

CLlr Paula Langford-Smith
Chairman of Council

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10 February 2023

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 investigation report and 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



Sharon Evans
Strategic Director and Monitoring Officer

	Recommendation	Timescale
1	Denmead Parish Council to agree a bespoke, detailed Action Plan and seek approval of it from Winchester City Council – (the Members of the Sub-Committee and Monitoring Officer)	1 month
2	Denmead Parish Council to appoint Mediators to facilitate mediation between Parish Council members in order to address the current relationship issues. Mediators to be approved by Winchester City Council.	3 months
3	Denmead Parish Council should decide who they bring in to support them on improving governance and behaviour at the council. (NALC / HALC and WCC can suggest.) WCC's approval to be sought - (the Members of the Sub-Committee and Monitoring Officer)	1 month – appointment to be made
4	The roles and relationships need resetting and defining to ensure the role of the Chair and Clerk are clear and understood.	1 month.
5	Training for members is needed, especially regarding their Roles and Responsibilities.	3 months
6	Specific training for the Chairman regarding their Role and Responsibilities is required.	3 months
7	Specific training for the Clerk regarding their role and responsibilities is required, the following to be considered: SLCC support, training and a mentor.	3 months – training to be commenced
8	Denmead Parish Council 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.	6 months.
9	An Officer and Member Protocol needs drafting and adopting.	3 months