

MISTERTON PARISH COUNCIL

Minutes of a meeting of the Strategic Review Committee, held in the Church Room on Tuesday 26th May, 2009

Present: Councillor I. G. Keat, Chairman. Councillors Adams, Batty, Brand, Burton, Flower, Harwood-Gray and Simmons

Nine members of the public were present

09/10/51 APOLOGIES

Apologies for absence were submitted by Councillors Marsden (work), Moffett (work), Taylor (work) and Wheewall (unwell).

09/10/52 DECLARATIONS OF INTEREST

The following standing declarations of personal interest were made:

Cllr. Adams	Joint Burial Committee NALC Northern Area Cttee. Misterton Adult Swimming Club	Parish Council Representative Substitute Rep. Secretary
Cllr. Batty	Charles Cooper Trust Joint Burial Committee Safer Neighbourhood Group MAP Ltd.	Parish Council Nominated Trustee Parish Council Representative Parish Council Representative Member
Cllr. Brand	Misterton Sports Social Club MAP Ltd. Joint Burial Committee NALC Northern Area Committee North East Bassetlaw Forum Primary School Governors Poors Fund Standering Charity Wells Charity Bassetlaw District Council Standards Committee Quality Councils	Member Member Chairman of Trustee Directors Parish Council Representative Parish Council Representative MAP Ltd. Representative/Chairman Governor Parish Council Nominated Trustee Parish Council Nominated Trustee/ Chairman Parish Council Nominated Trustee Parish Council Member Is reimbursed costs of delivery of Council publications
Cllr. Burton	MAP Ltd. Misterton Sports Social Club South-east Misterton The Newells Terrace Mgt. Co. Safer Neighbourhood Group Administration Amenities	Member Member Resident of the area Director Parish Council Representative Is reimbursed costs of purchasing various small items Carries out small jobs occasionally

Cllr. Flower	Joint Burial Committee MAP Ltd. Safer Neighbourhood Group South-east Misterton Amenities	Parish Council Representative and Chairman Trustee Director Parish Council Representative Resident of the area Carries out small jobs occasionally
Cllr. Harwood- Gray	Swimming Pool Committee Misterton Sports Social Club Parish Councils Liaison Committee	Parish Council Representative Member
Cllr. Keat	Poors Fund Standering Charity Wells Charity	Parish Council Nominated Trustee Parish Council Nominated Trustee Parish Council Nominated Trustee
Cllr. Simmons	Charles Cooper Trust MAP Ltd. Poors Fund Standering Charity Misterton Sports Social Club	Parish Council Nominated Trustee/ Chairman Member Parish Council Nominated Trustee Parish Council Nominated Trustee Member
All Members	Training, Etc.	Entitled to Travelling and Subsistence Allowances

Councillor Brand declared a prejudicial interest at agenda item 4 (Letter from a resident questioning the accuracy of the minutes of the meeting held on 10th March, 2009), as the letter referred to a matter about which she was currently the subject of a complaint to the Monitoring Officer, which Bassetlaw District Council Standards Committee had decided should be addressed by mediation. She left the meeting during consideration of that item, as did the Clerk voluntarily (author of the minutes).

All Members declared a prejudicial interest at agenda item 6 (Complaint to the Monitoring Officer by Mr. D. Wright about District Councillor Simpson), insofar as they were all affected by the decision of the Standards (Hearings) Sub-Committee, but did not leave the room (Liverpool Case).

All Members declared a prejudicial interest at agenda item 7 (Complaint to the Monitoring Officer by Mr. D. Wright about former Councillor White), insofar as they were all affected by the investigation report, but did not leave the room (Liverpool Case).

09/10/53

PUBLIC DISCUSSION RELATING TO AGENDA ITEMS

Pursuant to Minute No. 09/10/176(d) of September, 2007, a 15-minute public discussion was permitted on agenda items. This was introduced when the Parish Council adopted Paragraph 12(2) of the Misterton Code of Conduct. It allowed a Member with a prejudicial interest to make representations, answer questions or give evidence on a relevant matter prior to the matter being considered by the Committee, when the Member must leave the room. The same rights were afforded to the public.

Prior to opening the matter to discussion, Councillor Keat explained that he intended to recommend to the Parish Council at its next meeting that Misterton Code of Conduct Paragraph 12(2) Public Discussion in future be limited only to the Parish Council and General Purposes Committee proceedings. He considered that there was ample opportunity for the public to raise issues and that too much time was being taken up by allowing Paragraph 12(2) Public Discussion at all meetings.

He considered that it was important that there was a smooth run-up to the Parish Council elections in 2010, during which the Strategic Review Committee in particular would need all the time at its disposal.

He then opened the item to public discussion, of which the whole 15 minutes were taken up with agenda item 4 (Public Relations – Continuing Review). Continuing the theme begun at the first meeting of the Strategic Review Committee when the Parish Council’s public relations were heavily criticised, the Parish Council was now heavily criticised over Misterton Code of Conduct Paragraph 12(2) Public Discussion as follows:

- Councillor Keat’s proposal was said to amount to a “gagging order”.
- The Parish Council was accused of failing to make the operation of Paragraph 12(2) Public Discussion clear in its documentation.
- Whilst the Parish Council had originally permitted questions within Paragraph 12(2) Public Discussion, the recent decision to restrict the scope of the item to the precise requirements of Paragraph 12(2) should have been explained to the public.
- Some of the public attending meetings did not understand the scope of Paragraph 12(2) Public Discussion (Messrs. A. Stead and I. Trossell said that they did understand it, but remained critical for the above reasons).

Certain residents asked questions despite it being explained to them that questions were not allowed (as had happened at the previous meeting of the Committee) and were advised to ask them in the general public discussion period at the end of the next Parish Council meeting.

During the ensuing dialogue, Councillor Keat denied that his proposal amounted to a gagging order.

The Clerk suggested that anyone unsure of the scope of Paragraph 12(2) should call to see him at The Misterton Centre, when he would be happy to explain. Residents were not prepared to do this, however, and one resident said that she wished to speak to Members, not the Clerk.

Councillor Brand repeated the explanation given by the Clerk at the last meeting as to the reason for introduction of Paragraph 12(2) Public Discussion.

09/10/54 PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960

Resolved: That, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public be excluded, and they are requested to withdraw.

09/10/55 PUBLIC RELATIONS – PRELIMINARY REVIEW

- (a) Concern was expressed by a number of Members over certain hostility to the Parish Council. The view was expressed that Members freely gave their time in the pursuance of public service, and the treatment meted out to them was unacceptable. Service as a parish councillor at Misterton was becoming increasingly unpalatable and thankless, with the risk of few people being willing to serve in future.
- (b) Pursuant to Minute No. 09/10/32 of May, 2009, Councillor Brand made a suggestion regarding a possible way forward in an attempt to shape future public relations.

Resolved: That Councillor Brand and the Clerk be asked to carry out some preparatory work with a view to further discussion at the next meeting of the Strategic Review Committee

09/10/56 MINUTES OF THE MEETING OF THE PARISH COUNCIL HELD ON 10TH MARCH, 2009

Pursuant to Minute No. 09/10/20 of May, 2009, a letter was submitted from Mrs. A. Potter in which she said that Minute No. 08/09/485(b) of March, 2009 was incorrect. She asked, for reasons given, for it to be amended.

Recommended: That no action be taken, as the minute was correct.

09/10/57 COMPLAINT BY MR. WRIGHT TO THE MONITORING OFFICER ABOUT DISTRICT COUNCILLOR R. A. SIMPSON

The Clerk reported that the Standards (Hearings) Sub-Committee, on 28th April, 2009, decided that Councillor Simpson had written a personal letter to every member of Misterton Parish Council, the contents of which were inappropriate. As a result of this action he had shown a lack of respect to the members as required under paragraph 3 of the Bassetlaw Code of Conduct, and had conducted himself in such a manner as to bring his office and the Authority into disrepute contrary to paragraph 5 of the Code.

After due consideration, the Sub-Committee announced the following decision:

“The Committee has taken into account that Councillor Simpson has prior to the hearing already accepted that his action in sending the letter as he did was in breach of the Code of Conduct. The sanction should be that Councillor Simpson be censured and that he must write a letter of apology to all members of Misterton Parish Council, the wording to be to the satisfaction of the Standards Committee. Failure to do so within 28 days will result in a period of one month’s suspension from office.”

Councillor Simpson had since written the required letters, but approved by the Chairman of the Standards Committee as opposed to the Standards Committee.

Unfortunately there was no reference in his letters to his behaviour at the meeting of the Parish Council on 8th July, 2008, which had led to withdrawal of the privilege permitting him to speak during meetings, other than in the Public Discussion period.

The Clerk had drawn the attention of the Monitoring Officer to significant minuting errors, in particular the minutes of the meeting of the Standards Committee on 6th April, 2009, which referred to a letter from Tierney & Co., Solicitors, on behalf of Councillor Simpson. Tierney & Co. actually acted for Mr. Wright. The Monitoring Officer was not, however, prepared to correct the minutes.

Mr. Wright reported that he was extremely dissatisfied with the contents of the investigation for the following reasons:

- The circumstances surrounding Councillor Simpson's two interruptions of the Parish Council meeting of 8th July, 2009 were not properly investigated.
- Mrs. Dickinson's evidence to the Deputy Monitoring Officer was not properly represented, insofar as she told the Deputy Monitoring Officer that Councillor Simpson requested her to furnish him with a copy of the Misterton Code of Conduct, but not to tell the Clerk, but this was omitted from the report.
- The true reason for withdrawal of the privilege extended to Councillor Simpson to speak at meetings, namely his behaviour towards the Clerk during the meeting on 8th July, 2008, was not given in the report, and an incorrect reason was given.

The attention of the Deputy Monitoring Officer was drawn to the above failings at draft report stage, but he did not act on them. The failings, combined, led to the report concluding that there was no breach of the Code of Conduct in that respect.

09/10/58

COMPLAINT BY MR. D. WRIGHT TO THE MONITORING OFFICER ABOUT FORMER COUNCILLOR N. WHITE

Pursuant to Minute No. 09/10/33 of May, 2009, consideration was given to further developments.

There were currently three issues outstanding as follows:

- No reply had been received from the Chairman of the Standards Committee to the Parish Council's complaint about the damaging and defamatory content of the investigation report.
- The Monitoring Officer had refused to comment further on the discrepancy between correspondence on the outcome of the Standards Committee hearing and the minute. Furthermore, whilst in an email of

8th May, 2009 the Monitoring Officer said. *“the minutes have been approved and stand as they are”*, in a subsequent email of 20th May, 2009 she said, *“The minutes will be signed as a true and accurate record by the Chairman at the next Standards Committee meeting to be held on 8th June, 2009”*. The Clerk had now written to the Chief Executive in an attempt to clarify the matter.

- The Clerk had personally lodged a formal complaint under the District Council’s Complaints Procedure about the conduct of the enquiry, but had been informed by the Chief Executive that he wasn’t prepared to entertain the complaint. The Clerk had since enquired as to whether an appeal to the Local Government Ombudsman was available to him.

Resolved:

- (a) That, if an appeal to the Local Government Ombudsman was available, it be pursued in a letter by the Clerk and every member of the Parish Council damaged and defamed in the investigation report, if appropriate.
- (b) That the Clerk be authorised to take any appropriate action in order to bring this matter to a satisfactory resolution.