

STANDARDS SUB-COMMITTEE

Friday, 27 January 2023

Attendance:

Councillors
Cutler (Chairperson)

Laming

Miller

1. **APPOINTMENT OF CHAIRPERSON**

RESOLVED:

That Councillor Cutler be appointed Chairperson for the meeting.

2. **DISCLOSURES OF INTEREST**

Councillor Cutler made a personal statement that he farmed land located in the parish of Denmead but believed that this did not preclude him from considering the item.

3. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
	Report of the Monitoring Officer)) Information which is) likely to reveal the) identity of an

) individual. (Para 2
) Schedule 12A refers)
)

4. **REPORT OF THE MONITORING OFFICER (REPORT REF: SHSC 052)**

Present at the Sub-Committee meeting was the Strategic Director & Monitoring Officer (Sharon Evans) and the council's appointed Independent Person (Michael Cronin). Also present was the council's Strategic Director & Monitoring Officer at the time of the investigation and was who acting as Legal Advisor to the meeting (Lisa Kirkman).

The Sub-Committee was referred to Report SHSC 052 and its attention was drawn to the summary of wider findings and recommendations of the Investigatory Officer concerning complaints relating to Denmead Parish Council. These had been written by VWV LLP on appointment of the Monitoring Officer and were set out at paragraph 17 of their detailed report which was included as Appendix 1 to Report SHSC 52 (page 110 of the agenda pack). The Sub-Committee was also referred to other broader considerations for it to consider. These were set out at paragraph 6 (a – g) of report SHSC 052 (page 4 of the agenda pack).

The Sub-Committee asked a number of detailed questions and points of clarification of Mrs Kirkman and Mrs Evans and where appropriate, Mr Cronin also provided comment.

It was clarified that the council's Monitoring Officer had authority within the council's agreed standards complaint procedure to seek informal resolution of each of the matters recommended by the Investigatory Officer. Accordingly, the Sub-Committee accepted the findings regarding the various complaints and also supported the recommendations of the Investigatory Officer as set out at paragraph 17 (17.1 – 17.28) of their report.

Following discussion, it was agreed that an action plan in response to the findings of the Investigatory Officer be issued to the parish council as soon as possible. The parish council would be required to provide a detailed response to this plan to the Monitoring Officer in the form of an improvement plan. The Monitoring Officer would consider the appropriateness regarding the parish council's proposed implementation of each of the various actions within specified deadlines and also with regard to the suitability and appropriateness of their undertakings. The improvement plan shall be produced within one calendar month.

The action plan would be included as an agenda item at the Audit and Governance Committee on 2 March 2023 and the committee would also provide

oversight of the parish council's response. In addition, once the improvement plan had been produced by the parish council, it was suggested that the committee consider whether this be presented to a future meeting of the committee to update them on progress and for further opportunity for comment.

RESOLVED:

That, in respect of the complaints relating to Denmead Parish Council, the findings of the Standards Sub-Committee be as set out above and as per the detailed letter of the Monitoring Officer (as appended to the minutes)

The meeting commenced at 9.30 am and concluded at 11.20 am

Chairperson

Appendix

Dear Chairman,

A Meeting of the Winchester City Council Standards Sub-Committee took place on Friday 27th January 2023. The purpose of the Sub Committee Meeting was to consider the report of Investigation written by VWV LLP on appointment of the Monitoring Officer, on behalf of Winchester City Council concerning complaints relating to Denmead Parish Council.

The Council's Monitoring Officer presented the report and drew the Sub-Committee member's attention to the Wider Findings and Recommendations. The Sub-Committee considered the contents of the report at length. Winchester City Council's appointed independent person (IP) was also present at the meeting. The Investigation report dealt with 12 Code of Conduct Complaints. Of those 12 complaints 5 breaches were found.

The Sub-Committee endorsed the report and expressed their gratitude for the huge amount of work that had gone into the investigation and the writing of the report. The Sub-Committee in agreement with the Monitoring Officer felt that for progress and improvements to be made it is important to concentrate on moving forward rather than looking back over past events.

The decision of the Sub-Committee was that the Monitoring Officer write to the Parish Council to report the wider findings and recommendations from the investigation report and to include the requirement to produce and implement an action plan to address each of the specific matters listed that were drawn out by the investigation. The Sub-Committee agreed that the Monitoring Officer will produce a draft action plan to aid you in producing your own more detailed improvement plan. The Sub-Committee also agreed that the Parish Council is to agree the action plan and timescales with Winchester City Council. Once the action plan is agreed with the Standards Sub-Committee Members they will then invite the Parish Council to update the Audit and Governance Committee on the progress made.

I do not intend to repeat the specific detail of the report, which I am aware has already been circulated to those involved. But in accordance with the Sub-Committee decision, I intend to focus on moving things forward and concentrating on the recommendations from the report. These can be found in paragraph 17 of the report headed, Wider findings and recommendations concerning the Council. This section of the report also includes observations. I have set out the detail of this below and grouped as 'Findings' and 'Recommendations and Next Steps' for ease of reference. The wording has been extracted from the report.

Findings

- 1) No-one involved with DPC, whether member or officer can consider themselves beyond reproach in the context of matters that have taken place at DPC.

- 2) The code of conduct matters are symptoms of bigger problems and issues at DPC.
- 3) The Code of Conduct is a blunt tool to address issues that are often cultural.
- 4) Many interviewed asked for regime change, usually by others leaving their role, job and/or the Council. This is not an option in terms of the sanctions that can be imposed under the Code of Conduct regime anyway. It also rarely works.
- 5) To simply determine whether or not there were breaches of the Code and if so, the sanctions are not enough.
- 6) There needs to be changes to the culture and organisational ethos of the Council.
- 7) Policies and processes need reviewing. Roles and responsibilities need setting and adhering to.
- 8) Behaviours need to change.
- 9) We do not consider it likely that councillors and officers would have the strength of purpose to carry through such a change programme.
- 10) Further external intervention, support and mentoring is in our view essential. Without it the current failings will not resolve.
- 11) We believe that whilst such support must be commissioned and paid for by DPC, WCC and HALC / NALC could and should act as critical friends for DPC during this process.
- 12) There were legal failings, for example: the actions of the Three leading to the sending of the letter; the exclusion of the Three from committees as a sanction for misconduct; the purported removal of the Three from the indemnity policy also as a form of sanction / punishment / consequence of their misconduct.
- 13) Practices need to be followed consistently and in accordance with agreed policies. It is not an issue for members only, nor is it an issue for the staff. It is an issue for all.
- 14) A parish council is eligible if it comes within the ambit of the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 (SI 2012/965). The Order lays down the certain conditions for eligibility which include training / qualifications for the Clerk. The replacement Clerk does not. This is a matter for DPC but one that should be considered alongside the necessary training and development of the new Clerk.
- 15) There needs to be acceptance by all that there have been failings and things must change.

- 16) The status quo is not an option.

Recommendations and next steps

- 1) The production of an action plan for addressing the governance issues by DPC with support from at least WCC & HALC / NALC in their critical friend capacity. This should be completed within 3 months.
- 2) The approval of such a plan and who is to support DPC by WCC. This should take no longer than one month (preferably less).
- 3) Mediation between the members on DPC to address the current relationship issues. This should be undertaken concurrently and not sequentially with other actions and also within 3 months.
- 4) Whilst DPC need to decide who they bring in to support them and pay for such support, the credibility of those brought in will be enhanced by the independence of WCC approving both the action plan and those DPC choose to bring in. As a result, the decision as to who is to support DPC must in our view not be made by DPC acting in isolation.
- 5) Who DPC bring in to support them is a matter for DPC to discuss with NALC / HALC and WCC. There are bodies and individuals who support Councils on governance that no doubt NALC / HALC and WCC can suggest.
- 6) Part of that work that needs to be done at DPC includes looking at behaviour. The audio / video of the meetings shows quite clearly how the behaviour was at times unacceptable.
- 7) The roles and relationships need resetting and defining. This is not about just drafting a side of A4 saying that. But genuinely working it through, agreeing and adhering to it so the role of Chair and Clerk are clear. 8) Training for members is needed, as is training for the Chairman.
- 9) The new Clerk needs SLC support, training and a mentor.
- 10) Consideration needs to be given as to how such matters are tightened in future. DPC Policies and

procedures need reviewing to ensure they are fit for purpose e.g. Code of Conduct, Grievance and Dignity at Work. How meetings are run, how interests should be declared, the sharing of / management; of confidential information between members; the printing of minutes; there is a lot that needs addressing.

11) Information governance was mentioned a few times in the report as an area of concern, and there were matters raised by various complainants that raised such issues. There are, in our view, issues for how information is managed and shared for the Council, its members and officers. There needs to be clarity as to roles as well as appropriate procedures and policies.

12) DPC does not have an officer / member protocol. Such a document can be useful to lay out reasonable expectations of a good working relationship, which provides better support to the maintenance of a good ethical culture. Such a protocol can lay out more clearly acceptable behaviour and ways in which issues between officers / members should be escalated. The requirements of protocols can be enforced through the formal standards process where councils include a specific requirement to act in accordance with the protocol in the main code of conduct and also through the disciplinary process for officers. Such a protocol protects officers and members. Given the issues that have emerged such a protocol and particularly the process behind its production may be useful.

The report was concluded by the following statements:

- We encourage Winchester City Council to be actively involved in supporting DPC as it addresses these wider governance matters as well as the outcomes of this process.
- To all of those directly involved in this matter, no-one can walk away from this feeling vindicated or absolved, whether found guilty of a breach of the Code of Conduct or not.
- The residents have not in recent times been well served by DPC.

- And for that all those directly involved bear some of the responsibility.

In order to assist in the implementation of the recommendations please see below a draft action plan with suggested timescales. The expectation is that the Parish Council will work together to make comment, agree and bespoke the action plan, agree realistic and reasonable timescales and refer back to Winchester City Council for approval within 1 month of the date of this letter.

I trust that the Parish Council understands the seriousness of the present situation and acknowledges that poor behaviour cannot continue. It is important to work together to improve both the conduct of members and better running of the Parish Council as a whole.

In accordance with the recommendation from the investigati[redacted] report a[redacted] in agreement with the Sub-Committee it is asked that Cllr [redacted] and Cllr [redacted] should each apologise in writing to each of the two members of staff who received their letter. Please notify me once this is completed. I look forward to working with you.

Best regards

[redacted]

Sharon Evans
Strategic Director and Monitoring Officer