

NORTHUMBERLAND COUNTY COUNCIL

COUNTY COUNCIL

At the meeting of the **County Council** held at Council Chamber - County Hall on Tuesday, 21 June 2022 at 2.00 pm.

PRESENT

B Flux (Chair) (in the Chair)

MEMBERS

C Ball
J Beynon
E Cartie
T Cessford
T Clark
W Daley
R Dodd
L Dunn
S Fairless-Aitken
J Foster
C Hardy
C Horncastle
I Hunter
P Jackson
S Lee
N Morphet
N Oliver
W Pattison
J Reid
M Richardson
G Sanderson
C Seymour
E Simpson
M Swinbank
T Thorne
A Watson
R Wearmouth

D Bawn
D Carr
G Castle
E Chicken
A Dale
S Dickinson
C Dunbar
P Ezhilchelvan
D Ferguson
L Grimshaw
G Hill
C Humphrey
JI Hutchinson
V Jones
M Mather
K Nisbet
K Parry
W Ploszaj
G Renner-Thompson
J Riddle
A Scott
A Sharp
G Stewart
M Swinburn
A Wallace
J Watson
R Wilczek

OFFICERS

Interim Monitoring Officer
Interim Senior Service Director
Senior Service Director and Director of
Education and Skills and
Joint Interim Director of Children's Services
Deputy Monitoring Officer
Acting Deputy Chief Executive
Service Director, Children's Social Care and

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Joint Interim Director of Children's Services
Head of Democratic and Electoral Services
Interim Executive Director
Communities and Business Development
Interim Executive Director of Finance and
S151 Officer

1 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Bowman, Bridgett, Gallacher, Lang, Murphy, Purvis, Robinson, Taylor, Towns and Waddell.

2 **DISCLOSURES OF MEMBERS' INTERESTS**

3 **REPORT OF THE ACTING DEPUTY CHIEF EXECUTIVE**

Report of the Governance Review Task and Finish Cross Party Steering Group

On introducing his report, the Acting Deputy Chief Executive referred to the Council meeting on 8 June 2022, when Max Caller and colleagues from SOLACE presented their Independent Governance Review Report, the content of which he felt came as a shock and surprise to many. Accompanying that report Members had considered a report of the Leader and Deputy Leader on the 'Caller' Review and agreed to form a cross-party Steering Group on a task and finish basis to consider the Council's response to the Review and its recommendations.

The Steering Group met within 7 days as agreed on 8 June and Council was today requested to consider their report. A copy of the 'Caller Report' was also recirculated.

The Acting Deputy CEO referred to the report as 'forward looking' and a start to Members and officers working together positively in the future. However, he recognised several issues in the report referring to these as how the Council works: the Constitution, Governance, HR procedures relating to previous cases, Financial Regulations and Delegations, many of which were easy to fix and were in hand already. Issues such as values and culture would take much longer to resolve. He commented that reasonable requests for information from the Leader which were contested, denied or delayed was unacceptable in any Council and should never be repeated in order to have an effective Council going forward. He also referred to the misunderstanding of the legitimate roles of Members and officers and that it should be made clear that the Council is a politically led organisation with Members setting the policy and officers delivering them. The Review was clear that the officer structure should be amended and shaped to meet the council's priorities.

He also stated that there were some appalling practices identified in the report, with inconsistent practices, local government legislation not being followed etc. Past members of staff had claimed this was so but had been ignored. Again, this needed a change in culture rather than just a review of the Constitution and Code of Conduct. A great deal of his time was currently taken up dealing with complaints which did not allow the Council to move on.

Turning to his report and the attached work plan, Members were advised that if agreed, further work would be carried out including identifying resources,

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timescales etc and reported back to Council at their meeting on 6 July. He then asked if a further recommendation could be added to the report as Recommendation 1 as follows:

Council is recommended to formally receive the report of the Independent Governance Review (the 'Caller' Report).

The Members of the Cross-Party Task and Finish Steering Group were then asked if they had any comments on the report or Work Plan.

The Leader stated he had nothing to add but remarked it had been a struggle to instigate the review and that the results were as he expected. He would seek to progress the recommendations quickly via the Action Plan and he was heartened that that for the Administration, governance had not been found at fault. He clarified that his previous comments about dismay and embarrassment were felt for all Members and staff and not because he was in some way guilty as inferred in the press. The report had identified areas of which he was not proud of but felt it had been worth taking the risk to commission the Review. He looked forward to cross party working going forward and hoped Members appreciated the detrimental effect that political point scoring comments could have on staff. He asked that all Members show leadership rather than engage in party politics.

Councillor Reid thanked those involved in the Steering Group and hoped that now the Council could move forward together.

Councillors Morphet, Wearmouth and Flux had nothing to add, and Councillor Kennedy had tendered his apologies. Councillor Dickinson and Simpson had not attended the Steering Group meeting but had confirmed their endorsement of the recommendations and actions to the Interim Service Director. Councillor Dickinson added he hoped a point could be reached where Members would want to come to a space where they could carry out the work they were elected to do. He was happy to work with others within the parameters of the report to get the Council back on track.

In proposing the recommendations as amended, the Leader emphasised that the Council was not failing; services provided were very good and staff first rate, but the report had identified issues which must be addressed.

Councillor Reid seconded the recommendations and Members moved to debate.

Councillor Hill expressed disappointment that the Administration had stated through social media that the opposition groups had abstained or voted against the report at the last Council meeting. This was inaccurate as today's meeting was the first opportunity to discuss and vote on the Caller recommendations. She was always happy to be challenged about how she voted but, in this case, the media reports were untrue. She agreed with the Caller recommendations and had information to back concerns raised by her about the Constitution, Disclosure Agreements and poor Governance but had been criticised for being negative. She did not however fully agree with the approach being taken and predicted that things would be no better, and possibly worse in a few months' time adding that if the recommendations were read in isolation without background knowledge it looked like a council with a few governance issues and an action plan to rectify

them. They did not reflect a council that the Caller report stated was 'dysfunctional and needed a fundamental reset'. She would have preferred to see a cross party Cabinet and a dedicated away day with mediators to bring together conflicting views. She expressed concern that a few issues such as a focus on the international work would be picked up and others such as Advance Northumberland ignored and felt people were still intent on covering tracks, personal vendettas and settling of scores. She added that the Administration had been in charge for 5 years but there was no contrition, apology or resignations and sought reassurance that the recommendations would reflect the serious problems of a dysfunctional council and ensure it would not deteriorate further.

In response, Councillor Ferguson referred to recommendation 10.2.6 of the Action Plan which referred to any company established under the provisions of the Localism Act 2011 and specifically mentioned Advance. He added that recommendation 10.2.7 referred to companies such as Advance. Regarding Councillor Hill's comments about personal vendettas etc. he referred to recommendation 10.2.5 and the redraft of the codes of conduct which sought to regulate Member and officer conduct and provide clear processes for complaints. He fully supported the cross-party recommendations and the comprehensive Action Plan which would ensure a well-run organisation.

Councillor Dale referred to recommendation 10.1 and stated that training was essential to establish what is required to be a best value council and to fully understand how the Council works. She agreed that a culture change could not happen overnight but called for integrity, honesty and good conduct and a stop to political games – for people to own up to mistakes and a halt to the blame culture. She agreed that staff were performing well but it was essential to have external challenge about what a best value council means. She asked Councillor Sanderson to take the lead and by all working together she hoped for a best value authority in a year or two.

Councillor Oliver welcomed the work done since the last meeting and felt optimistic about the future. He referred to the theme throughout the Caller report that systems and processes did not exist, were weak or incorrect or deliberately overridden. He asked what safety nets the Task and Finish group could consider apart from the elevation of the status of Monitoring Officer to remedy this. He also asked that any Member found to operate any anonymous Facebook pages or websites be severely dealt with and that this be included in the Code of Conduct.

The Acting Deputy CEO responded that the Monitoring Officer would lead on a review of the Constitution and operating practices and bear the above comments in mind. A new senior staff structure would be put in place in due course, but the Leader had agreed that a permanent Monitoring Officer be appointed urgently, and this was being addressed. This was not a reflection on the current interim MO, who had his full support.

Councillor Jackson commented that a small minority of councillors had brought issues to the attention of various Monitoring Officers over recent years, but most had been ignored. He saw this as a major institutional failure and added that most of the issues in the Caller Report were not new which was a shame. He referred to public whistleblowing complaints about the international business which was ignored by the then monitoring officer, external audit and the police. Regarding

culture, Councillor Jackson stated the Caller report referred to the NHS culture which is very different to that of local government but had crept into the organisation. He added there had been a lack of accountability and a group of senior officers who felt Members were not entitled to information. He remarked that Members set strategy and officers implement that strategy, but it is up to every Member to hold officers to account. He then referred to allegations of unlawful behaviours, reports of 'harrowing' treatment of former staff and warned that the Caller report was the tip of the iceberg with much worse to come, including unlawful payments to senior staff and unlawful appointments to senior roles. There had been adverse public reaction to the Caller report and the public wanted to know if any unlawful payments would be recovered and if any unethical behaviour would be reported to the police or professional bodies. Also, whether disciplinary procedures would be implemented if justified.

Regarding the entitlement of Members to information, the Acting Deputy CEO stated he had started with improvements and the regular briefing currently given to the Labour Leader, as Leader of the majority opposition group, would now be given to Leaders of all political groups. The other issues raised were not pertinent to this meeting and this was endorsed by the Monitoring Officer.

Councillor Bawn expressed support for the recommendations and was optimistic about the future. He agreed the Council had a lot to be proud of with amazing staff, services and councillors and a great Administration. He stated that the Caller report identified specific problems with the running of the Council, commenting that sadly 99% of which was attributed to how senior officers had allowed the situations to develop. There was no criticism of the political leadership in the report which made clear the herculean efforts and endurance of the Leader and Cabinet to get the review done. It was a criticism of incorrect processes exacerbated by certain people. He agreed it was necessary to work together to resolve the issues and get back to discussing political issues.

Councillor Dodd asked how progress would be monitored.

Councillor Reid commented that he had heard one or two comments in the meeting which seemed to be slipping towards a witch-hunt and advised that problems should be dealt with in an open, transparent way by explaining to others and discussing any problems. This was an opportunity to start again and conduct politics properly. He added that in the past couple of weeks, the situation had improved with members of all parties talking to each other and it would be a pity to drag the council back down to what he described as a 'cesspit'. He added that some may not see political blame in the Caller report, but it was clear throughout that Members should have been firmer with officers and sought disciplinary action in the correct way at the beginning in order to avoid the current situation.

Councillor Wearmouth agreed that culture was hard to shift but felt it was important for others to acknowledge the very challenging behaviours experienced towards the Administration. In order to go forward, it was essential to carry out a deep-rooted search and understanding into what went wrong. The Caller recommendations would go a long way to address some of the issues and a lot could be done simply, but there was a great deal to address. It was vital to create a local government culture which respected members and the Administration and understood the strong Leader model adopted by the Council, rather than an NHS

culture that was not suited to the Council. He added that the 'torture' of past staff could not be ignored, nor the curtailment of whistleblowing. A lot had been achieved, but there was still friction in the system. He asked that Members not only accept the recommendations but wholeheartedly understand them and, with officers, go on the journey together.

In summing up, the Leader echoed Councillor Wearmouth's comments about the challenging behaviours experienced and reiterated that the Council had committed staff and good services and much progress had been made for residents. Many councils shared some of the governance issues raised in the report and following various inspections, needed to revise their processes and practices. He therefore voiced objection to Councillor Reid's description of the Council as a 'cesspit' and called for corporate responsibility going forward. He added that many of the problems experienced stemmed from unacceptable behaviours but felt there were many Members happy to work together. He criticised a Member for 'poisonous' remarks such as 'dishonest' and suggested that they and a few other Members were disappointed that the Caller Report had not found fault with the political Administration except a distraction due to the senior management issues and were disappointed that Members and officers were now working well together in a much-improved environment. He referred to the period before the last election when a number of confidential documents were leaked, and targeted smear campaigns sought to besmirch the Conservatives and suggested some people were disappointed at the Conservative election success. He was confident that in six months, the Council would continue to be a great Council despite any criticism from anonymous Facebook pages.

In response to Councillor Dodd, the Leader stated he would welcome any challenge on progress and would seek a consultant to look at the Caller Report too.

Councillor Hill requested discretion to allow a right to reply to the Leader's comments which she felt were unacceptable. This was refused by the Business Chair who asked her to sit down and warned he would invoke a second of three warnings under para 19.3 of the Council Constitution. Councillor Hill asked the Business Chair to be impartial and allow her to respond to the Leader stating it was unacceptable for him to raise his voice and direct his comments in that way. The Business Chair again refused and asked Councillor Hill to refrain from speaking out and disregarding the Chair. Councillor Hill repeated her request to be heard and the Business Chair then issued Councillor Hill a second warning, reading out paragraph 19.3 of the Constitution warning that, if necessary, a motion would be voted on without discussion that Councillor Hill be not heard further.

The recommendations being moved by the Leader and seconded by Councillor Reid,

It was **RESOLVED** unanimously by a show of hands that:-

- (a) The Report of the Independent Governance Review (The 'Caller Review') be formally received.
- (b) The findings of the Caller Review Report be accepted.

(c) The Task and Finish Steering Group's initial proposed Plan of Action in response to the Caller Review and its recommendations be agreed.

(d) A further report be received from the Task and Finish Steering Group on 6 July 2022, the next ordinary meeting of the Council, setting out a more detailed timetable and assessment of resources required to implement the Caller Review recommendations.