Joint Standards Complaints Committee
16 October 2019
Update on Review of Governance at Easton on the Hill Parish Council.

Purpose of report

Appendices
Appendix A - Action Plan for Easton on the Hill Parish Council

1.0 Background

1.1 As reported at the last meeting, in 2017/18 a number of complaints were received against councillors representing Easton on the Hill Parish Council. 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. This review was subsequently carried out by Hoey Ainscough Associates Ltd and the findings of the review were presented to the Parish Council in July 2018. The final report was published on the EOHPC website – see: http://www.eastononthehill.com/village-life/ewExternalFiles/HAA_Easton_final%20report.pdf.

1.2 The report contained 26 recommendations, including that Easton on the Hill Parish Council should report to the Monitoring Officer of East Northamptonshire Council, in 6 months and again in 12 months after the date of that report, on its progress in implementing an action plan to address the report’s recommendations.

1.3 After consideration of the progress made after six months, this Committee commended the progress made to date and reiterated its continued interest in and awareness of the review. However, it also noted the importance of the Parish Council maintaining progress in meeting its recommendations, asking for an additional 9-month update with further information regarding 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 of that report. The Committee also noted that it expected that all recommendations will be implemented by the 12 month report. A letter to this effect was sent by the Monitoring Officer in early April 2019.

2.0 Latest Position

2.1 Since the last report two formal Code of Conduct complaints received in relation to Easton on the Hill Parish Councillors are still ongoing, four have completed the Initial Assessment stage and one is still being investigated. The remaining three are currently in the initial assessment phase.

2.2 The letter written by the Monitoring Officer was not received in time to be discussed at the April meeting of the Parish Council. However when it was discussed at the May meeting the deadline for 9 months had already been reached and the 12 month report was due in the month of July. The Parish Council considered that implementation of all the recommendations was unachievable in the current situation. The Parish Council
has therefore requested an extension to the deadline and this was granted by the Joint Standards Complaints Committee. An updated appendix A is attached for members to note.

3.0 Summary

3.1 It is clear that issues remain to be resolved at the Parish Council. It should be emphasised that the point of the review and its subsequent recommendations was to provide the Parish Council with a route map to resolving its internal issues and preventing further complaints.

3.2 Attached at Appendix A is the current position in respect of the recommendations.

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 review progress, recognise the achievements to date and highlight any further areas of concern.
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<td>Recommendation</td>
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| **R1** | The Council should develop a comprehensive and ongoing training and development strategy. | **This is considered priority 1** | In-house Cllr training event arranged for 25 Feb 2019 (training delivered by Danny Moody, CEX NCALC)  
- 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  
- What further training need was identified?  
- When will that be carried out?  
- How much is budgeted for this training for 2019/20?  
A training needs analysis will be done, especially now we have new Cllrs, training opportunities will be sought, however any more training will probably be done next year after the election and new budget.  
More training has already taken place; chairmanship, planning and new councilors training is booked.  
This year there is £200 Clerk and £100 Cllrs in budget – already accounted for.  
More £ will be built into the budget for training for next year. New training manager in place at ENC too might offer more opportunities and courses. |
| **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. | | 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 role and expectations were Included in February’s training. Most councillors attended this. The Good Cllr Guide is still used and also reminders at meetings (learning points)  
In May 2020, when all Councillors are up for election, basic training will be revisited and the roles and responsibilities covered again, tailored to individual needs and experience. |
| 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 | • Unreasonable Complainant Policy & Procedure adopted Jan 2019 | 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? | A Correspondence/Customer Service Policy has been written by the Clerk and was agreed at the September meeting. |
| 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 | • 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. | Priority 1 | It was Resolved to set up a Staffing Committee to oversee all staff issues | • Staffing Ctte to be reformed now that all vacancies have been filled | The Monitoring Officer would welcome confirmation that the 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. | Staffing Committee Terms of Reference were agreed at the September meeting and included sick absence policy. Discipline/grievance and appraisal to follow shortly. Clerk to write. Unsure about need for work schedule at the present time but will review. |
| 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 | • Member/Officer Protocol Adopted at Jan 2019 meeting | 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. | Clirs asked about response times and agreed that 48 hours will be the standard, to be in the Customer Service policy. Clerk hours/availability have been added to Email signature. |
| 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 | Action outstanding – to be reviewed along with Clerks role for new appointment | No evidence as no confirmation that Staffing Ctte has been formed. | New, permanent Clerk is in place. Staffing Committee and policies above to address other issues. | |

Note: UCPP = Unreasonable Complainant Policy & Procedure.
| Resolution | 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 |
| • 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. |
| At a separate, dedicated meeting Councillors were asked again about signing a declaration (or a copy of the code of conduct as an alternative) and not all Councillors felt it was necessary. All Councillors agreed they will treat others with respect and some said they felt they had already signed up to this by accepting the position as a Councillor anyway. |

| Resolution | 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. |
| Resolution at Feb 2019 meeting |
| • That the Clerk ensure an electronic copy of all up to date Policies and Procedures be available at all meetings for reference |
| 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. |
| Policies and procedures have been added to the website. Newer, recently agreed ones will be added asap. By the Clerk. |

| Resolution | 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 |
| • 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. |
| Statement has been added to the SOs and uploaded to the website and Councillors are following this procedure. |
| R11 | The Parish Council should consider a process for recording or filming of future meetings. | This is already in Standing Orders | • 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. | There is a policy on filming and recording of meetings on the website. It needs reviewing as dated Nov 2014 and will be reviewed in November 2019. |
| 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 | • 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. | R8 has not been implemented and is not planned to be. However, action has been taken independently in that; meetings have had preamble regarding respect and regard/empathy to others. Members of the public are reminded about the policy on speaking in public at each meeting so as to avoid individual Councillors being identified. |
| R13 | The Council needs to adopt a Disciplinary and Sickness and Absence Policy for the Clerk. | To be addressed by the staffing committee | • 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. | Policies to be sourced by Clerk and put to the Staffing Committee, R5 |
| 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- • That further work be undertaken on the Council’s 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. | Working parties and committees already set up. Once agreed, “Need to know basis” statement as below to be added to SOs. c. Some items may, if made public, or shared with all Councillors in detail, may be detrimental to an individual. If sensitive or items of a delicate nature are noted as such. Councillors will allow discretion by the Clerk not to share more information than is needed. Further training to be sought for new Cllrs. |
| 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 | • 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 webpage on reporting fly-tipping which provides all necessary information. | Link included in policy. on website and notice board now. |
| **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:  
- That further work be undertaken on the Council's governance for delegation of duties through working parties and committees  
- Locum Clerk minutes are in preferred format. Permanent Clerk to be encouraged to continue this style of minute writing | The Monitoring Officer is less than clear about why it is considered appropriate for link this to the training policy rather than to the review of Standing Orders scheduled for May | Review of SOs has been done. Review of committees and members done also. Division of work is better. |
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<td><strong>R17</strong></td>
<td>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.</td>
<td>It was Resolved that to ensure clarity the clerk will repeat back what the proposal is and what is voted on.</td>
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- 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. | New Clerk continuing same minutes style, with slightly less detail. |
| **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 |  
- 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. | Hardcopy is being kept at the venue. Laptop has policies all saved as files so can access at a meeting if needs |
| **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 |  
- Public Participation Policy adopted at Jan 2019 meeting and published on website | The Monitoring Officer welcomes the implementation of this recommendation. | The Monitoring Officer welcomes the implementation of this recommendation. |
| **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 aids with the decision making |  
- Recommendation adopted | The Monitoring Officer welcomes the implementation of this recommendation | The Monitoring Officer welcomes the implementation of this recommendation |
| **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 | Resolution at Feb 2019 meeting:  
- 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? | Working party set up  
Terms of reference done  
Leaflets sent to residents to ask what they want – responses being analysed for next steps. |
| Priority 1 | It was Resolved that this should be done as a matter of urgency | Resolution at Feb 2019 meeting –
- 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? | Residents and Cllrs are trying to get more volunteers and a date for a first meeting. 5 in total at the moment. Lots more advertising for new members will be done if necessary and a special event is planned to encourage residents. Money raised at shop collection box to be donated to VPWP after Xmas |
| R22 | | | | |

| Resolution at Feb 2019 meeting –
- That a working party be formed at the APM to review the implementation of the Village Plan and move it forward. | | |
| 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 | See R22 | See R22. Plan needs revisiting and reviewing at first meeting and targets set as appropriate. |
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| Resolution at Feb 2019 meeting –
- That a working party be formed at the APM to review the implementation of the Village Plan and move it forward. | | |
| 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 | 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. | Clerk to start Cilca next April. Clerk on FB network where can get lots of advice and best practice, |
| | | | | |

| Resolution at Feb 2019 meeting –
- That a working party be formed at the APM to review the implementation of the Village Plan and move it forward. | | |
| 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 | The Monitoring Officer would welcome further information on what processes will be put in place to ensure this happens and by when.? | Do already consult MO and NCALC. Will continue. |
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| Resolution at Feb 2019 meeting –
- That a working party be formed at the APM to review the implementation of the Village Plan and move it forward. | | |
| 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 | 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 | 9 month report not possible. Extension requested. Extension of 3 months granted by JSCC on 17/7/19. |
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by the end of the 12 months.