

Hoey Ainscough Associates Ltd

Supporting Local Governance

**REVIEW OF GOVERNANCE OF ECCLESFIELD PARISH COUNCIL:
September 2018– January 2019**

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Background summary

- 1.1 Ecclesfield Parish Council is a council in the area of Sheffield City Council. The population of the parish is around 40,000 people. The parish council has 15 councillors who represent six wards. 14 of the current councillors were elected either in May 2015 or at subsequent by-elections, with the fifteenth member being co-opted in September following a casual vacancy. This was the first co-option onto the parish council for many years.
- 1.2 Unlike most other town and parish councils in England, Ecclesfield parish councillors tend to represent political parties and on the whole sit in political groupings. This means elections are keenly contested, hence the previous lack of co-options. Five of the Council represent the Labour Party, six (including the co-opted member) are Liberal Democrats, two stood as UKIP councillors and the remaining two stood as independents. The current Council's term of office began in May 2015 and will end in May 2019.
- 1.3 The Parish Council has a Clerk and three other members of staff. The clerk is contracted for 25 hours per week and total staffing hours are 87 hours per week. The current clerk is new to the post, her appointment having been approved by the Full Council in September. She is the fourth clerk this year, following the retirement of a long-serving predecessor and a series of clerks who were only in post for short periods.
- 1.4 The chair of the Council was appointed to the chair at 2018's Annual Meeting and will serve as chair until the elections in May. He is a Labour party councillor and also chairs the Council's Finance Committee.
- 1.5 Relationships within the Parish Council have become strained over recent times, with difficult working relationships in particular between certain members and between the staff and certain members. This led to a number of Code of Conduct complaints. 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 parish council. Internally, this has led broadly to the Independent 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 City Council; and at the same time a small number of residents and councillors raising concerns about the way the Council is run on an active local Facebook group. In turn, other members and staff have raised concerns that the approach of the Independent members has been unconstructive, disrespectful and involved unwarranted personal attacks.
- 1.6 According to the majority of people we spoke to these differences are sometimes made very forcefully in meetings (including from members of the public at meetings) but also through persistent correspondence and on social media. 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 Sheffield City Council about alleged member misconduct in particular, and has also meant that the Parish Council collectively has become frustrated in the way business is conducted. Sheffield City Council approached us initially in July 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 in September.

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 City 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 Sheena Spence, the chief officer of the Yorkshire Local Councils Association who 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 City 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 City Council's Independent Person 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 two days 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 other officers 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 Ecclesfield Parish Council and Sheffield City Council setting out ways in which the Parish Council could move forward.

2.3 The meeting for phase one was held on 18 September 2018. The questionnaire for phase two was subsequently developed and open for responses through to the end of October. In total, we had 19 responses to the questionnaire.

2.4 We then spent two days speaking to individuals from Ecclesfield as phase three of the work on 12 and 14 November, together with three conference calls 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 December.

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 though references may inevitably be made to the chair or clerk as key individuals within the Council. The Council may therefore 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 Ecclesfield Parish Council, together with the monitoring officer of Sheffield City Council and the chief officer of the Yorkshire LCA on the evening of 4 December 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 lack of 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 between some members and the staff, characterised by mistrust, suspicion, disrespectful behaviour and a limited ability to have any constructive dialogue at some meetings or in correspondence between meetings;
 - c) weaknesses in certain aspects of governance in the Council, in particular in the way meetings are conducted, committees are organised and staff are managed; and
 - d) the lack of a long-term strategy for the parish
- 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 when a new councillor has been elected or co-opted but even more experienced councillors need to have their knowledge refreshed and be kept up-to-date with changing requirements and practice. We felt that councillors at Ecclesfield had received little training in the past specifically about their role as a parish councillor and 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 Ecclesfield 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. There needs to be a recognition that a parish council is different both in form and function from a principal authority and that the role of a parish council is very different from that of a principal authority. By law a principal authority has to have a leader, often with individual executive decision-making power. At parish council level there is no role of Leader and no individual councillors have decision-making powers. There is therefore more of an emphasis that a parish council should work collectively rather than as distinctive party groupings, while recognising that people will always have some shared values and political differences.

3.10 We therefore remind the Council that by law (and unlike at principal authority level) parish council premises cannot be used for party political purposes, such as the holding of group meetings but all members have the same rights of access to the parish council in line with an agreed policy which balances a member's rights with that of staff to be able to get on with their work.

3.11 Any document setting out role descriptions and expectations for members should therefore 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.

3.12 As a signal for the future that the Council wishes to work collectively and recognises that all councillors are equal in status in terms of participation and decision-making, the Council may therefore wish to consider where members sit in a meeting and whether there should be a greater mixing of councillors away

from traditional party blocks to signal a more collective working arrangement going forward. This could help to stop some of the disruptive behaviour and antagonism we discuss below and also send a positive signal to the public that all councillors represent all the community.

3.13 We therefore think 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. The Yorkshire Association has offered to support Ecclesfield in putting together such a programme.

3.14 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 in association with the Yorkshire Local Councils Association.

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 on member access to council offices and how seating is arranged to encourage collaborative working

Role of the clerk and staff

3.15 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.

3.16 We believe the current clerk has the skills and attributes to carry out her role effectively and gives the council sound support. However, as with all parish

councils, staffing resources as a whole are necessarily limited and therefore need to be deployed as effectively as possible.

- 3.17 This is entirely appropriate for a parish council but all councillors need to recognise that this means office time is inevitably limited so must be used to maximum effect. The Parish Council should therefore ensure that staff are not over-burdened, that the workload is sustainable and that they ensure they fulfil their duty of care to them. 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 are the staff's employer and therefore each individual councillor has responsibilities to ensure that the staff have a reasonable working environment and are 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.
- 3.18 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 staff workloads, and there was no clear understanding of what contact with the clerk or other officers was appropriate on a day-to-day basis nor that individual members should not set work priorities for the clerk.
- 3.19 The clerk seemed to be asked to respond to a lot of emails and correspondence making very detailed comments and requests for information. There is of course nothing that can be done to stop emails being sent and members and the public do have the 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 on 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
- 3.20 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. The Council'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.

3.21 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.

3.22 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.

3.23 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.

3.24 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 staff to be able to operate within their 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.

3.25 We also believe it would help the Council and staff 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.

- 3.26 Obviously line management is an important part of the Council's duty of care towards the clerk and staff generally. Again, as with many parish councils, there are obviously some line management issues with 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 it is seen to be professional.
- 3.27 The Council should review its performance appraisal system to ensure that it measures performance against targets with a view both to helping staff develop and ensuring they are remunerated appropriately. The Yorkshire Association 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.
- 3.28 Once the Council has reviewed its long-term strategy (see below) and put in place a schedule of work for staff, it should review its staffing structure to ensure it is sufficient to meet the Council's needs.

Recommendations

- R4 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.**
- R5 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.**
- R6 The Council and the clerk should agree a work schedule to ensure that staff's limited availability is focussed and that there are realistic expectations on their time.**
- R7 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.**
- R8 The Council should ensure that there is an appropriate performance appraisal framework in place for the clerk and other staff which supports their development and ensures performance is rewarded**

accordingly and there is a clear route for the clerk to raise staffing issues.

R9 Once the Council has set a long-term strategy it should review whether its current staffing structure is in line with that strategy and able to help the Council deliver it

B. Behaviour

3.29 The principal reason that we were asked by Sheffield City 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.

3.30 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.

3.31 Our experience from working with the councillors and observing the Parish Council is that there is a high level of animosity between certain councillors and between some councillors and staff which is holding the Parish Council back. Some of that animosity has spilt over into questioning the legitimacy of the clerk's appointment as well as the capabilities of the clerk and staff. This has seemed in the past to have gone beyond legitimate questioning and the staff have 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 or for either side to listen to what the other is saying. These comments are made in meetings and through correspondence and posts on social media. 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.

3.32 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 staff do their 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.

3.33 From what we saw all councillors are keen to engage in improving the way the Council is run and recognise that there have been problems. However, if councillors are indeed serious about bringing about the change that is needed they must 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.

3.34 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.

3.35 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. However, where councillors raise concerns in a constructive way and propose ways forward these should not be dismissed out of hand as has occurred at times in the past. 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 and listen to what each other has to say rather than having the default setting that what another side says must be wrong or driven by an ulterior motive.

3.36 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 and work together to ensure 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 and 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 Ecclesfield though we do address certain specific issues elsewhere in the report.

3.37 We are also satisfied that the clerk's appointment was legitimately made. While the sub-committee which dealt with the appointment was held without the requisite notice required by the Council's Standing Orders that does not of itself invalidate the decision and the appointment was formally ratified in any case at September's Full Council and the Council has since entered into a legally-binding employment contract with the clerk. Members should therefore drop their questioning of the clerk's legitimacy and work with her to improve the Council if the Council is to move forward. However, the Council should also ensure that future sub-committees and committees are properly convened in accordance with Standing Orders.

3.38 All councillors we spoke to and met had the best interests of Ecclesfield at heart and, while their view of what was best for Ecclesfield 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.

3.39 There also seemed to be too much 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 the City Council or the Yorkshire Association 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.

3.40 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 and on social media reflected very badly on the Council. We think some councillors would be surprised at how they came across and how meetings were conducted if they could observe them.

3.41 We know that some of the meetings have already been recorded by individuals and extracts posted on social media 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 operates and 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, and they may need to work with the City Council and/or the Yorkshire Association 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 as well as being an aid to transparency.

3.42 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.

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

RECOMMENDATIONS

R10 All councillors should give an 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.

R11 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.

- R12 Where advice is needed from the City Council or the Yorkshire Association on procedural matters this should always be done through the clerk.**
- R13 The Parish Council should consider a process for recording or filming of future meetings and make this policy available to the general public.**
- R14 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

- 3.44 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.
- 3.45 Overall, we found that while some key policies were in place they were not easily accessible to the public through the website and there were some out-of-date policies and some significant gaps. The Parish Council therefore needs to do a review to ensure all its required policies and procedures were in place, up to date and easily available through the Council website above and beyond the specific ones we have mentioned in this report. The Yorkshire Association has agreed to support them with this to ensure that they conform with good practice.
- 3.46 We did identify a couple of gaps in particular where we thought significant policies were missing. These were a Disciplinary and Grievance Policy, an Equal Opportunities 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 Yorkshire Association as a building block as being fit for purpose.
- 3.47 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 Yorkshire Association to find appropriate models for their circumstances.
- 3.48 The Council should also revisit its grant giving policy as this appears to be a bone of contention within the Council. Town and parish councils are ideally placed to help and support local initiatives, and the Council may wish to consider, for example, having a cut-off date for all applications, say twice a year, and to

consider all applications on an equal basis, and reporting to Council on whether there has been as equitable as possible a geographical spread across the wards. As part of its policy it should also actively work with local groups to ensure they understand the application process and are helped to have bank accounts, constitutions and any other requirements. They may also wish to look at participatory budgeting as a way of funding projects.

3.49 The Council also needs to have a robust social media policy in place. It is important that councillors and parishioners recognise what is permissible and within the realms of appropriate comment, and agree how, for example, Facebook, Twitter, and the Council's own website could be used as effective and informative channels of communication by the Council itself.

3.50 We believe the Council's financial systems need to be modernised. We know the clerk is already looking at appropriate programmes to use for financial information management and this should be addressed as a priority. One of the key roles of a parish councillor is to ensure that public money is being appropriately spent and they therefore need to be able to scrutinise the Council's finances appropriately. The clerk also needs to ensure therefore that, where financial information is to be discussed at a meeting, that councillors are given clear information in advance of the meeting to allow them to carry out their scrutiny function.

3.51 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.

3.52 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 or she 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 or she has to demonstrate why sight of the document(s) or receipt of the information in question is necessary to enable him or her to perform his or her 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.

3.53 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.

3.54 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.

3.55 The Council has two main committees. For effective day-to-day working there is appropriate delegation to the clerk. All other decisions are made by Full Council. However, we feel there was a lack of clarity around delegation and which body was delegated to do what. We therefore think there needs to be a review of the scheme of delegation and collective agreement and understanding of how it operates and that the scheme of delegation should be reviewed annually.

3.56 We should also point out that, unlike at principal authorities, appointments to parish council committees are not made following the 'political proportionality' rules. Instead, appointments to committees should be by merit, matching skills and time commitment to the requirements of the committee and that all councillors should have the opportunity to serve on one main committee. The committee size should also be in proportion to the size of the Council so that it is not simply a re-run of a Council meeting but allows for more detailed discussion. We should also point out best practice (and time constraints) say that the Chair of the Council should not also chair a Committee as there needs to be a separation of duty to ensure matters are properly scrutinised.

3.57 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.

3.58 We suggest finally in this section that, if the Council does not already have a 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

- R15 The Council needs to review whether it has all appropriate and up-to-date policies in place and in particular adopt a Disciplinary and Grievance Policy, an Equal Opportunities Policy and a Sickness and Absence Policy, and ensure that policies are available on the website.**
- R16 The Council needs to review its Grants Giving Policy and satisfy itself that it is fair and equitable and supports those wishing to apply for funding**
- R17 The Council needs to adopt a Social Media Policy which would cover both appropriate use of social media by individuals and the Council's own approach to social media as an organisation**
- R18 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.**
- R19 The Council needs to review its scheme of delegation to ensure it is working as efficiently as possible and that scheme should then be reviewed annually. This should include a review of committee membership to ensure all members are able to participate equally**

D. Meetings

- 3.59 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.
- 3.60 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.
- 3.61 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.

- 3.62 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.
- 3.63 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 could be allowed discussing certain issues, 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.
- 3.64 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 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.
- 3.65 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 a 5 minute maximum speaking time per person, and the entire public time session lasts no longer than 10 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.

3.66 Likewise an explanation of the recording of public meetings again should outline what is permissible. The Openness of Local Government Bodies Regulations 2014 gives members of the public the right to report on Parish Council and Committee meetings. Unless the Council or Committee has resolved to go into confidential session anyone has a right to record by audio and/or visual means. Good practice would see the following caveats

- *The persons being recorded will be restricted to elected members and officers of the council unless non-members and officers have agreed. In the case of children or vulnerable persons agreement must be sought from the parent or guardian.*
- *All recording must be overt - i.e. visible to anyone at the meeting.*
- *Any persons recording the meeting are advised to obtain permission from members of the public present before publicising material that identifies members of the public.*
- *Such rights as accorded in the legislation do not extend to recorded material being used in a way that it misinterprets the proceedings or in a manner that misinterprets the views of those speaking at the meeting.*
- *Only the official signed minutes of the Council and its Committees will be recognised as the formal, statutory and legally binding record of the meeting.*

3.67 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.

3.68 There also needs to be a greater understanding of how motions to move to next business or that a member be no longer heard can be used to ensure business is got through effectively where discussions are proving difficult to manage.

Recommendations

R20 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.

R21 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.

R22 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

3.69 While Ecclesfield Parish Council has delivered on a number of projects for the community over recent years, we did not see any evidence of long-term strategy for the Council. Its lack of capacity, confusion over roles and in-fighting has meant that the Council has no real sense of long-term purpose. We saw no evidence beyond very broad statements of desire of what the purpose of the Council was other than a mechanism for delivering community grants and running projects. None of this constituted a measurable or costed action plan to improve the town. This lack of strategic direction has had two effects. It has left the Clerk and officers unclear about their role or what they are meant to be achieving beyond the day-to-day. And it has left members free to pursue certain projects without a wider context – almost acting as pseudo-officers in the absence of guidance or strategic direction.

3.70 We therefore believe the Council needs to put in place a strategic vision which looks at what it wants to achieve over the next 5-10 years, with realistic aims, financial planning and milestones. This needs then to be matched up with the resources needed to deliver that vision.

3.71 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 that plan for the parish. Realistically this long-term planning will need to come after the election and be a way of setting the parameters for the lifetime of the next Council. If ongoing personal differences within the Council persist this may have to be facilitated with external support and the Council may wish to discuss this with the Yorkshire Association but we would hope that the Council will have moved forward sufficiently by May that they could work independently.

3.72 Although there are elections upcoming in May so the current Council would not want to bind an incoming Council with a particular direction we think nevertheless the Council should at least be putting a methodology in place which will allow its successor council then to develop quickly a plan for Ecclesfield, working with key local partners as appropriate.

3.73 As part of this we consider that the Council should strengthen its relationship with the community by developing a shared vision and strategy for delivering priorities. 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 it particularly important given current circumstances that Ecclesfield is seen to have consulted widely on its priorities and to have engaged as fully as possible with the community about its work. While the upcoming elections will give an opportunity to engage with the electorate directly about the future of

Ecclesfield, beyond that the Council should therefore consider how these concerns are best addressed after the election – for example through one or a series of open days where the community are invited to help shape priorities and agree objectives.

3.74 As part of this drive to promote the profile of the Council there is no reason why council meetings cannot be held in different geographical locations on a rotation basis. This might encourage more and different members of the public to attend, and help promote the visibility of the council, but would need of course to be based on availability of suitable venues.

3.75 Any Plan developed must then be accepted as the Plan for the Council but must be properly costed and resourced appropriately as discussed in our section on Officers above.

Recommendations

R23 The Council should work to put in place a methodology to allow an incoming Council to develop a strategic plan for its term of office, to be agreed by the Council collectively.

R24 After the May elections the new Council should develop a fully costed and resourced long-term strategic plan for the parish

R25 The Council should engage with the community in developing its long-term plan and should review its communication strategy in conjunction with the public to evaluate its effectiveness and ensure that the public understands the work of the Parish Council, is engaged in developing a vision for Ecclesfield and is able to participate more fully in local decision-making.

R26 The Council should consider having meetings in different neighbourhoods within the parish as part of its community engagement strategy

3.76 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 Ecclesfield 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, Ecclesfield 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 work with the Yorkshire Association to look at local councils in the area who have been recipients of the Local Council Award Scheme.

Recommendation

R27 The Council chair and clerk should look to learn from and share best practice with outstanding local councils.

F. Monitoring of this plan

3.77 While these recommendations are a matter for Ecclesfield 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 Sheffield City Council needs to be able to monitor progress. Whilst the City Council does give valuable support to Ecclesfield, 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 Ecclesfield's demands on officer time at Sheffield are substantially reduced.

3.78 The Parish Council's first steps should therefore be to review and prioritise these recommendations and share its implementation plan with Sheffield. This initial implementation plan should be drawn up within six weeks of the report. 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 over-arching action plan to put these recommendations into place.

Recommendations

R28 Where Ecclesfield Parish Council needs to use external support to comply with these recommendations, they should consult with Sheffield City Council and the Yorkshire Association before agreeing such support to ensure they have considered all the options and are obtaining expert advice at value for money.

R29 Ecclesfield Parish Council should develop an initial implementation plan within six weeks of the report which should be shared with the monitoring officer of Sheffield City Council. They should also report on their progress in implementing this action plan to the monitoring officer 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 in association with the Yorkshire Association of Local Councils.
- 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 on member access to council offices and how seating is arranged to encourage collaborative working
- R4** 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.
- R5** 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.
- R6** The Council and the clerk should agree a work schedule to ensure that staff's limited availability is focussed and that there are realistic expectations on their time.
- R7** 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.
- R8** The Council should ensure that there is an appropriate performance appraisal framework in place for the clerk and other staff which supports their development and ensures performance is rewarded accordingly and there is a clear route for the clerk to raise staffing issues.
- R9** Once the Council has set a long-term strategy it should review whether its current staffing structure is in line with that strategy and able to help the Council deliver it
- R10** All councillors should give an 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.

- R11 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.**
- R12 Where advice is needed from the City Council or the Yorkshire Association on procedural matters this should always be done through the clerk.**
- R13 The Parish Council should consider a process for recording or filming of future meetings and make this policy available to the general public.**
- R14 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.**
- R15 The Council needs to review whether it has all appropriate and up-to-date policies in place and in particular adopt a Disciplinary and Grievance Policy, an Equal Opportunities Policy and a Sickness and Absence Policy, and ensure that policies are available on the website.**
- R16 The Council needs to review its Grants Giving Policy and satisfy itself that it is fair and equitable and supports those wishing to apply for funding**
- R17 The Council needs to adopt a Social Media Policy which would cover both appropriate use of social media by individuals and the Council's own approach to social media as an organisation**
- R18 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.**
- R19 The Council needs to review its scheme of delegation to ensure it is working as efficiently as possible and that scheme should then be reviewed annually. This should include a review of committee membership to ensure all members are able to participate equally**
- R20 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.**

- R21** 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.
- R22** 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.
- R23** The Council should work to put in place a methodology to allow an incoming Council to develop a strategic plan for its term of office, to be agreed by the Council collectively.
- R24** After the May elections the new Council should develop a fully costed and resourced long-term strategic plan for the parish
- R25** The Council should engage with the community in developing its long-term plan and should review its communication strategy in conjunction with the public to evaluate its effectiveness and ensure that the public understands the work of the Parish Council, is engaged in developing a vision for Ecclesfield and is able to participate more fully in local decision-making.
- R26** The Council should consider having meetings in different neighbourhoods within the parish as part of its community engagement strategy
- R27** The Council chair and clerk should look to learn from and share best practice with outstanding local councils.
- R28** Where Ecclesfield Parish Council needs to use external support to comply with these recommendations, they should consult with Sheffield City Council and the Yorkshire Association before agreeing such support to ensure they have considered all the options and are obtaining expert advice at value for money.
- R29** Ecclesfield Parish Council should develop an initial implementation plan within six weeks of the report which should be shared with the monitoring officer of Sheffield City Council. They should also report on their progress in implementing this action plan to the monitoring officer in 6 months and again in 12 months after the date of this report.