

**REVIEW OF GOVERNANCE OF EASTON-ON-THE HILL PARISH COUNCIL:  
February– July 2018**

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## Background summary

- 1.1 Easton-on-the-Hill Parish Council is a council in the area of East Northamptonshire Council. It has 11 councillors, but there is currently one vacancy. The parish is not warded. The population of the village is around 1,000 people.
- 1.2 In common with many town and parish councils, Easton-on-the Hill Parish Council councillors do not sit in political groupings. The current Council's term of office began in May 2015 and will end in 2019. Nine of the eleven members were newly-elected in 2015.
- 1.3 The Parish Council has a Clerk as its only member of staff. The clerk works part-time for Easton-on-the-Hill – she is contracted for 10 hours per week. The chair of the Council was one of the newly-elected councillors and has been chair since 2015 and was re-appointed to the chair at this year's Annual Meeting.
- 1.4 Relationships within the Parish Council have become strained over recent times, with difficult working relationships in particular between certain members and between the clerk and certain members. This led to a number of Code of Conduct complaints and the clerk resigning in late 2017. A new clerk was appointed at the start of 2018 but left after a few months and the previous clerk has returned on an interim basis.
- 1.5 These relationship difficulties seem to have their origins in differences over the way the Council is run and whether proper procedures are followed, but also the strategic direction the Council should take on behalf of the village, in particular around the issue of the future of the village playing fields. Internally, this has led broadly to a couple of members of the Council being dissatisfied with the governance of the Council and raising those concerns with the clerk and chair as well as with the District Council; and at the same time a small number of residents raising concerns with the Parish Council about the running of the sports field and in particular relationships with the village cricket club.
- 1.6 According to the majority of people we spoke to these differences are sometimes made very forcefully in meetings but most of the conflict has been through persistent correspondence which can at times border on the obsessive and fixated. This has led to meetings being difficult to manage, becoming protracted, for example over disputes about minutes of the meeting, and descending into strong disagreements as passions run high. This has made working relationships unmanageable and made many councillors feel disaffected at the pressure they are under and wondering whether they wish to continue in their voluntary role.
- 1.7 This has at times resulted in complaints being made to the monitoring officer at East Northamptonshire Council about alleged member misconduct in particular, and has also meant that the Parish Council has become frustrated in the way business is conducted. East Northamptonshire Council approached us initially in February 2018 to discuss whether we could assist them in supporting the Parish Council and seeking to help them move forward more constructively and

effectively and we were formally commissioned to carry out this review that month.

- 1.8 This review has not been about investigating any particular complaints or grievances, including any specific past incidents. Our focus has always been on working with the Parish Council to address the way they could operate more effectively in the future, not to adjudicate on things that may have happened in the past.
- 1.9 The review team consisted of three people – Paul Hoey and Natalie Ainscough, who are co-directors of Hoey Ainscough Associates Ltd, and Sarita Presland, working on behalf of Hoey Ainscough Associates Ltd for this review.
- 1.10 Hoey Ainscough Associates Ltd was set up in April 2012 to support local authorities in managing their arrangements for handling councillor conduct issues and wider governance issues. The company was co-founded by Paul Hoey, who had been director of strategy at Standards for England from 2001 until its closure in 2012, and Natalie Ainscough who had worked as his deputy.
- 1.11 Sarita Presland is an experienced local government officer and was until recently the chief officer at the Derbyshire Association of Local Councils.
- 1.12 In carrying out this review, we had the full cooperation of everybody that we spoke to at the Parish Council and District Council and we would like to thank them for the open and constructive way in which they approached the review and were willing to answer our questions and provide us with all relevant information we requested. We would also like to thank Danny Moody, the chief executive of the Northants CALC who has supported the parish council over a number of years and has advised us on various issues through the review.

## **Methodology**

- 2.1 Our proposal set out five aims:
  - a) to review the Parish Council's processes and procedures to ensure that the right tools are in place to allow the Parish Council to operate effectively;
  - b) to understand what their underlying issues are and help the Parish Council consider how they can work more effectively;
  - c) to help the Parish Council's reputation through demonstrating that there is a culture of high standards and good governance;
  - d) to ensure there is a good understanding of the different roles of members and officers of the Parish Council and that both can do their job effectively; and
  - e) to develop an action plan to help the Parish Council resolve its difficulties and allow the District Council to monitor progress over time.
- 2.2 In order to carry out a review we divided our work into five phases. These five phases were:
  - a) to have an informal discussion with the chair and clerk of the Parish Council, the monitoring officer and the county secretary to understand the background

to the Council and some of the underlying issues and ambitions of the Council;

- b) to carry out a confidential online survey of councillors, officers and other relevant individuals to get a greater in-depth picture of the Council and some personal perspectives on the key issues;
- c) to spend a day in the Council having individual interviews with councillors to develop understanding of the key issues emerging and to spend time talking to the clerk and reviewing the policies and procedures and ways of working of the Council;
- d) to present some interim findings to the Council and invite discussion on those conclusions;
- e) to prepare a report and action plan for Easton-on-the-Hill Parish Council and East Northamptonshire Council setting out ways in which the Parish Council could move forward.

2.3 The meetings for phase one were held on 29 March 2018. The questionnaire for phase two was subsequently developed and open for responses through to the end of April. In total, we had 8 responses to the questionnaire.

2.4 We then spent the day speaking to individuals from Easton as phase three of the work on 9 May, together with a few telephone interviews in the following week and Sarita Presland carried out a desktop review of the Council's policies and procedures with the assistance of the clerk. This was followed up by a presentation to the Parish Council for phase four on 4 July.

2.5 Phases two and three provided much of the evidence on which our findings and recommendations are based. A summary of the key outcomes of those phases is attached at **Appendix B**. This highlights where there were areas of consensus and where there were areas of disagreement. It should be noted that the questionnaire and interviews were done on a confidential basis so no individual quotes are attributed. It should also be noted that as sample sizes are inevitably small we have tried to generalise rather than seek to identify individuals or repeat any comments that were made about particular individuals, although the Council may decide that this Appendix contains confidential information given the sample size so we have attached it as a separate document. .

## **Findings and recommendations**

3.1 Based upon the written and oral comments and responses which we received, we gave feedback to a meeting of members and officers of Easton-on-the Hill Parish Council, together with the monitoring officer, independent person and vice-chair of the Joint Standards Complaints Committee of East Northamptonshire Council and the chief executive of the Northants CALC on the evening of 4 July 2018 as phase four of the methodology set out in the section above.

3.2 We indicated that we would then make detailed recommendations for the consideration of the Parish Council as phase five. These are set out in this report.

3.3 There is a high degree of consistency as to issues affecting the Parish Council as identified in the responses to the questionnaire and the interviews we conducted at phases two and three.

3.4 In our view, the key issues are:-

- a) the need to improve understanding of the roles and responsibilities of parish councillors and the clerk;
- b) a breakdown in working relations between a number of individuals on the Council and the chair and clerk in particular, characterised by mistrust, suspicion, disrespectful behaviour and an inability to have any constructive dialogue at some meetings or in correspondence between meetings;
- c) the need to improve certain aspects of governance in the Council, in particular in the way meetings are conducted and correspondence dealt with; and
- d) the need to develop a strategy both for delivery of the Village Plan, and in particular to resolve the future of the playing fields, with a view to seeking majority consensus within the village and thereby becoming less reactive to individual events.

3.5 Having considered the information available to us, we therefore set out a series of recommendations and an action plan to address each of these issues in the sections below.

## **A. Roles and responsibilities**

### **Role of members**

3.6 The role of councillor, at whatever tier of local government, can be a difficult and daunting role, particularly to those who come new to the role. We would therefore expect all councils to provide comprehensive induction and ongoing development to councillors to support them in their job. This is particularly true where so much of the Council is inexperienced and new in post. We felt that councillors were not clear about how they should work collectively or individually.

3.7 The Council needs to do more work to help councillors, the clerk and the local community understand what is expected of a councillor. There is a lack of clarity in many parish councils about what individuals do or can or should do. The sector of course relies on the 'public service ethos' and people helping out where they can but the formal democratically elected and accountable role must also be understood and boundaries not crossed. Of course what each individual can give to the Council varies widely – some councillors will work fulltime, or have caring responsibilities so cannot devote as much time and energy to the role as others. That is perfectly understandable and normal but does need to be recognised. However beyond that parish councillors need to be clear what it is they are expected to do and cannot do as individuals. No parish councillor (including the chair) can be given delegated individual decision-making responsibilities.

3.8 Decisions can either be made by Full Council, a committee or the clerk depending on the scheme of delegation. Often in practice of course, individual councillors (particularly the chair) will have been authorised by the Council to have some individual responsibilities, either because of the need to react quickly

to developing events or else because of a particular recognised expertise. Even in these rare cases, however, any binding decision must formally be taken by the clerk in consultation with the individual and in line with a delegation scheme agreed with the Council and subsequently be ratified at a Full Council meeting.

- 3.9 We believe councillors at Easton do not have sufficient clarity about their roles and the Council should therefore review their schemes of delegation so that members fully understand it, and agree proper role descriptions and expectations for members.
- 3.10 That should include a clear statement of what an individual's role as a councillor in the community is as opposed to their role on the full council; and what a member's role is with regard to outside appointments where they represent the Council – including clarity about what views they should express, what they are delegated to say or decide and what they should or should not report back.
- 3.11 In particular the Council should seek to put in place a detailed training programme on the role of the parish councillor, understanding the role of the clerk, understanding delegated authority, chairing and meeting skills, the Code of Conduct (in particular to improve understanding of requirements around registration and declarations of interest) , financial regulations and other matters. . This also needs to become an ongoing package for new councillors.
- 3.12 We would also expect members to undergo regular refresher training throughout their term of office. We believe that it is vital councillors have a full understanding of their roles and responsibilities before they start to discharge their functions, and, while training cannot be made mandatory, the Council should therefore consider what training individual members must undergo as soon as possible after they take up office. They should also consider what training they would require of members before they are allocated permanent seats on any committees or given some individual lead responsibilities to ensure members understand fully their role and responsibilities on a particular committee in future.

## **Recommendations**

- R1 The Council should develop a comprehensive and ongoing training and development strategy.**
- 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.**

## **Role of the clerk**

- 3.13 While members set the tone and strategic direction of an authority, the clerk is charged with supporting the Council and delivering its strategy on a day-to-day basis. The clerk must therefore be resourced adequately and have the appropriate skills to do this.

- 3.14 We believe the current clerk is well qualified in her role and gives the council sound support within the parameters of her role. However, what she can do is necessarily limited given she is only employed on a part-time basis.
- 3.15 This is entirely appropriate for this size of Council but all councillors need to recognise that this means the clerk's time is inevitably very limited so must be used to maximum effect. The clerk from our observations actually works beyond her contracted hours. This is almost inevitable particularly in the run-up to and immediate aftermath of Council meetings but the Parish Council should ensure that she is not over-burdened, that the workload is sustainable and that they ensure they fulfil their duty of care to her. That is why all councillors must recognise that there needs to be a more effective management of email traffic and correspondence and there are limitations on what the Council can realistically achieve. The Council as a whole is the clerk's employer and therefore each individual councillor has responsibilities to ensure that the clerk has a reasonable working environment and is able to manage the workload within contracted hours or else consider as a council what changes to terms and conditions may be necessary to achieve this.
- 3.16 As a result of this lack of understanding of individual roles, we found that the Council had set little strategic direction for the clerk, was unaware of workloads, and there was no clear understanding of what contact with the clerk was appropriate on a day-to-day basis nor that individual members should not set work priorities for the clerk.
- 3.17 The clerk seemed to be asked to respond to a lot of emails and correspondence making very detailed comments and broadly seeking to keep going over similar ground. There is of course nothing that can be done to stop emails being sent and members and the public do have right to seek information and raise queries. However, the Council does have to recognise that this can place heavy demands on the resources of the Council. Given the other calls on the clerk's time the Council does therefore need to review its policy in handling correspondence and where necessary ensure that the clerk and chair are empowered to draw a line under certain matters in line with an agreed policy on persistent or vexatious correspondence
- 3.18 Any policy would probably need two aspects. The first could be an agreed period at a meeting where governance issues and correspondence could be raised. They should be done with sufficient notice to allow a response to be prepared for tabling and/or discussion at the meeting. However, the time spent on such matters would have to be limited to allow the transaction of other important business. Thus, for example, it might be that ten minutes is set aside at the start or end of the meeting for any governance issues, and that each member is limited to raising no more than one concern. Similarly if the Council collectively is satisfied that the matter has been addressed it should not be raised again within an agreed period unless circumstances have changed. Section 7 of Easton-on-the Hill's Standing Orders make clear that resolutions previously made cannot be reversed within six months except by special motions or a motion from a committee and this is a Standing Order that the Council should ensure is enforced to help achieve better governance.

- 3.19 Matters may well of course occur between meetings which need to be answered more quickly so there would still need to be room for correspondence from members and the public to be dealt with. However, again the Council should agree some limits on the amount, what timescales should be agreed for any response and, if the matter is not urgent, whether it should be brought to the next meeting for agreement.
- 3.20 The second aspect would focus on the nature of different types of correspondence. There are essentially three types of correspondence (including emails) which a council typically receives. The first category is such things as information flyers. These could be discarded if not relevant, or otherwise reported to the Council for noting. The second category are letters and documents sent to the Council for information only – these should be kept, and made available for all councillors to see if they so wish and the clerk may note these on the agenda as being made available for circulation but they do not need to be brought to a meeting for discussion. The third category would be any correspondence that requires consideration and action from the council, such as letters of complaint, invitations, seminars, planning matters, local plans, etc. These should be on the agenda as an item heading and should be made available to councillors in their meeting pack. However as a caveat if a letter is vague and unspecific in what it is asking of the council the clerk has the right to merely send a letter of note and file the correspondence – we believe that currently a lot of correspondence is merely personal opinion and as long as it is noted by the clerk, and a “noted” response sent to the author, and kept on file this should suffice. It is not necessary to bring correspondence to Council meetings unless, in the clerk’s opinion, it is raising specific evidenced issues that need formal consideration by the Council.
- 3.21 All correspondence should be replied to even if this only amounts to noting the contents, except where the Council has agreed it can be classed as persistent or vexatious in line with its policy. Letters requiring consideration and a decision from the council that are received after the agenda has been set break down into two main groups – firstly those that must be discussed as soon as possible (although these are not itemised on the agenda they can in exceptional circumstances be brought to the meeting under the heading of correspondence), and secondly those that do not need an immediate council decision, and which the clerk can choose to bring to the next available council meeting.
- 3.22 The Council of course needs to recognise that a balance needs to be struck between allowing councillors and the public to question issues on the one hand and the Council and clerk to be able to operate within its limited resources and work with agreed collective responsibility on the other hand so any protocol would need to strike that balance to the satisfaction of the Council collectively.
- 3.23 We also believe it would help the Council and the clerk if some form of schedule of work was prepared. This would help the Council to recognise what was a reasonable expectation on the clerk and be clear with the clerk what the priorities on her limited time should be. The Society of Local Council Clerks (SLCC) has a useful calendar available to clerks to remind them of what needs

doing when. The clerk should get this timetable and share it with members so that it can inform this work schedule.

- 3.24 Obviously line management is an important part of the Council's duty of care towards the clerk. Again, as with many parish councils, there is obviously some line management issues with only one employee and the Council as a whole as the employer. It must be generally recognised that there will inevitably be the need for a close working relationship between the chair and the clerk given their respective roles, and it is important that is seen to be professional.
- 3.25 The Council should review the performance appraisal system to ensure that it measures performance against targets with a view both to helping the clerk develop and ensuring she is rewarded appropriately. Northants CALC should be able to provide a template if needed. There is also a need for any such system to have clear arrangements for the Clerk to discuss any issues arising in relation to her employment, whether with the chair or with a staffing sub-committee for example. Having a schedule of work would help with that process.
- 3.26 We understand that the current clerk has returned on an interim basis. Before appointing somebody permanently to the role, the Council needs to put these measures in place, in particular a schedule of work, and decide whether the currently-contracted hours are sufficient to meet the Council's needs and if so how they expect work to be prioritised within those hours to avoid excess working becoming the norm.

## **Recommendations**

- 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.**
- 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.**
- 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.**
- 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.**
- 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.**

## **B. Behaviour**

- 3.27 The principal reason that we were asked by East Northamptonshire Council to review and support the Parish Council was because of a series of complaints made about the behaviour of councillors, in particular alleged lack of respect and personal attacks on the characters of individuals and allegations of mismanagement of the Council, and a grievance taken by the clerk against certain members.
- 3.28 While our review went wider than a focus on behaviour and looked at what underlay some of the issues it is clear to us that the issue of respect needs to be addressed by the Parish Council before it can begin to improve its working processes as outlined in the rest of this report.
- 3.29 Our experience from working with the councillors and observing the Parish Council is that there is a high level of animosity between certain councillors which is holding the Parish Council back. While the clerk is generally well-regarded some of that animosity has spilt over into questioning the capabilities of the clerk which has seemed in the past to have gone beyond legitimate questioning and the clerk has to some extent been caught in crossfire between the mutual distrust between two groups of members. The way that these disagreements are articulated has at times gone way beyond legitimate disagreements about policy or procedures and has descended into disruptive behaviour, an obsessive pursuit of issues through frequent correspondence with the clerk and chair, allegations being made which question the integrity of individuals and an unwillingness to engage in debate. These comments are made in meetings and in widely-circulated emails. Such comments often lead to a downward spiral and what can start as a legitimate question or concern descends into disrespectful comments and unevicenced allegations of wrongdoing, or a refusal to accept an explanation which simply leads to positions becoming entrenched and the Council closing in on itself with defensive positions. The whole culture of the Parish Council thereby becomes deeply unprofessional and brings the Parish Council into disrepute.
- 3.30 It is our experience from working with other councils where they have similar issues that such ways of communicating do nothing to bring about the positive change that may be needed to improve the governance of the organisation or help the clerk do her job effectively. Instead personal comments or allegations which question people's motives or make unfounded accusations of corruption and illegality based on assumptions simply make people defensive, stifle legitimate concerns and lead to tit-for-tat accusations and insults which mire the council in animosity.
- 3.31 If councillors are serious about bringing about the change that is needed they must therefore start to work together collectively as a team and stop personal attacks, persistent badgering and feeding the flames of such attacks. Councils, like any organisation, have to work collectively to achieve the best outcomes, and if people feel they cannot work collectively but must resort to disrespectful comments and questioning people's motives with little or no evidence then it would be better if they left the Council as it cannot change while such poison exists within the organisation.

3.32 We should say that it is of course vital to any organisation, and in particular to a democratically-elected body, that people can challenge decisions, put forward opposing views and raise concerns that matters are not being implemented properly. However there is a world of difference between discussing those matters in a dignified and respectful way and simply being confrontational, refusing to accept explanations or evidence and imputing the worst possible motives to matters with which you disagree. It is acceptable to challenge ideas with which you disagree. It is unacceptable to make personal attacks on individuals in an intolerant and disrespectful way, however provoked one might feel nor is it acceptable to seek persistently to criticise individuals' motives or undermine them through constantly raising the same issues no matter how often they have been addressed already. In our schools we teach our children about Fundamental British Values. These include tolerance and respect for other people and their values and beliefs. We are afraid that certain individuals on the Council seem to have lost sight of those values.

3.33 Councillors therefore need as a priority to stop behaving in this way if they have the interests of the Council and the community as a whole as their priority. The Council does need to change in certain aspects, and some of the concerns raised are legitimate, but change will only happen when councillors start to respect and tolerate each other.

3.34 Of course we recognise that a more rational and trusting atmosphere will work most effectively when all feel they have confidence in the Council, its chair and its clerk. There are legitimate policy differences within the Council and concerns about the way the Council operates but the way in which they have been raised has made addressing them impossible. So there needs to be an agreement on all sides to deal with matters in a calmer and more rational way and stop persistent correspondence on the same issues where the Council collectively has reached an agreement while the recommendations set out in other sections to improve the Council are adopted and implemented. We do believe the Council can improve the way it operates but we have seen no evidence of wilful or corrupt behaviour, and while there have been at times a failure to follow the rules and procedures and advice may not always have been clear or consistent these more often reflect inherent issues within the parish sector as a whole rather than systemic issues at Easton-on-the-Hill though we do address certain specific issues elsewhere in the report.

3.35 All councillors we spoke to and met had the best interests of Easton at heart and, while their view of what was best for Easton differed between individuals, that simply reflects a legitimate democratic plurality. Councillors must learn that decisions with which they disagree does not mean that decision is automatically wrong or the motives behind it suspect– it simply means that collectively the Council has decided to act in a particular way and once a decision has been taken by the Council, the Council is perfectly entitled to implement that decision. Similarly the Council must ensure that where people do have opposing views which are relevant to the matter in hand that those concerns are listened to provided they remain respectful and a reasonable amount of debate is allowed. It can be too easy to want to shut down discussion because matters are becoming

polarised or personal or being unnecessarily prolonged and this highlights why it is important for behaviour on all sides to become more respectful before some of the issues outlined elsewhere can be resolved.

- 3.36 There also seemed to be an inordinate amount of time spent discussing procedural issues, reviewing minutes of previous meetings and seeking to challenge advice given or received by the clerk. While it is right for members to raise concerns too much time can be taken up with dealing with constitutional issues rather than substantive business. Where councillors have concerns about the way a decision has been made or a procedure followed they should discuss this with the clerk in advance and the clerk should be allowed to give a ruling with reasons 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. There should also be an agreement that, if advice is needed from East Northamptonshire or the Northants CALC on a procedural matter this should be done through the clerk rather than individual members as this ensures there is a clear route and that advice, where appropriate, is definitive and available to all. If the Council collectively decides not to follow that advice, they are perfectly entitled to do so provided that is documented with their reasons, as the Council collectively is a sovereign body though the Council should be aware of the legal risks and personal liabilities involved should they not follow formal advice. If the advice is accepted by the Council collectively then that advice should be acted upon accordingly.
- 3.37 The majority of individuals we spoke to felt very strongly that meetings were difficult and the tone of debate, both at meetings and in correspondence, reflected very badly on the Council. The Council was referred to on a number of times as a 'laughing stock' and that the community as a whole had lost faith in it being able to run effectively. While we ourselves did not observe meetings first-hand we did see a number of email exchanges and have seen the Code of Conduct complaints.. The weight of evidence inclines us to believe that this pattern of behaviour does exist and is unacceptable. We think some councillors would be surprised at how they came across and how meetings were conducted if they could observe them.
- 3.38 We understand that some of the meetings may have been recorded already but we think it would aid transparency and help people reflect on their behaviour if the Council itself started recording or filming and broadcasting the meetings so that the wider community could see how the Council behaves. The Council did discuss this previously but has not progressed the matter since. There are issues the Council would need to agree on around how long such recordings would be kept and for what purpose they were used , They may need to work with the District Council and/or Northants CALC to draw up a protocol on recording or filming of meetings including how long recordings are kept for. However we think that would be an important first step in helping with self-reflection.
- 3.39 We also believe that it is the responsibility of all members to challenge disrespectful behaviour in the Council chamber and support the meeting in being run effectively with the right balance between debate and getting the business

done. The Council collectively should therefore agree where the boundaries of respect lie and how that should be enforced in meetings.

3.40 We therefore think the Parish Council needs to agree the following actions:

## **RECOMMENDATIONS**

- 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.**
- 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.**
- 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.**
- R11 The Parish Council should consider a process for recording or filming of future meetings.**
- 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.**

## **C. Policies and procedures**

3.41 Aside from the behavioural issues, we also carried out an in-depth look at the governance and administration of the Council. The following sections look at each of the areas we examined in turn and make a series of recommendations, starting with our review of the Council's policies and procedures.

3.42 Overall, we found that the broad suite of policies and procedures at the Parish Council were in place, up to date and easily available through the Council website. The policies tend to be based on national policies prepared by the National Association of Local Councils (NALC) so conform with good practice. This was based both upon our own review of the workings of the office and views expressed to us by members of the Council during interviews.

- 3.43 We did identify a couple of gaps where we thought significant policies were missing. These were a Disciplinary Policy and a Sickness and Absence Policy. We would recommend that, where the need for new policies is identified, they continue to use national policies or good practice models recommended by the Northants CALC as a building block as being fit for purpose. Overall we would give the Council a clean bill of health with regard to having appropriate policies and procedures in place covering the main areas which appear to be reviewed annually in line with best practice.
- 3.44 We do believe, however, as mentioned above that there are some specific policies the Council could adopt to address the current situation. These include the correspondence policy and member-officer protocol we have referred to above. We recommend the Council work with the Northants CALC to find appropriate models for their circumstances.
- 3.45 We also believe there is some confusion around what information held by the Council members are entitled to see as a matter of course. Councillors in general are entitled to see most information held by the Council, including confidential information not available to the public, in order to help them do their job. There will always, however, be circumstances where a council is legally entitled to regard certain information as confidential. The law itself sets out grounds for certain business to be considered in private by the council and it is widely recognised through case law and elsewhere that not all councillors are entitled to see all information at all times, as some personal information for example has to be regarded as confidential unless there is a demonstrable need for an individual councillor to have access to that information to carry out their duties.
- 3.46 As set out in NALC Legal Topic Note 1, councillors do not have a 'need to know' all aspects of council business and cannot claim an automatic right to see all council documentation and information. In other words, councillors are not permitted a fishing expedition in respect of council documentation and information simply because they are councillors. In developing a policy, the following may prove helpful in establishing whether a councillor has a 'need to know':
- If a councillor is a member of a committee, he has the right to inspect documents or to obtain information relating to the business of that committee;
  - If a councillor is not a member of a particular committee, he has to demonstrate why sight of the document(s)/or receipt of the information in question is necessary to enable him to perform his duties as a councillor;
  - If the councillor's motive for seeing the documents/obtaining information is indirect, improper or ulterior, then the documentation or information should be withheld.
- 3.47 We therefore think the Council needs to agree a 'need to know' policy to establish a common understanding of where the boundaries of confidentiality and access to information might lie. This would also cover any information held by individual councillors and be tied closely to the Council's responsibility to protect information under GDPR.

- 3.48 There was one other specific area we identified relevant to Easton. The issue of alleged fly-tipping appeared to be contentious within the village. Fly-tipping is in fact a matter for the District Council rather than the Parish Council though the Parish Council may act as a post-box to forward concerns to the District. However, the Parish Council had no agreed policy on how fly tipping should be reported to it – for example was photographic evidence or precise details needed – nor how such reports should be forwarded. This had led to the Council becoming too reactive rather than following an agreed procedure.
- 3.49 We also believe the Council needs greater clarity with regard to delegation of decision-making. There are three types of delegations: decisions reserved to Full Council; decisions delegated to committees; and decisions delegated to officers. There is no power to delegate a decision to an individual councillor though in practice some urgent matters could be delegated to the clerk, in consultation with, for example, the chair of a committee, for administrative ease.
- 3.50 The Council has a planning committee. For effective day-to-day working there is appropriate delegation to the clerk. All other decisions are made by Full Council. However, references were made to us about various ‘Working Parties’ and committees which may have existed in the past and some councillors spoke of having some individual roles. We feel there needs to be a collective agreement and understanding of a scheme of delegation.
- 3.51 We also want to cover the taking of minutes in this section. Charles Arnold-Baker (the so-called Parish Council Bible) says “minutes should be a formal record of official acts and decisions, not reports, still less verbatim reports of the speeches made by councillors. Minutes should, therefore, be as short as is consistent with clarity and accuracy, and the arguments used in the discussion need be recorded only if the decision cannot be clearly expressed in any other way.”
- 3.52 We do not believe the minutes as a whole follow this model and too much time has been spent at meetings arguing about minutes of previous meetings. We therefore recommend that minutes be made more consistent with the model of simply being a recording of the decision rather than a verbatim record. As it is important that all councillors are clear what has been agreed we recommend that at the end of each item the chair asks the clerk to read out what she believes has been agreed as the decision for that item so that all present are clear and agree that what has been noted is sufficient for the minutes.
- 3.53 We would also remind the Council that draft minutes should be made available on the Council website within one month of the meeting having been held as required by the Code of Transparency for smaller councils
- 3.54 We suggest finally in this section that, if the Council does not already have copy, they should buy a copy of Charles Arnold-Baker and also of the NALC book ‘Local Councils Explained’ as these contain very helpful background for clerk and councillors alike on what are legal requirements and recommended good practice in terms of governance.

## Recommendations

- R13 The Council needs to adopt a Disciplinary and Sickness and Absence Policy for the Clerk.**
- 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.**
- R15 The Council needs to adopt an agreed policy on reporting of fly-tipping.**
- R16 The Council needs to review its scheme of delegation to ensure it is working as efficiently as possible.**
- 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.**

### D. Meetings

- 3.55 We heard how some meetings have been difficult to run because of conflict in the meetings and the disruptive behaviour arising from this conflict. This was a constant theme running through the questionnaires and face-to-face interviews. This section therefore makes some recommendations for making meetings run more effectively and efficiently.
- 3.56 Although we did not attend Council meetings and therefore have not seen them at first hand, it was clear to us from all that we have been told and noted from our reading of past minutes that Council meetings have become increasingly difficult to manage and need to be run much more efficiently so that business can be transacted.
- 3.57 Everybody is dissatisfied with the way the meetings take place. Too much time is spent revisiting matters. People seem to have stopped listening to each other and meetings need to become genuine discussions again rather than disagreements. Individuals need to accept that it is perfectly fine to disagree and healthy debate is to be encouraged as it leads to better decision-making but there must be a recognition that once a decision is made that is the democratic decision of the Council. It must also be recognised that a balance needs to be struck between progressing the business of the meeting effectively and not unnecessarily stopping discussion.
- 3.58 As set out above we therefore recommend that the Parish Council should draw up a proper protocol about how members treat each other which needs to be properly enforced. Matters should be properly managed in meetings and the standards framework should not be used to air disputes about personalities or perceived procedural failings.
- 3.59 We would always look to the chair of a meeting to enforce behaviour standards clearly, firmly and fairly. The role of the chair is to act as an impartial

referee, to ensure that people are treated equitably, everyone is encouraged to contribute to the debate and that the meeting is conducted in an orderly and civil way. A chair should know when to seek advice from the clerk but should not let the clerk run the meeting. A chair also needs to be conversant with Standing Orders and ensure that they are applied. However, the chair also needs the support of other members to ensure that Standing Orders are consistently and fairly applied. Our comments are not meant as a particular criticism of the current chair but rather reflect that members in general felt that meetings were not being effective because of disruptive behaviour and the balance being wrong about how some discussions were held. For example, from what we were told far too much time was allowed debating previous minutes which was not an efficient use of Council time, whereas on the other hand concerns were raised that not enough time was allowed for more significant items and members could feel unwilling to contribute for fear of being criticised or denigrated. For a meeting to be effective and efficient, all members need to accept that the meeting needs to remain focussed on the business at hand and that greater support is needed for the chair from members in conducting meetings.

3.60 To ensure that debate can be managed efficiently, we believe the Parish Council needs to enforce a '3 minute' rule at its meetings as set out in its Standing Orders – that is people's interventions in meetings – whether councillors or the public - should be strictly limited to 3 minutes and, when the 3 minutes is up, they should stop speaking. Everybody is entitled to an equal say at meetings but all should equally respect that others should have an input and interventions should be limited to allow the meeting to proceed. It seemed to us from what we were told by a number of people that people were not being treated fairly – some people were being allowed to speak for too long, some people were being cut off and some people felt they did not want to speak, either for risk of prolonging already-lengthy discussions or because they felt intimidated by the atmosphere in the room.

3.61 Similarly, the public should only be addressing meetings at the appropriate time and there needed to be a consistent approach to public participation and management of any disruption. The public need to be clear what the role of public participation is and where the balance is between hearing from the public and allowing the Council to transact its business. Public Time is not strictly part of the council meeting and apart from a brief note of what questions/concerns were raised no other notes need to be taken by the clerk, and recorded. There is a danger if its role is not understood by all that this part of the meeting takes over and is overly long. Standing Orders make it clear there is 3 minute maximum speaking time per person, and the entire public time session lasts no longer than 15 minutes. This is in line with accepted national practice. A short explanation of the role, purpose and duration of Public Questions should be given to every member of the public attending every meeting to reinforce this matter. It can also be good practice for the chair to ask the public present at a meeting if they wish to speak and if so on what topic so that time can be managed. Thus for example, if several people all wish to speak on the same topic the chair might encourage them to elect a spokesperson to speak on their behalf to avoid repetition and ensure that the business of the meeting can proceed in a timely way.

3.62 It would also be helpful if all councillors had 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.

3.63 There also needs to be a greater understanding of how motions to move to next business can be used to ensure business is got through effectively where discussions are proving difficult to manage.

### **Recommendations**

**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.**

**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.**

**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.**

### **E. Ambition and strategy**

3.64 Easton-on-the Hill Parish Council has worked well in the past in developing a long-term strategy for the village, in particular through the Village Plan which arose through good widespread consultation with the community. However its internal disputes and disputes around the playing field future has meant that the Council has lost its sense of long-term purpose.

3.65 We therefore believe the Council needs to refocus on a strategic vision which looks at what it wants to achieve over the next 5-10 years. This should focus in particular on two areas – how to develop and deliver the Village Plan, with the Council agreeing realistic aims, financial planning and milestones. This needs then to be matched up with the resources needed to deliver that vision; and similarly to settle the future of the playing fields in consultation with the community.

3.66 While not everyone will share the same vision, the Council needs to work together to come to a collective understanding and then ensure there is an agreed consensus to deliver those plans for the people of Easton. It needs therefore as a matter of priority to set up a ‘task and finish’ group with set deadlines to resolve issues around the playing fields and develop working propositions to be put to the community; and on a slightly longer time-frame do similar on the wider Village Plan. This “task and finish’ group should have clear terms of reference from the council as to its membership, scope, timescale and most importantly areas for delegated decision making and route for reporting.

3.67 As part of this work we consider that the Council should refresh its relationship with the community. It is always a difficult issue for any council at this level and with limited resources to ensure it is sufficiently strategic and engaged with its community, but we think the Village Plan showed that the Council is capable of such engagement and it is particularly important given current circumstances that Easton is seen to consult widely on its future priorities and to have engaged as fully as possible with the community about its work so that it is clear what the community as a whole wants rather than one or two more engaged individuals. The Council should consider how this relationship is best nurtured – for example through one or a series of open days where the community are invited to help shape priorities and agree objectives.

3.68 Any plan developed must then be accepted as the plan for the Council but must be properly costed and resourced appropriately.

### **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.**

**R22 The Council should develop a project plan to review implementation of the Village Plan**

**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**

3.69 We believe that all councils should be aspirational and demonstrate to their public that they are working effectively. We think this is particularly important for Easton-on-the-Hill Parish Council in future given the issues it has faced. In our view there is no reason why, once it has developed a deliverable strategy, Easton should not be capable of becoming an outstanding council for its size and receiving external validation for its work. We therefore recommend that the Council chair and clerk actively seek opportunities on behalf of the Council to learn from and share best practice with outstanding councils in their vicinity. A good starting place would be to look at local councils in the Northamptonshire and Lincolnshire areas who have been recipients of the Local Council Award Scheme – information on this is available from NALC and the County Associations.

### **Recommendation**

**R24 The Council chair and clerk should look to learn from and share best practice with outstanding local councils.**

### **G. Monitoring of this plan**

3.70 While these recommendations are a matter for Easton-on-the-Hill Parish Council, we feel it is important that they are accountable for ensuring that these

actions are considered properly and, where appropriate, followed. We therefore think East Northamptonshire Council needs to be able to monitor progress. Whilst the District Council does give valuable support to Easton, this support comes at a price in terms of time and resources and there has been considerable investment of council tax payer's money in this review. It is important that in due course Easton's demands on officer time at East Northamptonshire are substantially reduced.

3.71 The Parish Council's first steps should therefore be to review and prioritise these recommendations and share its implementation plan with East Northamptonshire. Some of the recommendations need urgent action to get business back on an even keel but should be relatively straightforward – for example, the review and adoption of recommended policies; others have a longer-term output but are strategically important. We have not put deadlines on the recommendations but the Parish Council should meet and agree an overarching action plan to put these recommendations into place.

### **Recommendations**

- 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.**
- 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.**

## **Appendix A**

### **Summary list of recommendations**

- R1 The Council should develop a comprehensive and ongoing training and development strategy.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.

- R11 The Parish Council should consider a process for recording or filming of future meetings.**
- 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.**
- R13 The Council needs to adopt a Disciplinary and Sickness and Absence Policy for the Clerk.**
- 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.**
- R15 The Council needs to adopt an agreed policy on reporting of fly-tipping.**
- R16 The Council needs to review its scheme of delegation to ensure it is working as efficiently as possible.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- R22 The Council should develop a project plan to review implementation of the Village Plan**

- 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**
- R24 The Council chair and clerk should look to learn from and share best practice with outstanding local councils.**
- 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.**
- 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.**