

# ROYAL BURGH OF HADDINGTON and DISTRICT COMMUNITY COUNCIL



## NOTICE OF SPECIAL PRIVATE MEETING OF HADDINGTON AND DISTRICT COMMUNITY COUNCIL

Date and Time: 1<sup>st</sup> Feb 2022 7PM

Location: Online on Zoom (link in email)

Special Business Subject: Behaviour and Actions of Community Councillor David Barrett

### Agenda of Business

1. Apologies & Attendance
  - Ralph Averbuch AELCC (Chair), Chris McEwan, Graham Samuel, Robert Moran, Erica Muirhead, Falko Burkert, John Hamilton, Morgwn Davies, Pat Lemmon, Caitlin McCorry, Jack Worden, Jim Graham, Phillip White GMCC, Malcolm Vickers, Steven Spence, David Barratt, Dawn Alexander (Minutes)
  - The committee discussed the meeting being recorded and being made public. EM asked why this is being made public. RA advised the meetings have been previously recorded for DA's use when minute taking however DB had requested this had been recorded and made public. RA asked if the committee wanted the recording kept private for minute taking only or for public use. The CC agreed that they wanted the recording kept private for the use of the community council only.
  - RA introduced himself as the Chair of Pencaitland Community Council and involved as chair in the Association of East Lothian Community Councils. RA was asked by CMc to attend the meeting as an independent third party to Chair the meeting alongside an observer PW from Garvald and Morham Community Council.
2. Background and Context
  - RA ran through the agenda and the issues to be addressed during the meeting. Mr Barrett's behaviour has been inappropriate and not as should be expected as a Community Councillor, breaching the Community Council's Code of Conduct.
  - MD advised he received an email reply from DB which was from someone else acting on DB's behalf which gives MD the belief that DB is allowing a third party to read community council communications, which is a breach of the Code of Conduct.

DB joined the meeting at 19:08pm.

# ROYAL BURGH OF HADDINGTON and DISTRICT COMMUNITY COUNCIL



- RA asked DB if he had any comments or propositions, he would like to make. DB asked RA to go through the appendices and he would comment at the end. RA advised there was no need to go through these as they were provided prior to the meeting however DB was welcome to make a comment.
- 3. David Barrett's performance / behaviour in the Planning Liaison role
- 4. David Barrett's behaviour towards fellow Community Councillors and attempts to sow divisions within the Community Council.
- 5. Breaches of the Community Council Code of Conduct
- 6. David Barrett bringing the Community Council into disrepute.
- 7. **PROPOSITION:** That duly elected HDCC councillors no longer have confidence in the ability of David Barrett to perform the role of Liaison Officer on behalf of this community council?
  - 10 hands were raised in favour of this proposition. 1 Against 1 abstention - The motion was therefore carried.
  - DB asked Caitlin McCory to identify herself as being from East Lothian Council. CM confirmed she was here from EL council as role of observer. DB responded by saying that Community Councils should be completely independent from East Lothian Council Members. Diane Govenlock had attended previous meetings and it was not made clear that she was from East Lothian Council. DB added that it would have been nice to know the two people who were acting as arbiters beforehand. JW asked why FB did not agree with the proposition? FB feels the accusation is a bit too harsh on the role. FB did not attend the last two meetings so from this point cannot comment on actions which happened there.
- 8. **PROPOSITION:** That duly elected HDCC councillors no longer have confidence in the ability of David Barrett to perform the role of Community Councillor on behalf of this community council?
  - 11 hands were raised in agreement with this proposition. 1 Against 1 Abstention. The motion was therefore carried.
- 9. **PROPOSITION:** That duly elected HDCC councillors suspend David Barrett from this community council for a period not exceeding nine (9) official meetings.
  - 11 people raised hands in agreement with this proposition. 1 Against 1 Abstention, The motion was therefore carried.

# ROYAL BURGH OF HADDINGTON and DISTRICT COMMUNITY COUNCIL



10. **PROPOSITION:** That if the HDCC members note no change in past behaviour Office Bearers and members will reconvene to agree further sanctions or extensions to decisions of this Special Meeting.

- 12 people raised hands in agreement with this proposition. 1 Abstention. The motion was therefore carried.

DB Requested to make comment and claimed that all the information provided to the meeting was wrong and inaccurate.

- JW asked if DB was claiming there was factual inaccuracies? DB advised they were all completely false and void.
- DB advised he has gone through them with paralegal assistance, and they are not true.
- MD asked if DB was stating all the emails were factually incorrect. DB advised he was defending them as the defendant as being incorrect. MD asked if even the emails DB sent are not accurate. DB confirmed he sent them. DB said the accusations are incorrect. DB then agreed the emails are not inaccurate and they were unaltered. DB responded that he has not been allowed to bring his supporters along. GS asked again regarding the courier articles. DB confirmed he wrote the articles and the editor published them.

DB made the following statement.

“In legal terms I consider this meeting completely null and void. In legal terms it is a view taken in advance which is part of British, Scottish and English Law which underpins article 6 and 10 under the Human Rights Act.

2. There was no indication or agreement that the arbiter was acceptable and was given prior to the meeting

3. I don't believe the meeting should be held in private because it is imbalanced, 16 people against 1, all evidently mocking me for what I am, I am what I am, I do a superb professional job with all of these planning applications, they're beyond criticism.

I have had no possibility of having legal representation; the meeting was convened with undue haste. It was less than 48 hours to make a defence against a paper which is 20-30 pages long, that is contempt.

I think the whole set up is imbalanced and biased, in favour of the complainant against me the defendant. I have insufficient time to prepare any reasonable defence through consultation, it is indicative of the respect I have received through all previous matters. I recommend you again to look again at the Code of Conduct; the Community Councils must be completely independent. I will

# ROYAL BURGH OF HADDINGTON and DISTRICT COMMUNITY COUNCIL



not give way Mr McEwan I am entitled to read my statement which has cost me a great deal of legal expense. Although I am hugely experienced in the job, I recently went to the PAS induction course, I've had 40 years in this business but went to this course because its changing so rapidly every day, it's a huge task just to keep up. I noticed that only 4 of our councillors have any interest in the prime function of our Community Council.

Your expectations and criticism regarding planning reporting are completely unfounded. 30 minutes before the meeting I sent a fantastic report about horrific units erected in the conservation area without any form of permission. My reports are of the highest professional quality. There is a fundamental trap, which I've witnessed over many many years, in the planning process. The community councils meet on a 31 day cycle, the planning process can withdraw and relodge an application on the day after you meet, there are then 21 days to complain and object.

My professional reports have been challenged at every junction, if someone like me writes the report and it has to go round 16 people, you then get caught very easily and overtaken by the 21 day deadline because the next meeting of the full council isn't for 31days. The planners have a 10 day advantage on you every time.

We've been through all the allegations and accusations and shall in due course issue a solid argument and defence to each one of them in writing. In connection with the legal point 1 that it is a view taken in advance, a decision on punishment a decision on the sentence before there is even a hearing. In connection with that point due to the bias to protect the council viewpoint and not the electorate who have a right to reject, I am responsible for 853 people who elected me to do this job, I have many testimonials, and I will be presenting those, to whom I will not say at this point. We shall buy freedom of information, ask for full disclosure. After you have received my rejection to every point, I will further respond in due course to what is happening. If you look closely at the circulation list in my latest communication, you will get an incline that that process is already underway.

## 11. Meeting Closure

- GS raised a question regarding the email DB sent 30 minutes prior to the meeting. There was a letter mentioned from the 10<sup>th</sup> January. DB advised this was a mistake and shouldn't have been included. GS asked who it was sent to? DB advised it was sent to a resident who asked DB to prepare a drawing. GS asked if the document circulated 30 minutes ago is actually for someone else and not the Community Council? DB said no he sent them a drawing and it should have been removed. CMc asked if DB has been doing private work whilst working as Liaison Officer for the CC. CMc noted this would be a conflict of interest. DB advised he did not get paid for any work.
- MD went back to the point DB made about decisions being made prior to this meeting. MD advised no decisions were made prior to the meeting, he came with no pre-judgement or prejudice. DB stated the sentence of 9 months was determined beforehand. MD responded that it was proposed not determined until the vote was made this evening. RA clarified it is 9 meetings that DB would be restricted from meetings, not 9 months. DB added he handed over the reins to MD about 5/6 weeks ago due to illness. DB was informed that there was going to be an enquiry and that Shamin Akhtar and others had been to visit this site before the

# ROYAL BURGH OF HADDINGTON and DISTRICT COMMUNITY COUNCIL



notices went into the Courier press.

- GS asked if DB handed the reins over to MD why did MD not send out the planning document tonight and why was the document included sent from DB.

DB left the meeting

- SS apologised for laughing during DB's statement.
- PL added that this meeting should be used as a test case for other community councils and it would be useful for EL to look at this to ensure community councillors are protected from harassment. PL stands by an email to DB on 21<sup>st</sup> February 2021 emphasising CC should be free from harassment and intimidation. PL has had no rest from this harassment and will be seeking legal advice herself should this continue.
- RA added that we are mercifully rare in having special meetings like this and this kind of behaviour is rare across the Community Councils in East Lothian.

## Conclusion of the meeting;

Mr Barrett was removed from his role within the community council as a Planning Liaison officer due to the lack of confidence the CC members had in his ability to perform the role on behalf of the community council.

Mr Barrett has also had a vote of no confidence passed by the Members of the CC who were concerned about his ability to perform the role of Community Councillor on behalf of this community council.

Mr Barrett has been handed a suspension from Haddington & District Community Council for the next nine meetings due to the breaches of the Community Councils code of conduct.

Members also agreed that they will continually review Mr Barrett's suspension based on any future behaviour, this can be raised at a regular meeting for discussion by any two members of the community council.