

CHILHAM PARISH COUNCIL

Minutes of the Extraordinary Meeting held at Old Wives Lees Village Hall on 26th February, 2015 at 8:00pm

Present: Cllrs A Brown, B Glancy, D Kennett (Chairman), R Lincoln, A Millar, H Tharp

Apologies: Cllrs A Ralph, A Ranns, G Swan

In Attendance: Mr G Dear (Clerk), Boro Cllr D Marriott, 3 members of the public

2/14 Apologies

Cllr Ralph had advised the clerk he could not attend due to illness.

Cllr Ranns had advised the clerk she could not attend due to work commitments.

Cllr Swan had advised the clerk he could not attend due to illness.

[Cllr Brown arrived at 8:15pm and apologised to the chair for this late arrival]

Cllr Kennett asked the meeting whether agenda item 3 (Independent Review Report) should be held in closed session but after consideration it was unanimously agreed that this was not in the public interest and the motion was withdrawn.

2/15 Independent Review Report

The report had been issued to cllrs with the agenda. The clerk provided copies of the report to the public gallery at the request of the council.

A paper setting out a proposed response to the report was circulated to cllrs at the meeting. In response to a query from Cllr Millar, Cllr Kennett asked the cllrs if they were content to consider the paper at the meeting and this was agreed. Cllr Lincoln took the meeting through this paper.

Response to recommendations for remaining council term:

It was noted that an option to dissolve the parish council had not been included in the report.

Following consideration the meeting selected the option to “carry on as things are, accepting the stresses and strains that may be endured” noting that the most important consideration was the community CPC represents and not to “carry on” would be an abrogation of its duty. It was agreed that council should focus on completing previously agreed work and projects and not involve itself in new initiatives other than for statutory or regulatory reasons.

Cllrs Kennett, Lincoln, Tharp and Brown voted in favour. Cllr Glancy abstained. Cllr Millar voted against.

Response to recommendations regarding governance framework:

All the recommendations were accepted, some with minor amendments.

Behaviour of councillors:

It was agreed that council had addressed this matter by its decision to “carry on as things are”.

Relationship with ward member:

It was agreed that council's approach to this issue had been addressed by its earlier decision to accept the following recommendation:

R5 The Council should have a specific agenda item to hear the views of the Ward Member on Borough issues and to allow representations to be made to the Ward Member. The Parish Council and Ward Member should also have an agreed understanding of each other's jurisdiction. These arrangements should be put in place as soon as possible in the life of the new Council.

It was also agreed that for the remainder of the current council term, there should be an item on agendas for the ward member to provide his report.

It was agreed that the paper updated with the amendments agreed at the meeting would be the response to the review.

The clerk was asked to send this to the monitoring officer at ABC who had instigated the review with the request that it is also forwarded to Paul Hoey Associates who had conducted the review.

AnnexA contains the amended paper.

[Cllr Millar left the meeting at 9:38pm]

Following further discussion during which councillors expressed individual views on the report, it was agreed that while the Closing Comments in the paper accurately reflected the view of council, each councillor should respond individually with their own comments if they wished.

The clerk was asked to put the report and the council response to it in the public domain.

The meeting closed at 9:50pm.

8/19 Date of next meeting

5th March 2015 in Chilham Village Hall

715pm for 730pm

PLEASE NOTE: All updates reported under Matters Arising are recorded in *black italics*. All agreed actions are recorded in *red italics*.

SUBJECT: HOEY AINCOUGH LTD - INDEPENDENT REVIEW RESPONSE FROM THE PARISH COUNCIL

BACKGROUND

Following discussions at its meeting on 21st August 2014, the Chilham Parish Council (CPC) agreed to accept the offer of an independent review to be funded by Ashford Borough Council (ABC). Primarily the review would provide an independent facilitation solution to CPC concerns that persistent deterioration in :

- 1) its relationship with the ABC ward member
- 2) the behaviour of parish councillors

throughout the life of the current council term hampered its ability to fulfil its duties to its electorate.

The review would provide all parties with the opportunity to share their concerns and aspirations whilst working together to agree a set of outcomes to address the concerns.

Whilst it must be acknowledged that a review of this nature would take time to work through, it is none the less disappointing that it has taken almost six months for a final report to be published. It is also to be regretted that CPC was not issued with a printed draft report prior to the receipt of the final report. Having said that, it is now incumbent upon CPC to consider the final report, particularly its recommendations and set out a formal response.

On balance, it can be argued that the report is very positive about CPC. Councillors should take heart from its findings and share the full document with its electorate together with its agreed response. The support of ABC throughout this process is gratefully acknowledged. In particular, Terry Mortimer, Head of Legal and Democratic Services, and Paul Naylor, Deputy Chief Executive Officer, have been generous with their time and expert knowledge.

PROPOSED RESPONSE

1. Background Summary

(1.4) The reviewer fails to acknowledge that relationships have not just been strained in recent times but during the life of the current council from May 2011.

(1.5) The reviewer fails to report that on one occasion a council meeting had to be abandoned following a disturbance caused by Cllrs Millar and Swan involving inappropriate and aggressive behaviour and persistent disregard of rulings made by the chair.

(1.6) In line 4 the reviewer does not state that CPC had sought to legitimately use procedures and policies. This leaves an open question in the mind of the reader.

(1.7) It is a significant omission by the reviewer not to consider previous complaints and grievances relating to past issues. Had this been done, the report and its recommendations would have been informed by a better understanding of the relationship problems.

2. Methodology

(2.3) Whilst it is right not to publicise the details returned on individual questionnaires, it would have been reasonable to acknowledge the names of those who had taken the trouble to participate in this part of the review.

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(2.5) Given that three members of the public had presented unsolicited communications regarding the unacceptable behaviour of a councillor at the December 2014 council meeting, is it not reasonable that the councillor should be named in the report.

3. Findings and Recommendations

(3.4) The lack of constructive dialogue was not due to an inability to do so but by the disposition demonstrated by one group not to do so.

(3.6) It is good to note that the reviewer is 'aware that CPC has undertaken much valuable work in the community and has been able to make decisions and consider issues of importance'.

4. Options between now and May 2015

(4.1) The reviewer believes that 'significant moderation to behaviour which disrupts meetings is required if the council is to be able to run fully effective meetings even in the short period up to May'. Four options are offered for consideration:-

- a) continue with limited agendas in order to minimise the risk of disruption and antagonism;
- b) seek external support for its meetings, perhaps an independent person to chair meetings or support the elected chair;
- c) mass resignations from parish councillors (in such circumstances ABC could make interim appointments to fill vacancies);
- d) carry on as things are, accepting the stresses and strains that may need to be endured

When considering these options and forming a conclusion, the most important consideration must be the community CPC represents. The council is charged with representing all of its community to the best of its ability and it seems reasonable that it should continue to undertake that role for the next two and a half months. To do otherwise would be an abrogation of its duty.

That said, it should focus on completing previously agreed work and projects and not involve itself in new initiatives other than for statutory or regulatory reasons.

5. Policies and Procedures

(5.2) The reviewer recognises that CPC standing orders and financial regulations are good, well maintained, accessible and up to date.

(5.3) Particular attention was paid to the 'grievance and disciplinary policy' and the 'need to know policy'. The reviewer notes that they did not investigate how they have been used in the past.

(5.7) The 'need to know policy' was agreed at the August 2014 meeting with a commitment to review in March 2015.

(5.10) The reviewer acknowledges that meetings 'generally focus on the appropriate issues'. However he believes that published agendas could in some instances be more specific with regards to planning matters.

(5.12) The reviewer recognises the relationship difficulties between CPC and its Ward Member. However, there is no evidence to suggest that a thorough examination of this issue was undertaken as was expected given that it was one of the two concerns highlighted by CPC in August 2014.

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(5.14) Whilst supporting the idea of training for new councillors, one important omission from the list of areas to be covered is 'meeting etiquette' and 'rules of engagement'.

(5.16) The reviewer states that the new council needs to work towards a greater consensus. This should be supported by agreed protocols about the way they will work together. Whilst agreeing with this philosophy, it must be underpinned by appropriate procedures to deal with those who decide to 'opt out' of the agreed protocols.

6. Recommendations and Proposed Responses

R1 The Council, in consultation with Ashford Borough Council if appropriate, needs to consider as a matter of priority how it will run its meetings between now and May 2015.

The council should focus on completing previously agreed work and projects and not involve itself in new initiatives other than for statutory or regulatory reasons.

R2 The Council needs to adopt a grievance policy which sets out clearly how grievances and disciplinary matters against staff are to be handled and also the procedure where a member of staff has a grievance against a member with a clear statement agreed by the Council of what is to be treated as a grievance and what is a code matter for Ashford Borough Council. This should be a priority for consideration and adoption by a new Council.

Agreed. However, there also needs to be a procedure for dealing with grievances against members which falls outside the Code of Conduct. Advice should be sought from ABC on this with the view of adopting the same procedures followed by ABC.

R3 The Council needs to review its 'need to know' policy to ensure it sets out in detail what information is to be treated confidentially, and who is properly entitled to information. This policy should be adopted as a priority by the new Council after May.

CPC is already committed to reviewing this policy in March 2015, as part of its adoption in August, 2014.

R4 Future agendas should, where practicable, include greater detail about specific issues to be dealt with under generic headings.

Agreed that this matter should be considered whilst taking care not to create a two-tiered agenda favouring some individuals or groups whilst be disadvantageous to others. With regards to the planning items, council is already committed to reviewing existing arrangements in March, 2015. This was agreed in August, 2014.

R5 The Council should have a specific agenda item to hear the views of the Ward Member on Borough issues and to allow representations to be made to the Ward Member. The Parish Council and Ward Member should also have an agreed understanding of each other's jurisdiction. These arrangements should be put in place as soon as possible in the life of the new Council.

Following the May 2015 elections, arrangements should be formally agreed between the two parties and implemented accordingly. Consideration should also be given to a specific agenda item for the local County Councillor.

An agenda item for the word member to give his report should be included on the agenda of meeting during the remainder of the current council term.

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R6 The Council should, in consultation with Ashford Borough Council and others, have a comprehensive training and induction package agreed for the new council in May.

R7 The Council should agree a strategy for ongoing councillor development and consider the minimum training required before committee roles are allocated permanently.

CPC has provided a funding plan within its three year budget programme for councillor training going forward from 2015/16. It would encourage its successor to determine its requirements for the immediate post election period and then develop a strategy for the future.

R8 The Council should agree a series of protocols about how they will work together in future.

Agreed. However, this must be backed up with procedures for dealing with breaches. Advice should be sought from ABC on this matter.

R9 The Council should during the summer consider ways of engaging with the community to explain its work, to encourage greater participation and to better understand the needs and priorities of its community.

This is a matter for the new council to consider. Whilst broadly supportive of this principle, it must be handled carefully so as not to raise expectations at a time of reducing financial resources.

R10 The Council should have put in place a strategic plan for its term of office by the end of 2015, to be agreed by the Council collectively.

Agreed.

R11 The Council Chair and Clerk should look to share best practice with outstanding local councils.

This is a matter for the new council to consider.

R12 The Council should investigate the process of seeking Quality Parish Status and embark on it at an appropriate stage of its implementation of the action plan.

The Quality Council Scheme was suspended in 2013. It has been replaced recently by a new Local Council Award Scheme. At its February meeting, CPC agreed that the new council should consider applying for accreditation under this scheme.

R13 Ashford Borough Council should continue to monitor the situation at Chilham Parish Council. In the event that working relationships do not improve, or worsen, it should consider what further action should be taken to address the situation.

This is a matter for ABC to consider.

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CLOSING COMMENTS

As identified earlier in this paper, it is to be regretted that the Hoey Report pays scant attention to the relationship between CPC and its Ward Member. Whilst ABC explained that the Independent Review would go beyond this issue and the behaviour of parish councillors, it is clear that Hoey Associates have fundamentally failed to address the underlying concerns. CPC believed that the relationship with the Ward Member was a concern due to his attitude, communication style and basic misunderstanding of fundamental local government principles.

Without having reviewed the relationship concerns through proper analysis of communications between the Ward Member and CPC, the report concludes that giving the Ward Member a slot on the CPC agenda and each having an agreed understanding of each other's jurisdiction will remedy the situation. This approach will need care and commitment from both sides if it is to be successful.

Similarly, the review failed to adequately analyse the behaviour of Cllrs Millar and Swan. Consequently, there is no independent recognition that such behaviour has been without the normal etiquette and behavioural standards of persons in public office and may have brought the parish council into disrepute.