin and the complainants in case reference LA/AB/1758

I have made 3 separate attempts to seek a resolution with the complainants in line with what I indicated in my email response to your draft report and in our telephone discussion on week commencing 18 April. All of the correspondence with the complainants is shown below, in chronological order.

From: Michael Breslin [mailto:michael@breslin.scot]
Sent: 31 May 2016 11:53
To: Sneddon, Cleland <Cleland.Sneddon@argyll-bute.gov.uk>
Subject: Draft apology

Cleland, thanks for your call earlier.

The sticking point, or deal breaker as you described it, is the caveated apology from the complainants. I have located the draft words I sent to Bill Thomson and these are attached.

You don’t need to use the same words as me, which may give you some scope to reconsider.

Perhaps you and the others can think about this again please.

We did agree that going to a hearing was hardly likely to help matters and I think we both need to move to some form of compromise position. I have made the first move and since it’s over 2 months since I made it, perhaps we can also agree to try and settle matters soon.

Regards

From Michael Breslin
Outlook on Windows 10 phone

The file that was attached stated:

As I have stated very clearly in response to the complaint you made against me to the Commissioner for Ethical Standards, I believe that I have been shown disrespect by each of you at various times over this past several years.

Nonetheless, if your perception was that I have been disrespectful to you, then I apologise.

In return, I expect something similar from each of you plus the withdrawal of the complaint. If there is no agreement, then I am prepared to fight the complaint through the full process and, in so doing, I will call a number of witnesses to support my defence. My view is that it is in nobody’s interest for this to happen. I will continue to scrutinise as I have every right to do.

From: Sneddon, Cleland
Sent: 01 June 2016 18:02
To: Breslin, Michael
Subject: RE: Draft apology

Thank you for the email Michael and the opportunity to seek a resolution.
I have spoken with the other officers involved and shared with them the terms of your apology and conditions. I'm afraid that we are clear that the terms of the apology are unacceptable and do not represent a genuine attempt to apologise for the behaviours that gave rise to the complaints or to acknowledge the impact of those behaviours on officers. The request for an apology from the four officers in reciprocation is equally unacceptable in respect of coming to terms regarding the complaint.

It is with regret that your position will result in the matter progressing to a public hearing as I genuinely do not believe that this is in any of our interests or ultimately the interests of the council or our communities. I would want to try to explore seeking a compromise solution. [Michael Breslin]

I agree but please do not blame me. I have made the effort to seek a solution and will continue to do so. It is your position that will lead to a public hearing Cleland, not mine. There was no attempt by any of the complainants to seek a solution as you know. I fully agree that going to a public hearing is not in anyone’s best interests, hence the alternative suggestion below.

If you were able to consider a simple apology using some of your own language, e.g. “recognising perceived disrespect felt by officers and the impact these issues had on you, I apologise” – along with agreement to meet with us to seek to establish a better working relationship going forward, this would be accepted. In the course of that meeting, the wider concerns you have indicated regarding officers behaviour towards you can be explored and hopefully a mutually beneficial way forward can be agreed upon that would serve to protect both yourself and officers in future. I would strongly urge you to give consideration on what I believe is a reasonable suggestion to move this matter forwards.

I would be happy to discuss with you further to seek to agree the outcome

[Michael Breslin] I have had further discussions with my solicitor about this and we suggest that instead of apologies, we look to draw a line under this with the following suggestion. The words are not set in stone so please see if these are broadly acceptable. The purpose of this form of words is to look to the future rather than backwards given that a mutual apology as previously suggested is not acceptable to the complainants.

The parties in this matter accept that relationships in the past have been strained and that all concerned will work together for the good of the Council. To ensure this happens, I undertake to treat all officers of the council with due respect. Officers of the council respect and accept that part of my role as a councillor is to scrutinise the activities of the Council and its staff and to ask for explanations and justifications where appropriate.

C

Cleland Sneddon
Chief Executive
Thank you Michael – again in the spirit of seeking a resolution I have spoken with the other officers involved. The revision you have suggested does not feature the apology which we understood to be offered and is still not in terms we feel acknowledges the reasons for our complaint. I am keen to find suitable terms that reflects our position and also acknowledges the points you have made, to that end may I offer one more attempt to find appropriate terms as follows:

The parties in this matter accept that relationships in the past have been strained to such an extent that the Council’s Chief Executive and Executive Directors took the unprecedented (in Argyll and Bute Council) step to submitting a complaint to the Standards Commission, which has been accepted as being a submission which should be considered by the Commission at a hearing. We agree that a formal hearing is not in the best interests of the Council and that all concerned should work together for the good of the Council. To ensure this happens, I undertake to treat all officers of the council with due respect and would apologise for any perceived disrespect. Officers of the council respect and accept that part of my role as a councillor is to scrutinise the activities of the Council and its staff and to ask for explanations and justifications where appropriate within the provisions of the National Code of Conduct for Elected Members, with which I undertake to comply.

I hope that this suggestion, along with a meeting to agree how we work positively together in future, reaches that set of terms acceptable to both parties. I look forward to hearing from you.

Best regards

C

Cleland Sneddon
Good afternoon everyone, I have consulted further with my solicitor and now make this third attempt to resolve the matter.

As I said to Cleland, it is my view that I have been disrespected as a councillor on multiple occasions since being elected. I have given what I believe to be compelling evidence to the Standards Commissioner to back this up and have obtained witness statements that corroborate this evidence. These witnesses will appear at any hearing if asked.

However, I think we are all agreed that any chance of resuming working relationships after a hearing, irrespective of outcome, would be poor to non-existent. That is why I make this 3rd and final attempt to reach a settlement.

What I have agreed with my solicitor this morning is shown in dark blue below. I would be grateful if each of you will consider this fully and, I trust, come back confirming your agreement.

Thank you

'The parties in this matter accept that relationships in the past have been strained resulting in the Council's Chief Executive and Executive Directors submitting a complaint to the Standards Commission, which has been accepted, in part, as being a submission which should be considered by the Commission at a hearing. We agree that a formal hearing is not in the best interests of the Council and that all concerned should work together for the good of the Council. To ensure this happens, I undertake to treat all officers of the council with due respect. In turn officers of the council undertake to treat me with due respect and accept that part of my role as a councillor is to scrutinise the activities of the Council and its staff and to ask for explanations and justifications where appropriate.'

This mutual respect is in line with the guidance offered at the seminar on Monday 6 June 2016 by members of the Standards Commission when they stated that respect was "a 2 way street". I am willing to meet with you as proposed but only after the complaint has been withdrawn, which is the objective of this mutually agreed statement.
Thank you Michael

Again I had the opportunity to discuss your latest proposal with the officers involved this morning. When Mr Thompson contacted me, he indicated your proposal to issue an apology in respect of the behaviours that gave rise to the substance of the complaint submitted to the Commission and subsequently that he has indicated would give rise to a formal hearing. On that basis and on the agreement that we could have a follow up meeting with you to discuss how we improve relationships and take forward a working relationship that is based on mutual respect, we agreed to consider those terms.

Unfortunately again, the proposal you have submitted fails to include any apology for those behaviours and, whilst there is an agreement below to take forward the meeting which we welcome, in isolation this is not sufficient to withdraw the complaint. There appears to be no acceptance of the impact of your behaviour and the public nature of the criticism of officers that gave rise to the complaint in the first place. I would ask you once again to consider whether you are offering an apology and place it in acceptable terms – on such basis we have indicated our willingness for all the reasons you correctly cite below to withdraw the complaint and move on.

If it is not your intention to offer an apology, I will reluctantly advise Mr Thompson that we have no other recourse but to progress to a formal hearing. I am as ever happy to talk to you direct if it would help bring this matter to a satisfactory conclusion or otherwise I’ll await your response.

Best regards

C

Cleland Sneddon
This is my reply of 13 June:

I did offer an apology Cleland but it needed to be reciprocal, which you’re not willing to accept. I told Bill Thomson it had to be reciprocal and confirmed this in writing to him so if you got a different impression, that’s unfortunate.

I repeat what I said: my view is that I have been disrespected by officers, hence the request for the apology from me to be reciprocated.

I’ll be passing all the correspondence on this to Bill Thomson so that he can see I have made every effort to resolve the issue.

Regards

Michael Breslin