



East
Northamptonshire
Council

Joint Standards Complaints Committee 20 March 2019

Update on Review of Governance at Easton on the Hill Parish Council.

Purpose of report

To update the Committee on progress of the Action Plan arising from the Review of Governance at Easton on the Hill Parish Council, which was commissioned following a number of Councillor Code of Conduct complaints in 2017/18.

Attachments

Appendix A – Month 6 Action Plan produced by Easton on the Hill Parish Council with additional annotations

1.0 Background

- 1.1 In 2017/18 a number of complaints were received against councillors representing Easton on the Hill Parish Council covering between them the majority of sections of the Code of Conduct for Councillors. The complaints were assessed by an external, Deputy Monitoring Officer due to the level of previous involvement of the Monitoring Officer. The Initial Assessment in all cases recommended that 'other action' be taken in the form of a mediated, independent Governance Review of the Parish Council.
- 1.2 The Governance Review was carried out by Hoey Ainscough Associates Ltd, who have carried out a number of such reviews across the county. As part of the review they met with all the parish councillors individually as well as reviewing the council's governance procedures and policies.
- 1.3 The findings of the review were presented to the Parish Council in July 2018 at a meeting also attended by the Monitoring Officer, the Chair of the JSCC and Danny Moody, Chief Executive of NCALC. The final report was published on the EOHPC website – see: http://www.eastononthehill.com/village-life/ewExternalFiles/HAA_Easton_final%20report.pdf. The report contained 26 recommendations, including that Easton on the Hill Parish Council should report on its progress in implementing an action plan to address the report's recommendations to the Monitoring Officer of East Northamptonshire Council in 6 months and again in 12 months after the date of that report.
- 1.4 Although the Parish Council held a meeting in September 2018 to discuss the report, progress on implementing the actions was delayed slightly by the departure of the Clerk and recruitment of an interim successor. There were also a number of changes in councillors following the report.

2.0 Progress

- 2.1 The Parish Council held an extraordinary meeting in September 2018 to review the report. At this meeting the Parish Council accepted all of the recommendations except *R9 - All councillors should give an individual signed undertaking to treat fellow councillors and officers with respect and not to make personal attacks on individuals or their integrity. Until such respect is shown the Council cannot move forward.* The draft minutes of the meetings noted that "It was felt that the councillors should have a specific meeting to address the issues and for each councillor to have their say. The meeting would require an independent mediator and the clerk will contact Danny Moody about this. There wasn't a unanimous vote to have a closed meeting so it was Resolved to have an open meeting but it would require 100% attendance." The other actions were prioritised.

2.2 In addition, in January 2019 Danny Moody, the Chief Executive of NCALC, delivered a whole-council training session which seven of the eleven councillors attended, along with the Acting Clerk. There was good feedback from the Council subsequently. The Parish Council's website has also been replaced with much improved layout and timely publication of minutes.

2.3 Appendix A contains the six month update on the action plan provided in mid February to the Monitoring Officer as recommended in the Report. A RAG (red/amber/green) rating has been added to the actions after consultation with the Independent Person and Chair of the Joint Standards Complaints Committee together with some comments.

3.0 Conclusion

3.1 It is pleasing to note that, notwithstanding the hiatus caused by the change in Clerk and a number of Councillors over the last six months, steady progress is being made in implementation of the recommendations from the Governance Review. However as noted in Appendix A, there are a number of areas where the Monitoring Officer would like additional information (about who is responsible for taking the proposed actions and when, together with details of the outcomes / changes achieved by the work to date). It is therefore proposed to request a month 9 update report to cover these matters. The Monitoring Officer will also convey the expectation that all recommendations will be implemented by the 12 month report due in July 2019.

3.2 The interim Clerk has indicated that her contract will be ending in May 2019. A month 9 update in April would also provide a useful stock-take at the point of hand-over to the new Clerk.

4.0 Equality and diversity issues

4.1 There are no known negative equality and diversity issues arising from this paper.

5.0 Privacy Impact Implications

5.1 There are no privacy implications arising from this report.

6.0 Legal implications

6.1 This report outlines activities undertaken under local arrangements which reflect the Localism Act 2011 and related regulations.

7.0 Risk management

7.1 Full implementation of the recommendations in the Governance Review should reduce the risk of further complaints of breach of the Councillor Code of Conduct at this Parish Council.

8.0 Resource and Financial implications

8.1 There are no new financial or resource implications arising from this report.

9.0 Constitutional Implications

9.1 There are no constitutional implications for ENC arising from this report.

10.0 Implications for our Customers

10.1 Some of the recommendations are intended to improve the arrangements for the organisation and transparency of council meetings which will benefit local residents wishing to find out more about the council's activities.

11.0 Corporate outcomes

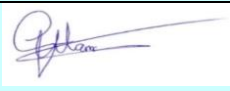
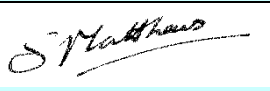
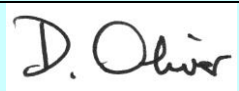
11.1 The work reported here contributes to the Corporate Outcome of Effective Management.

12.0 Recommendation

12.1 The Committee is recommended to ask the Monitoring Officer to write to Easton on the Hill Parish Council:

- commending them for the progress to date;
- seeking an additional 9 month update with additional information around who is responsible for taking the proposed actions and when, together with details of the outcomes / changes achieved by the work to date as outlined in the final column of Appendix A..
- conveying the expectation that all recommendations will be implemented by the 12 month report

[Reason: To provide further reassurance on the Parish Council's progress in implementing the recommendations of the Governance Review carried out at this council.]

Legal	Power:	Localism Act 2011			
	Other considerations:				
Background Papers:					
Person Report:	Originating	Sharn Matthews, Monitoring Officer, ☎ 01832 742108, ✉ smatthews@east-northamptonshire.gov.uk			
Date: 05/03/19					
CFO 06/03/19		MO 06/03/19		CX 06/03/19	

APPENDIX A

2018 GOVERNANCE REVIEW ACTION PLAN					RAG RATING (RED = No/Limited Progress, AMBER = Good progress but not yet completed, GREEN – Complete/close to completeion)
	Recommendation	Resolution - EGM Sept 2018	Action at EGM	Action to date – February 2019	
R1	The Council should develop a comprehensive and ongoing training and development strategy.	This is considered priority 1	The council were given several examples of training policies and these need to be reviewed and the statement of intent adopting	In-house Cllr training event arranged for 25 Feb 2019 (training delivered by Danny Moody, CEX NCALC) <ul style="list-style-type: none"> • Further training to be arranged following this session once requirements established. • Training Budget for Cllrs and Clerk included in 2019/20 Estimates. 	Note that Priority One but is not yet complete, although some training has taken place. The Monitoring Officer would be interested in knowing <ul style="list-style-type: none"> • What further training need was identified? • When will that be carried out? • How much is budgeted for this training for 2019/20?
R2	The Council should develop an agreed understanding of the role and expectations for individual councillors when they are acting as Full Council, as committee members, as individuals and as representatives of the Council externally.		The Council felt that much of this was included in the Good Councillors Guide, but would like further guidance from NCALC	<ul style="list-style-type: none"> • To be included in In-house training event arranged for 25 Feb 2019 • Policy to be written and adopted by May 2019 setting out expectations. 	The Monitoring Officer would be interested in knowing whether the role and expectations of individual members was covered in the in 25.02.19 training? If not when will the further guidance be sought and in what form will the 'agreed understanding' be documented and when.
R3	The Council should review its policy as to how correspondence is dealt with and responded to without absorbing the limited administrative resources available to the Council. This would include an agreed policy for dealing with persistent or vexatious correspondence.	This is considered priority 1 and definitely needs to be addressed asap	Councillors were given examples of correspondence and vexatious correspondence policies to review and to be adopted as soon as possible	<ul style="list-style-type: none"> • Unreasonable Complainant Policy & Procedure adopted Jan 2019 • Customer Service Policy to be written and adopted to set out standards of responses 	Noted UCPP Policy adopted. The Monitoring Officer would be interested in knowing who is writing the Customer Service Policy and what is the target date for adoption?
R4	The Council should agree how governance issues should be raised in meetings to allow reasonable discussion but also to allow other business to be transacted.	This is considered a priority 1	As from Oct 2018 the council will allocate 10 minutes at the start of the meeting to discuss any governance issues	<ul style="list-style-type: none"> • Adopted – regular agenda item 	Complete
R5	The Council and the clerk should agree a work schedule to ensure that the clerk's limited availability is focussed and that there are realistic expectations on her time.		It was Resolved to set up a Staffing Committee to oversee all staff issues	<ul style="list-style-type: none"> • Staffing Cttee to be reformed now that • all vacancies have been filled • Member/Officer Protocol adopted at Jan 2019 meeting 	The Monitoring Officer would welcome confirmation that the e Staffing Committee has now been formed and a copy of the terms of reference.. She would also welcome confirmation that the work schedule for the Clerk will be in place by the time of the new Clerk.

R6	The Council needs to agree a member-officer protocol which would include a shared agreement as to the circumstances when members should have access to officer time and how the clerk should respond to queries from individual members.	Priority 1	To be addressed	<ul style="list-style-type: none"> Member/Officer Protocol Adopted at Jan 2019 meeting Further work required on response times to and from Cllrs and Clerk 	Noted that the Protocol has been adopted. The Monitoring Officer would be interested to know when agreement is expected to be reached on response times and how it will be documented.
R7	The Council should ensure that there is an appropriate performance appraisal framework in place for the clerk which supports development of the clerk and ensures performance is rewarded accordingly and a clear route for the clerk to raise staffing issues.		To be addressed by the new Staffing committee	<ul style="list-style-type: none"> Action outstanding – to be reviewed along with Clerks role for new appointment 	No evidence as no confirmation that Staffing Cttee has been formed. <ul style="list-style-type: none"> What action has been taken to secure a permanent Clerk? Lack of Staffing Committee should not have prevented this being implemented by Full Council. Has anything been done/reviewed in preparation for appraisal system?
R8	All councillors should give an individual signed undertaking to treat fellow councillors and officers with respect and not to make personal attacks on individuals or their integrity. Until such respect is shown the Council cannot move forward.	It was Resolved to Reject this Proposal	It was felt that the councillors should have a specific meeting to address the issues and for each councillor to have their say. The meeting would require an independent mediator and the clerk will contact Danny Moody about this. There wasn't a unanimous vote to have a closed meeting so it was Resolved to have an open meeting but it would require 100% attendance.	Resolution at Feb 2019 meeting <ul style="list-style-type: none"> That item R8 should remain as an outstanding matter and be reviewed at a future meeting following the NCALC full Council training scheduled for 25 February 2019 	The Monitoring Officer notes with disappointment that it has not yet proved possible to adopt this recommendation. It is hoped that the recent training will have provided the necessary context to revisit this recommendation without the need for a special meeting.
R9	All councillors should undertake that, where they have concerns about the way a decision has been made or a procedure followed they should discuss this with the clerk and the clerk should be allowed to give a ruling with reasons such as a reference to existing policy or legislation as to whether or not the concern is legitimate. Where the concern is legitimate such a ruling should include the steps needed either to rectify the matter or the changes needed to prevent the matter re-occurring.		The six-month rule is already in the standing orders and needs to be followed	Resolution at Feb 2019 meeting <ul style="list-style-type: none"> That the Clerk ensure an electronic copy of all up to date Policies and Procedures be available at all meetings for reference That all Councillor be issued with electronic copies of all up to date Policies and Procedures except Cllr Bates who should be provided with a hard copy 	The Monitoring Officer welcomes the resolution and suggest that the policies and procedures are added to the Council website so there is transparency for councillors and residents.

R10	Where advice is needed from East Northamptonshire Council or the Northants CALC on procedural matters this should always be done through the clerk. The Monitoring Officer will continue to provide advice to individual councillors on their personal position in relation to declarations of interest but if there are concerns about the position of other councillors that advice should be asked for by, and given to, the clerk.		It was Resolved to add this statement to Standing Orders	<ul style="list-style-type: none"> Action outstanding - To be included for adoption in May 	The Monitoring Officer notes the intention to change the Standing Orders at the Annual meeting in May. She is aware that councillors have started to informally implement this action in advance of this date.
R11	The Parish Council should consider a process for recording or filming of future meetings.		This is already in Standing Orders	<ul style="list-style-type: none"> Recording of Meetings Policy to be presented for consideration 	The Monitoring Officer would welcome details of what additional benefit adoption of a policy would and whether a process which outlines the position for the public attending the meeting might provide a faster response.
R12	The Parish Council should collectively agree what language is and is not appropriate in meetings and correspondence among councillors and with the clerk, how such language should be challenged in meetings and how meetings can be run more efficiently without getting bogged down in minutiae nor stifling legitimate debate.		It was Resolved to include this with R8	<ul style="list-style-type: none"> The use of the term Clerk/Chairman and Cllrs within meeting has been introduced by Locum Clerk and Cllrs have adopted unofficially at the current time. 	The introduction of use of formal titles at Parish Council meetings is noted. However the Monitoring Officer has concerns that given that no date has yet been for implementing R* to which this is being linked.
R13	The Council needs to adopt a Disciplinary and Sickness and Absence Policy for the Clerk.		To be addressed by the staffing committee	<ul style="list-style-type: none"> Action outstanding - Staff handbook to be presented for consideration 	See response to R5. The Monitoring Officer would welcome further details of when and how this recommendation will be implemented as it is seen as an important part of the Council's duty of care to its employee.]]
R14	The Council needs to adopt a 'need to know' policy in line with legal requirements so that members are clear what information they are entitled to see.	Priority 1	To include with R1	Resolution at Feb 2019 meeting- <ul style="list-style-type: none"> That further work be undertaken on the Councils governance for delegation of duties through working parties and committees 	The Monitoring Officer would like to know how it is planned to implement this Priority 1 action and when it will be implemented.
R15	The Council needs to adopt an agreed policy on reporting of fly-tipping.		It was Resolved to publish on the websites the policy for reporting fly tipping	<ul style="list-style-type: none"> Action unknown – if adopted it is not a written policy and not advertised on the website 	The Monitoring Officer suggest that to speed the implementation of this recommendation the Parish Council provides a link to the ENC web-page on reporting fly-tipping which provides all necessary information.
R16	The Council needs to review its scheme of delegation to ensure it is working as efficiently as possible.		It was Resolved to include this as part of the training policy	Resolution at Feb 2019 meeting- <ul style="list-style-type: none"> That further work be undertaken on the Councils governance for delegation of duties through working parties and committees 	The Monitoring Officer is less than clear about what it is considered appropriate for link this to the training policy rather than to the review of Standing Orders scheduled for May

R17	The Council needs to ensure its minutes are simply a record of agreed actions and decisions in line with best practice and that those present at a meeting are clear what has been agreed.		It was Resolved that to ensure clarity the clerk will repeat back what the proposal is and what is voted on.	<ul style="list-style-type: none"> Locum Clerk minutes are in preferred format. Permanent Clerk to be encouraged to continue this style of minute writing 	The Monitoring Officer notes the positive step change in both content of minutes and timely publication on the new Council website and would welcome confirmation that the new Clerk will continue this practice.
R18	All members need to be familiar with Standing Orders and should have a pack which contains all policies, Financial Regulations and Standing Orders that they bring to each and every meeting to aid understanding and avoid confusion.		It was Resolved that all councillors bring these documents to all meetings for reference	<ul style="list-style-type: none"> Action outstanding – see R9 	There is a conflict between this recommendation and the proposed solution to R9 which needs to be resolved. Unless the council meeting venue has wifi and all councillors have equipment to access electronic copies, it may be more efficient and effective to have a reference hard copy brought to all meetings by the Clerk.
R19	The Council needs to ensure members of the public understand their role at the meeting and how the Council works through provision of appropriate information.		Both R19 and R20 are covered in Standing Orders and the Chairman reads out the statement at the meeting and it is included in the agenda. It was Resolved that the chair can invite a member of the public to give	<ul style="list-style-type: none"> Public Participation Policy adopted at Jan 2019 meeting and published on website 	The Monitoring Officer welcomes the implementation of this recommendations.
R20	The '3-minute' rule in Standing Orders should be enforced and all councillors should support the chair in ensuring the meeting is run efficiently and without conflict.		Subject matter expertise if it helps with the meeting and aides with the decision making	<ul style="list-style-type: none"> Recommendation adopted 	The Monitoring Officer welcomes the implementation of this recommendations
R21	The Council should develop a project plan as a matter of urgency to develop proposals for the future of the playing fields to be put to the community as a whole.	Priority 1	It was Resolved that this should be done as a matter of urgency	Resolution at Feb 2019 meeting – <ul style="list-style-type: none"> That a working party be formed at the APM 	The Monitoring Officer is disappointed that no progress will be made on this until the Annual Meeting and would ask if Terms of Reference been drafted yet to support a May start?
R22	The Council should develop a project plan to review implementation of the Village Plan	Priority 1	It was Resolved that this should be done as a matter of urgency	Resolution at Feb 2019 meeting – <ul style="list-style-type: none"> That a working party be formed at the APM to review the implementation of the Village Plan and move it forward. 	The Monitoring Officer is disappointed that no progress will be made on this until the Annual Meeting and would ask if Terms of Reference been drafted yet to support a May start?
R23	The Council should ensure that the public understands the work of the Parish Council, and is engaged in agreeing proposals for the long-term future of the community		This is addressed as part of the Village Plan	Resolution at Feb 2019 meeting – <ul style="list-style-type: none"> That a working party be formed at the APM to review the implementation of the Village Plan and move it forward 	See R22

R24	The Council chair and clerk should look to learn from and share best practice with outstanding local councils		It was Resolved that the Chairman and future Clerk would discuss best practice with other outstanding councils	<ul style="list-style-type: none"> Locum Clerk providing best practice advice 	The Monitoring Officer welcomes the advice provided by the Locum Clerk and would suggest that provision is made for both the Clerk and Councillors to attend NCALC/NACL to maintain this good practice.
R25	Where Easton-on-the-Hill Parish Council needs to use external support to comply with these recommendations, they should consult with East Northamptonshire Council and the Northants CALC before agreeing such support to ensure they have considered all the options and are obtaining expert advice at value for money		It was Resolved to accept this proposal	<ul style="list-style-type: none"> Action unknown 	The Monitoring Officer would welcome further information on what processes will be put in place to ensure this happens and by when?
R26	Easton-on-the-Hill Parish Council should report on its progress in implementing this action plan to the monitoring officer of East Northamptonshire Council in 6 months and again in 12 months after the date of this report.		It was Resolved to report back to ENC Monitoring officer in 6 months and then 12 months	<ul style="list-style-type: none"> This review submitted as 6-month report. 	The Monitoring Officer welcomes this report and notes the progress made. However, in view of the fact that work remains to be done on the Priority 1, actions it is requested that a further report be made at the end of Month 9, This should address the questions raised against each action and will form a useful baseline for completing the outstanding actions by the end of the 12 months.