

WEST DEAN PARISH COUNCIL

MINUTES OF A MEETING OF THE GOVERNANCE & SCRUTINY COMMITTEE HELD AT 11:00am on Tuesday 15th November 2022

PRESENT: COUNCILLORS S Francis (Chair), J Richmond, S Dunford, B Evans & S Yeates

A member of the public was also present.

The Clerk & Deputy Clerk were in attendance.

5. Scrutiny - taken out of sequence

Public Forum 11am – 11.35am

The member of the public attended the meeting to discuss the scrutiny of the Dean Forest Greenway and the planning application that had been submitted. They detailed several issues and questions that were felt to have not been answered when previously raised.

The member of the public also made several unsubstantiated claims about elements of the project and its management for which they were challenged regarding the veracity thereof.

There was further discussion around the series of questions and concerns posed and additional discussion about the project moving forward once a planning decision had been made by FODDC. A key element was the process by which the decisions could be actioned, and it was proposed that a process be developed to safeguard the clerks and council until the project moves into its next phase.

A point of order was raised several times to move the business of the meeting on and the public forum closed at 11.33am. The member of the public left the meeting as did Cllr Yeates.

Following this there was a discussion by those remaining in attendance about the concerns raised and how these could be answered, the Chair asked for these to be shared with all councillors and recommended to Full Council that responses be prepared as required to answer these concerns. *Prepared questions from the member of the public will be forwarded to the Chair of the DFG Steering Group for consideration and the draft response will be agreed by DFG councillors prior to responding to the member of public.*

There was also discussion about how the project could begin moving into the next phase of the process and develop all the documentation required for it to move forward to construction.

The meeting made the following recommendation:

'That Mrs E Highfield and Mrs S Freeman be invited to the next Governance & Scrutiny Committee, to be held on Thursday 17th January 2023, to discuss what they think are the next steps for this project and discuss how WDPC can work in partnership with the steering group members and the community on the next phase of the projects development once a planning decision has been notified.'

This discussion will be about the plans, procedures and phases of the project following planning approval to its final construction and opening, as well as the setting up of a new committee to include the members of the Steering Group and the community.

1 Apologies

A Bruce, J Dale, & A Grant

2 Declarations of Interest

None received

3. Minutes of last Meeting.

The minutes were agreed as an accurate record of the meeting.

4. Review of Council Procedures and Documents

The lines of responsibility of all WDPC Committees were discussed and clarified. Prior to the meeting the Clerk had made checks for any updates to legislation.

The Committee agreed to pass the following documents En-bloc to Full Council for final approval and ratification via a vote.

- Data Protection Policy
- Equalities & Diversity Policy
- Disciplinary Policy
- Communications Policy
- Grievance Policy.

All councillors need to note that committees can only make recommendations to Full Council for their final approval and ratification via a vote.

Code of Conduct – this was discussed in more depth following recent events. SD wanted to strengthen Clause 9 of the Code of Conduct in respect of the Monitoring Officers decisions and how Council should implement any decision notice issued by the Monitoring Officer.

SD suggested that three new sub-clauses be added to the Code of Conduct, this being:-

Suggested revision

Current Clause 9 wording below:

- 9. Alleged breaches of the Code will be investigated by the Monitoring Officer. If the allegation is proven there are no powers conferred on the Monitoring Officer to impose sanctions such as suspension, or a requirement to undergo training or to issue an apology.**

All that can be done is to censure the member and make recommendations to the Parish Council which the Parish Council is under no obligation to accept.

Clause 9 is at odds with 5.8.4 which states you “comply with any sanctions”

Suggest that we add :

Notwithstanding Clause 9 this Council will refer.

9a. Councillor’s attention to clause 5.8.4 below

9b. Any sanctions and recommendations made by the Monitoring Officer to the Parish Council shall be referred through the Proper Officer to the Chairperson of the Council. Such sanctions and recommendations will remain confidential until the actions set out in 9c are complete.

9c. The Chairperson of the Council will take such steps as necessary, working with all concerned to reach an understanding so that all sanctions and recommendations as suggested by the Monitoring Officer are adhered to and followed, within a suitable timeframe.

9d. Should the Councillor(s) not comply with the recommendations and sanctions suggested by the Monitoring Officer, then the Chairperson will inform the full council of the matter, and this will be recorded in the minutes.

The Clerk advised of a NALC briefing note that concerned the use of other policies rather than the Code of Conduct regarding Councillor conduct complaints
[55.4- Ledbury-Decision.pdf \(haytonparishcouncil.org.uk\)](https://haytonparishcouncil.org.uk/55.4-Ledbury-Decision.pdf)

JR brought to the attention of the committee members to the problem of there being no Right of Appeal for Councillors in cases of decisions by a Monitoring Officer. SF added that there was no Right of Appeal regarding complaints made by members of the public either.

The meeting recommended that:

‘The Clerk research who the Council should contact to lobby for a change that gives Monitoring Officer more power to sanction members who break the Code of Conduct’

6. Next Meeting

The next meeting will be held on Tuesday 17th January 2023 at 11.00am at the West Dean Centre.

The policies to be reviewed include:

- Standing Orders
- Procurement Policy
- Safeguarding Policy
- Whistleblowing Policy