

Hoey Ainscough report - Update to Northumberland County Council Standards Committee

Background

1. Members who served on the council during the period 2013-17 will be aware that Northumberland County Council paid for a report by Hoey Ainscough Associates, looking into the culture and operation of the council.
2. Reports have been received by council on a number of occasions since the report was received in the autumn of 2016, and a number of steps have been taken by council to address the issues arising from the report. It is your Town Clerk's view, endorsed by council, that all the major issues arising from the report have been addressed.
3. The Town Clerk has been invited to attend a meeting of NCC's Standards Committee, who work closely with the County Council's Monitoring Officer with regard to parish and community councils, and the conduct of their elected members. The committee have requested a written report with relation to progress at Berwick Town Council, having previously received verbal updates from the Town Clerk.
4. It is important to note that there is no clear statutory definition of the role being assumed by NCC; the report prepared by Hoey Ainscough went far beyond issues of councillor conduct, and passed comment on issues such as the keeping of records, management of meetings and the quality of decision making. It would be wrong not to note that there has been no shortage, in its history, of reports into the management of the business of Berwick Town Council.
5. The receipt of the Hoey Ainscough report came in close proximity to the appointment of an Interim Town Clerk who is now the permanent Town Clerk. Many of the issues raised in the Hoey Ainscough report were also identified by the new Town Clerk, and have been addressed.
6. Examples are the focus on decisions being made on the basis of written reports to council or committee, and the insistence on minutes being an accurate record of decisions made, not an account of the meeting. It is important not to overlook the substantial progress council has made; an annual audit was successfully completed, and two lawful budgets have now been set, with increasing levels of public consultation and openness. Council is able to conduct its business in public, in an atmosphere where members of the public routinely contribute to debates and via public question time, and where it is increasingly using online consultation tools to bolster its decision making.
7. Similarly, council has moved to a much clearer and more transparent system of accounting, setting aside previous practices that meant substantial sums of income were not reported or accounted for in an appropriate fashion.
8. Nevertheless it would be inappropriate not to record that there is much still to be done. By way of example, a previous investigation into financial management at the council was well intentioned, and delivered by an individual of considerable standing as an auditor. It is somewhat unfortunate that the result of their work is a set of financial regulations that require the council to set a budget by 31st December, even though NCC's approach to setting the tax base means that council may not know its tax base until 19th December. Similarly, the same regulations require council to have its budget

fully profiled, a step that might be appropriate for a medium sized enterprise but which is burdensome, and hard to deliver, for a medium sized parish. However, it is reassuring to be able to report that council has resolved to undertake a review of its financial regulations in order to make them more fit for purpose, and fitting to the size of the organization. This is a good example of continuous improvement as opposed to crisis management.

9. A degree of contextual background is required in any discussion of past difficulties at Berwick upon Tweed Town Council. Many of the features of civil society in Berwick that contributed to previous difficulties remain the same. Local government in Berwick upon Tweed has undergone 10 years of change, with the creation of the Town Council being followed by local government reorganization and the move of Northumberland to unitary governance. Change is continuous, rather than episodic with the move to the North Tyne Combined Authority, complete with an elected mayor, effectively heralding the return of three tier local governance.
10. A short review of one of the key documents for the new combined authority reveals that Berwick was only mentioned once, and in a narrative rather than constructive sense. The feeling that Berwick is overlooked by remote governance structures is still commonplace, and founded in some part on experience. It is hard not to sense that some of the fractious nature of civil society in Berwick in the period 2013-16 was rooted in a justified sense that power was remote, diffuse, and not responsive to the needs of the town. Nevertheless in this, also, there is good news. The Town Council has contributed to the creation of the Berwick Regeneration Commission, a hybrid body made up of county and local councillors, and NHS representatives, intended to give direction and shape to the future of the town. The Town Council is also a supporter and contributor to the Coastal Community Team, and is represented on key regeneration project boards. There are still many outstanding issues, but there is a clear willingness to address areas of concern on the part of the Town Council and NCC.
11. In the area of councillor conduct, all the members in 2016 made a commitment to treat each other with respect, and it is clear that meetings, in general, are better conducted than previously, with the focus on clear agenda management and written reports enabling members to be aware of the structures they are working within.
12. Nevertheless there are still challenges to be met, and councillors are to be provided, in 2018, with refresher training on the Code of Conduct. It is clear that the code, rooted as it is in the Nolan Principles, needs re-framing in terms of examples and analogies that can help councillors understand both when they are acting as councillors, and what they should do. Most councillors know what the Nolan principles say, but find it more difficult to apply them in a fast moving and rapidly changing environment.
13. It is increasingly apparent that the Nolan principles were shaped by an author who did not need, and did not choose, to address the much more volatile environment of social media within which councillors are expected to operate. The number of voices addressing councillors has multiplied, and councillors need to be more sophisticated than ever before in filtering out those voices, not least because traditional methods of deciding which voices to trust are increasingly unreliable. How should a Town Clerk

advise councillors who have been tricked into endorsing fake news on facebook? In some cases we have succeeded, in 2017, in helping councillors withdraw inflammatory statements from social media, and we will continue to do so, but there is a paucity of guidance from both regulators (like Monitoring Officers and Standards Committees) and from the local and national representative bodies.

14. Our ambition, as a council, is not to prevent any Code of Conduct complaints against councillors. This would be, simply, impossible. Our goal is to conduct our business in such a way that disputes will not arise from the conduct of council business per se, and we believe we are moving towards that goal. In an environment where there is a large number of actors, both corporate and individual, it is not always possible to prevent controversy, and may not even be desirable. Controversy can, inevitably, lead to disputes, and strong emotions. To claim that we can prevent such occurrences is wrong, but we are taking every step possible to both minimize the risks and, via training, to make councillors aware of their responsibilities.
15. Similarly, internally, we have addressed past concerns about the support provided to staff by adopting a more robust system of appraisals and staff feedback sessions, and by appointing a line management committee for the Town Clerk to which concerns about relations with councillors and the performance of the clerk's duties can be taken. This is in keeping with the more robust and detailed approach being taken to the council's duties as an employer overall.

Recommendations

1. Members are invited to note the report of the Town Clerk, and
2. Members are invited to renew their commitment to treat each other, the staff of the council and members of the public they meet in the conduct of their duties, with respect.