

REPORT TITLE: SUMMARY REPORT OF OUTCOME OF STANDARDS
INVESTIGATION AND ACTION PLAN

2 MARCH 2023

REPORT OF THE MONITORING OFFICER

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WARD(S): DENMEAD

PURPOSE

This is a report of the Monitoring Officer, and its purpose is to update Members of the Audit and Governance Committee with regard to the Standards Sub-Committee Hearing of 27th January 2023 when they considered the report of an Investigation by VWV LLP concerning complaints relating to Denmead Parish Council.

RECOMMENDATIONS:

1. That the Audit and Governance Committee notes the Monitoring Officer's Report.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

1.1 This report demonstrates a commitment to being an open and transparent council.

2 FINANCIAL IMPLICATIONS

2.1 The external costs charged by the investigator were £20,293.70. There will be no further costs implications arising from this report.

3 LEGAL AND PROCUREMENT IMPLICATIONS:

3.1 The Council has a statutory duty to promote and maintain high standards of conduct and to have arrangements where allegations of code of conduct complaints can be investigated and decisions made under the Localism Act 2011.

3.2 The Localism Act 2011 together with current arrangement for dealing with Standards complaints allows the Monitoring Officer the discretion to revert to an alternative resolution when and where it is considered necessary.

4 WORKFORCE IMPLICATIONS

4.1 The office of the Monitoring Officer is made up the Monitoring Officer, two deputy Monitoring Officers and support from democratic services.

5 PROPERTY AND ASSET IMPLICATIONS

5.1 There are no property and asset implications arising from this report.

6 CONSULTATION AND COMMUNICATION

6.1 A successful Monitoring Officer is one who works to build good working relationships with Members of both the City and Parish Councils and officers in the district.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 There are no environmental implications arising from this report.

8 PUBLIC SECTOR EQUALITY DUTY

8.1 There is no detrimental impact on any group, a full Equalities Impact Assessment is not needed.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 There are no GDPR, Data Protection implications arising from this report.

10 RISK MANAGEMENT

- 10.1 The alternative resolution with regard to dealing with Code of Conduct Complaints was justified and considered more appropriate and more likely to achieve the desired results and will robustly stand up to challenge.

11 SUPPORTING INFORMATION

- 11.1 A copy of letter sent to Denmead Parish Council informing them of the Wider Findings, Conclusion and Recommendations from the VWV LLP Investigation Report together with draft Action Plan can be found in Appendix 1.

12. SUMMARY REPORT OF OUTCOME OF STANDARDS INVESTIGATION AND ACTION PLAN

- 12.1 A Meeting of the 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 Investigation had been commissioned due to the vast number of Code of Conduct complaints received and a true concern that relationships had broken down and intervention from the Principal Authority, Winchester City Council was necessary.
- 12.2 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.
- 12.3 The 'Wider Findings and Recommendations concerning the Council' were found in paragraph 17 of the report. This section of the report also included 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, subject to minor grammatical changes to aid in reading.
- 12.4 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 without assistance.
- 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 have this qualification as yet. 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.

12.5 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.

12.6 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.

12.7 The Decision of the Sub-Committee

12.7.1 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 was important to concentrate on moving forward rather than looking back over past events.

12.7.2 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.

12.7.3 The Sub-Committee also agreed that the Parish Council was to agree the action plan and timescales with Winchester City Council and that once the action plan was agreed with the Standards Sub-Committee Members they

would invite the Parish Council to update the Audit and Governance Committee on the progress made.

12.7.4 In order to assist in the implementation of the recommendations the Monitoring Officer produced a draft action plan, The draft action plan gave suggested timescales. The expectation was that the Parish Council will work together to make comment on, agree and bespoke the action plan. The report suggested that Denmead Parish Council agree realistic and reasonable timescales and refer back to Winchester City Council for approval within 3 months. The Standards Sub-Committee agreed to a shorter deadline of 1 month from of the date of the letter, 10th February 2023. The letter to Denmead Parish Council is attached to the report in Appendix 1.

13. OTHER OPTIONS CONSIDERED AND REJECTED

13.1 To continue to try to deal with all existing and ongoing and new complaints and investigate them, determine them, and issue decision notices. However, it was not believed that this would have improved the relations at Denmead Parish Council and indeed it could have made matters worse, resulting in further and continuing complaints.

BACKGROUND DOCUMENTS

Part 5 Winchester City Council Constitution – Codes and Protocols – 5.3 Members Complaints Procedure

<https://democracy.winchester.gov.uk/documents/s6875/Part%205%20-%20Part%205.3%20Members%20Complaints%20Procedure.pdf>

APPENDICES:

Appendix 1. A copy of letter sent to Denmead Parish Council informing them of the Wider Findings, Conclusion and Recommendation from the VWV LLP Investigation Report together with draft Action Plan.