

## **STANDARDS COMMITTEE**

**28 SEPTEMBER 2011**

### **ALLHALLOWS PARISH COUNCIL: GOVERNANCE REVIEW UPDATE**

Report from/Author: Deborah Upton, Monitoring Officer

#### **Summary**

This report advises Members of the progress of the Governance review undertaken at Allhallows Parish Council.

#### **1. Background**

- 1.1 Under section 57A(2) of the Local Government Act 2000 (as amended), the Standards Committee is able to refer allegations that a Councillor has failed to comply with the Code of Conduct to the Monitoring Officer for action other than investigation.
- 1.2 The Referrals Sub-Committee of the Standards Committee has previously met to consider a number of complaints concerning the conduct of various Parish Councillors at Allhallows Parish Council. The following paragraphs provide some background to these complaints.
- 1.3 The Referrals Sub-Committee of the Standards Committee met on 3 February 2010 to consider DU/MO/117, a complaint concerning the alleged conduct of Parish Councillor Forrest, a member of Allhallows Parish Council. At this meeting it was decided to refer the allegation to the Monitoring Officer for investigation and this is continuing, as detailed in the Work Programme report within the agenda for this meeting.
- 1.4 The Referrals Sub-Committee of the Standards Committee met on 1 April 2010 to consider DU/MO/120, a complaint concerning the alleged conduct of Parish Councillor Forrest. At this meeting, in accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referral Sub-Committee of the Standards Committee considered that "other action" to an investigation should be taken in respect of these complaints and decided to adjourn the meeting and ask the Monitoring Officer to investigate whether the involved parties would cooperate with the option of other action.
- 1.5 The Referrals Sub-Committee of the Standards Committee then met on 26 May 2010 to further consider DU/MO/120 as one of the parties decided not to cooperate with the option of other action. At this meeting it was decided that:
  - 1.5.1 A governance review be undertaken of Allhallows Parish Council's procedures to ensure that they are fit for purpose;

- 1.5.2 A gap analysis of skills be undertaken and that a programme of appropriate training for all members of Allhallows PC be put in place;
  - 1.5.3 Training be given to Members as a whole on appropriate use of information, data protection and what are categories of exempt information;
  - 1.5.4 The Monitoring Officer report back to the Standards Committee within three months giving a report back on progress.
- 1.6 The Referrals Sub-Committee of the Standards Committee then met on 7 July 2010 to consider DU/MO/122, a complaint concerning the alleged conduct of Parish Councillor Skudder, a Member of Allhallows Parish Council. At this meeting it was decided that this complaint was part of a series of complaints at Allhallows Parish Council, and as such the Sub-Committee considered that it would be dealt with under the direction for other action given to the Monitoring Officer contained in Decision Notice DU/MO/120 (as above in paragraph 1.5).
- 1.7 The Referrals Sub-Committee were concerned that the main issues surrounding the complaints were that due process had not been carried out and that there were concerns relating to information being withheld, and decided to refer the matter for other action so as to support the Parish Council.

## **2. Current Position**

- 2.1 The Monitoring Officer has had two meetings with the interim parish clerk to discuss areas of weakness in the governance arrangements for the parish council. Some of the parish councils constitutional arrangements, such as standing orders and financial regulations, are out of date and I have recommended to the parish council that these be reviewed.
- 2.2 The Monitoring Officer and the parish clerk carried out a joint training session for members of the parish council at Gun Wharf on 15 August. All members of the parish council attended.
- 2.3 Appendix One sets out the current position with regard to the governance checklist agreed by members at their meeting in March 2011.

## **3. Complaints**

- 3.1 The Monitoring Officer continues to receive complaints about Allhallows Parish Council.
- 3.2 At its meeting in February 2011 (minute 775/2011 refers) the Committee gave delegated authority for the monitoring officer to process any complaints of a similar nature as part of the governance review.
- 3.3 A further number of complaints were received from the former parish clerk, and these were referred to the Referrals Sub-Committee on 27 July 2011, and some of these complaints were then referred to the Monitoring Officer for investigation. The estimated timescale for conclusion of this matter is the end of September for hearing at a Consideration Sub-Committee in October.

- 3.4 Since the Referrals Sub-Committee, a further number of complaints have been received by the Monitoring Officer. These are set out in exempt appendix two in full, and complainants have been advised that this matter will be discussed by the Standards Committee.
- 3.5 The Monitoring Officer is seeking a direction from the Standards Committee as to how these should be taken forward, and she would recommend to the Committee that any discussion on exempt Appendix Two be taken in closed session.

#### **4. Financial implications**

- 4.1 This report contains no specific financial implications. However Members will be aware that the cost of dealing with these complaints is borne by Medway Council even though the complaints relate to conduct by parish councillors.

#### **5. Legal implications**

- 5.1 Legal implications are identified within this report.

#### **6. Recommendations**

Members are recommended:

- 6.1 To note the contents of this report and to decide whether further action needs to be taken in respect of Allhallows Parish Council.
- 6.2 To advise the Monitoring Officer what action it wishes her to take in respect of the complaints set out at Appendix Two.

#### **Lead officer contact:**

Deborah Upton, Monitoring Officer  
Tel: 01634 332133  
Email: [deborah.upton@medway.gov.uk](mailto:deborah.upton@medway.gov.uk)

#### **Background papers:**

None



## PARISH COUNCILS

### Requirements of **effective governance**

<b><i>Achieving effective governance requires a council to:</i></b>	
Understand its statutory duties, powers, and subsequent legal obligations	The parish clerk has advised members at the training session what duties and powers it has.
Recognise statutory and other legal prohibitions, restrictions and limitations applicable to its decisions and activities	I am satisfied that the clerk understands the council's statutory prohibitions and limits, and that this has been explained to the parish council.
Engage with its community to consider and, where appropriate, to respond to their views and representations	This is a matter for the parish council
Implement comprehensive, proportionate and transparent delegation arrangements	The parish council understands that matters can only be delegated to the parish clerk and that decisions cannot be taken by parish councillors other than by a properly constituted committee or sub-committee.
Assess priorities in relation to resources and manage risk	This is a matter for the parish council
Seek, where appropriate, specialist expert advice from for eg solicitors, valuers/chartered surveyors before making decisions	The parish council understands that it can seek advice from others and indeed has employed external surveyors and obtained legal advice on matters relating to the Brimp.
Make informed rational decisions commensurate to its finances and resources	This is a matter for the parish council.
Minute decisions of the council, its committees and sub-committees accurately	I am satisfied that the clerk understands the need to produce accurate and proper minutes of the parish council's decisions
Ensure its councillors understand and observe the code of conduct adopted by it	All councillors have received training on the code of conduct.
Employ and develop competent and suitably qualified staff and other resources to deliver and support the council's activities and services	The current clerk has a number of years experience and is also the clerk to other parish councils, as well as being a parish councillor herself. Therefore I am satisfied that proper arrangements are in place to support the parish council.

**NOTE:** This checklist is published by the National Association of Local Councils in its publication "Standing Orders for Local Councils".

## PARISH COUNCILS

### Checklist of **essential tools** required for **effective governance**

Clearly expressed resolutions which confirm delegations to other local authorities, committees, sub-committees and employees.	I am satisfied that the parish clerk understands the need for resolutions to be clearly written and that delegations must be set out in those resolutions.
Clear written terms of reference for committees and sub-committees which evidence both the nature and extent of their powers and responsibilities.	I have recommended to the parish council that they review their terms of reference for committees
Standing orders to regulate the transaction of council business, and the conduct and order of council, committee and sub-committee meetings.	The Council does have standing orders in place which were adopted in November 2010 but I have recommended that these be reviewed.
Financial regulations.	I have recommended to the parish council that they review their financial regulations.
Standing orders to entering into contracts for the supply of goods or materials or for the execution of works. A council must also have standing orders that confirm its arrangements for securing competition and regulating the manner in which tenders are invited ( <b>section 135 Local Government Act 1972</b> ).	Contract rules are contained within the financial regulations of the Council. I have recommended to the parish council that they review their standing orders including their financial regulations as I consider that they are unclear.
A code of conduct adopted by the council to be observed by all councillors ( <b>section 51 of the Local Government Act 2000</b> ).	I confirm that this is adopted.
An organised and efficient committee and staffing structure which confirm respective responsibilities.	The parish council now have a list of councillors details together with their responsibilities, and details of the parish clerk and her responsibilities. They also have a formalised grievance & disciplinary procedure for staff.
Publicised arrangements for access to information under the <b>Freedom of Information Act 2000</b> and the <b>Data Protection Act 1998</b> .	I have recommended to the parish council that they review their information arrangements including their website.
A clear and accessible complaints procedure (which includes an appeal stage).	The parish council reviewed their complaints procedure and adopted a new procedure in June 2011.

*NOTE: This checklist is published by the National Association of Local Councils in its publication "Standing Orders for Local Councils".*

Clear and accurate minutes of meetings of the council, its committees and sub-committees.	
---	--