

**REVIEW OF GOVERNANCE OF BERWICK-UPON-TWEED TOWN COUNCIL:
July 2016 – November 2016**

**NATALIE AINSCOUGH
PAUL HOEY
HOEY AINSCOUGH ASSOCIATES LTD**

**ALAN TASKER
WILKIN CHAPMAN LLP**

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Background summary

- 1.1 Berwick-upon-Tweed Town Council is a council in the area of Northumberland County Council. It has 16 councillors who represent seven wards. It is a relatively new council having been formed in 2008 when Northumberland moved from a two-tier structure of principal local government to unitary status. The population of the town is around 12,000 people.
- 1.2 In common with many town and parish councils, Berwick-upon-Tweed Town Council councillors nominally do not sit in political groupings, although some members stood on a party political ticket at their election and are affiliated to political parties as disclosed on their registers of interest and past members have represented a political party as county councillors. The current council's term of office began in May 2013 and will end in 2017. The elections were contested although some members have been co-opted to fill vacancies.
- 1.3 The town council has a clerk and two members of staff – a finance manager and an assistant to the clerk. The interim clerk resigned early on in our process and a new interim clerk is in place on secondment from Northumberland County Council.
- 1.4 Relationships within the town council have become strained over recent times, with difficult working relationships in particular between certain members. These relationship difficulties seem to have their origins in political differences as well as personality clashes and disputes over the way the council is run, rather than a specific policy disagreement, although there have been some disagreements about specific policy issues which have exacerbated matters.
- 1.5 These differences are sometimes made very forcefully in meetings, in emails and through the media and social media. This has led to meetings being difficult to manage, becoming protracted and descending into strong disagreements as passions run high. This has made working relationships unmanageable and has led to the departure of the previous interim clerk and the resignations of several members of the council.
- 1.6 This has at times resulted in complaints being made to the monitoring officer at Northumberland County Council about alleged member misconduct in particular, and has also meant that the town council has become frustrated in the way business is conducted. Northumberland County Council approached us initially in April 2016 to discuss whether we could assist them in supporting the town council and seeking to help them move forward more constructively and effectively and we were formally commissioned to carry out this review in May 2016, starting work in June.
- 1.7 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 town 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. That said, during the course of our work we were copied in to a number of emails and made aware of a number of social media posts which highlighted

the difficult and acrimonious relationships between certain members so our report reflects our views on those matters.

- 1.8 The review team consisted of three people – Paul Hoey and Natalie Ainscough, who are co-directors of Hoey Ainscough Associates Ltd, and Alan Tasker, a consultant with Wilkin Chapman LLP working on behalf of Hoey Ainscough Associates for this review.
- 1.9 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.
- 1.10 Alan Tasker has over 19 years' experience of local government administration, specialising in ethical standards, constitutional issues and elections. He was the monitoring officer of East Lindsey District Council and head of administration and elections. After taking early retirement in 2005 he has conducted numerous local standards investigations and has trained both councillors and standards committees in a number of authorities. He was also employed as the clerk to Mablethorpe Town Council in Lincolnshire.
- 1.11 In carrying out this review, we had the full cooperation of everybody that we spoke to at the town 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.

Methodology

2.1 Our proposal set out five aims:

- a) to review the town council's processes and procedures to ensure that the right tools are in place to allow the town council to operate effectively;
- b) to understand what their underlying issues are and help the town council consider how they can work more effectively;
- c) to help the town 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 town council and that both can do their job effectively; and
- e) to develop an action plan to help the town council resolve its difficulties and allow the county 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 representatives from the town council 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 and officers to get a greater in-depth picture of the council and some personal perspectives on the key issues;
- c) to spend a day in the council having individual interviews with councillors and officers to develop understanding of the key issues emerging and to spend time 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 Berwick-upon-Tweed Town Council and Northumberland County Council setting out ways in which the council could move forward.

2.3 The meeting for phase one was held on 20 June 2016. The questionnaire for phase two was subsequently developed and open for responses through the summer. In total, we had 15 responses to the questionnaire.

2.4 We then spent the day in Berwick speaking to individuals as phase three of the work on 21 September and Alan Tasker spent a day 'shadowing' the then clerk in August. This was followed up by a presentation to the town council for phase four on 9 November.

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 included which might identify individuals. 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.

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 Berwick-upon-Tweed Town Council, together with the monitoring officer of Northumberland County Council, Liam Henry and the chair of Northumberland County Council's standards committee, Joe Jackson, on the evening of 9 November 2016 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 town 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 town 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) a breakdown in working relations between a number of individuals on the council, characterised by mistrust, suspicion, disrespectful behaviour and an inability to have any constructive dialogue at some meetings;
- b) the need to review a number of the council's policies and procedures and how they are implemented;
- c) the need to review the council's approach to development of strategy and long-term planning;
- d) the need to improve understanding of the roles and responsibilities of councillors; and
- e) the need to review the staffing structure which would support the council's strategic direction.

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. Behaviour

3.6 The principal reason that we were asked by Northumberland County Council to review and support the town 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.

3.7 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 town council before it can begin to improve its working processes as outlined in the rest of this report.

3.8 Our experience from working with the councillors and observing the town council is that there is a high level of animosity between a number of councillors and between certain councillors and officers which is holding the town council back. The way that these disagreements are articulated goes way beyond legitimate disagreements about policy or procedures and has descended into deeply personal and offensive insults and allegations being made which question the integrity of individuals. These comments are made in meetings, in widely-circulated emails and on social media. Such comments and postings often lead to a downward spiral and what can start as a legitimate question or concern descends into offensive comments and unproved allegations of wrongdoing which simply leads to positions becoming entrenched. The whole culture of the town council thereby becomes deeply unprofessional and brings the town council into disrepute.

3.9 It is our experience from working with other councils where they have similar issues that such behaviour does nothing to bring about the positive change that is often needed to improve the governance of the organisation. Instead personal comments which are often deeply hurtful or allegations which question people's motives or make unfounded accusations of corruption and illegality based on assumptions simply make people defensive and lead to tit-for-tat accusations which mire the council in animosity.

- 3.10 If councillors are serious about bringing about the change that is needed they must therefore start to work together collectively as a team and stop personal attacks 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 personal insults then it would be better if they left the council as it cannot change while such poison exists within the organisation.
- 3.11 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 hurling insults 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. 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 some individuals on the council seem to have lost sight of those values.
- 3.12 Councillors therefore need as a priority to stop behaving in this way if they have the interests of the council and the town as a whole as their priority. The council does need to change in certain significant aspects, and some of the concerns raised are legitimate, but change will only happen when councillors start to respect and tolerate each other.
- 3.13 Where questions have been raised publicly about why certain decisions have been made or questioning the way decisions have been made, the town council as a body has largely failed to answer those questions. Instead individual councillors have used the space to fight bitter personal disputes which do nothing to enhance the reputation of the council and waste valuable resources as people seek to mediate such disputes and deal with these allegations. The council should therefore agree a mechanism whereby, if a councillor has a concern about a particular issue that matter is dealt with internally and, where necessary, addressed in a meeting rather than being played out in more public fora such as the press and social media where it can be much more difficult to respond and explain.
- 3.14 Of course we recognise that a more rational and trusting atmosphere will work most effectively when all feel they have confidence in the council and its clerk to give sound advice and ensure the council does follow proper procedures. There have been legitimate concerns in the past about the way the council has operated 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 while the recommendations set out below to improve the council are adopted and implemented and the council needs to allow its clerk the chance to be able to explain things openly without being subject to questions about their motivation. We do believe the council has operated ineffectively in certain aspects but we have seen no evidence of wilful or corrupt

behaviour, but simply at certain times a failure to understand or follow the rules and procedures. All councillors we spoke to and met had the best interests of Berwick at heart and, while their view of what was best for Berwick 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 wrong – 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.

3.15 We also believe that people need to be clear about the difference between comments made as an individual and comments made in their role as a councillor. We were surprised that, for a town council of its size, the councillors did not have council email accounts which were to be used for official business, This means that correspondence is carried out using personal email addresses and further blurs the boundaries about what is appropriate language to be used when corresponding with fellow councillors and officers when discussing council business.

3.16 We therefore think the town council needs to agree the following actions as an immediate first step:

RECOMMENDATIONS

- R1 All councillors should give an individual signed undertaking to treat fellow councillors and officers with respect and not to make personal attacks on individuals either in public or in private. Until such respect is shown the council cannot move forward.**
- R2 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 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.**
- R3 The council should allocate official email accounts to councillors to be used when communicating on council matters or when councillors communicate with residents about council matters.**
- R4 The town council should collectively agree a policy on use of a council email account and further agree a social media policy which makes clear that, while emails and social media can and should be used by individuals to promote policy debate policy issues and communicate with the public, attacks on the integrity of individuals are not appropriate.**

B. Policies and procedures

- 3.17 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.
- 3.18 We should say that our in-depth review of the council's policies and procedures largely took place in August and September and some changes have already been introduced by the new interim clerk and council. Overall, we found that the broad suite of policies and procedures at the town council were in place and up to date. This was based both upon our own review of the workings of the office and views expressed to us by members of the council during interviews. However, there were some areas that we felt were unclear or where improvement could be made.
- 3.19 The council had previously commissioned a report into its financial management arrangements – the so-called 'Warren Report'. All of the recommendations made in that report appeared sound to us. However, it was unclear to what extent everything had been implemented. We therefore recommend that the council produce a report showing its progress on implementation of the Warren Report and where matters have not yet been fully implemented, agree a timeline to do so.
- 3.20 Another issue which needs addressing related to the setting of agendas for council and committee meetings. It is the responsibility of the proper officer (usually the clerk) to set the agenda and there does need to be a clear understanding of that. That said, the agenda is not the sole domain of the proper officer and members are entitled to ask for items to be added to the agenda with appropriate notice. The proper officer realistically needs to work closely with the relevant chair to set the agenda and the council needs to ensure it has a recognised procedure for councillors to have items included on the agenda and councillors need to be clear what matters they can legitimately ask to be put on the agenda, including a proper process for putting motions onto the agenda.
- 3.21 An agenda needs to identify clearly what the item is about- some of the agendas we saw were drawn in very vague terms which would make it difficult for members and the public to know what was to be discussed, and also ran the risk of discussions not being focussed on the agenda item. Except for very minor matters or motions tabled by members, we would expect to see a report underpinning an agenda item setting out clearly what the issue to be discussed was, what the arguments for and against were, what were the financial and legal implications and what was the recommended decision based on professional advice.
- 3.22 In general, we found some reports, while covering the right areas did not help councillors as there were no clear recommendations around which discussions

should be focussed. This can lead to over-long discussions and unclear decision-making.

- 3.23 With regard to minute-taking we felt an improvement was needed to ensure transparency and a clear trail of decision-making. Other than a legal requirement for minutes to be taken, there is no legal definition of what form those minutes should take so it is up to the council itself to decide the type of detail they would wish to see recorded. However, the approach taken must be applied consistently.
- 3.24 In our view, taking minutes as a verbatim record does not aid clarity as it can often be unclear what was concluded. However, if the council does decide that it wants verbatim minutes then all comments made need to be recorded. Our sample showed that it appeared only certain comments were recorded. Also no value judgement should be ascribed to comments such as 'Cllr X forcefully argued...' or 'Cllr Y asserted....'
- 3.25 In our view, best practice is that minutes should be brief, self-contained and decisive. That is, they should just make a short summary of what was considered, they should focus on what was to be decided with reference to an accompanying paper and it should be clear what was decided, what were the reasons, what, if any, other alternatives were considered and when the decision was to be implemented. They should also record who proposed or seconded any motion and the outcome of any vote.
- 3.26 The final area under this heading where we think the council needs greater clarity relates to delegation of decision-making. The council's scheme of delegation seemed unclear to us, and it was not clear that people always understood or followed it appropriately.
- 3.27 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 matters could be delegated to an officer, in consultation with, for example, the chair of a committee, for administrative ease.
- 3.28 The council needs to be clear with each decision therefore who has the authority to take it. For effective day-to-day working there needs to be appropriate delegation to officers – if all decisions are to be made by full council in practice the day-to-day running of the council becomes impossible. So the council needs to decide what is delegated to officers to decide, with appropriate financial limits. The same would hold true of a delegation to a committee. When recording a decision it also needs to be clear what is a decision and what is a recommendation for the 'higher body' to consider and there is of course nothing which prevents the delegated decision being passed up the chain if the individual officer or committee feels the matter raises important issues notwithstanding it falling within the scheme of delegation.

RECOMMENDATIONS

- R5 The council needs to consider progress so far in implementing the Warren Report and agree an action plan to complete its implementation where appropriate.**
- R6 The council needs a clear process for setting agendas which is understood by all officers and members. Agendas should set out clearly what the item is about and should normally have reports to support the agenda items.**
- R7 The council needs to agree a consistent approach to minute-taking and minutes need to record clearly what has been decided.**
- R8 The council needs to review its scheme of delegation and ensure that all officers and members understand what has been delegated to whom.**

C. Meetings

- 3.29 The key issue has been how difficult some meetings have been 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.
- 3.30 Although we did not attend council meetings and therefore have not seen them at first hand, it was clear to us from all that we have been told by all involved that council meetings have become increasingly difficult to manage and need to be run much more efficiently so that business can be transacted.
- 3.31 Everybody is dissatisfied with the way the meetings take place. This was particularly true of full council meetings though committee meetings were also difficult at times. 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
- 3.32 As set out above we therefore recommend that the town 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 personal quarrels.
- 3.33 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 and that the meeting is conducted in an orderly and civil way. The chair should know when to seek advice from officers but should not let officers run the meeting. The 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 criticism of the current chair but rather reflect that members in general felt that meetings were not being effective because of disruptive behaviour and that greater support was needed for the chair from members. While concerns were expressed about full council meetings our recommendations would apply equally to committee meetings.

3.34 We believe the town council needs to enforce a '3 minute' rule at its meetings – 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. 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.

3.35 There also needs to be a greater understanding of how motions to move to next business can be used to ensure business is got through effectively where discussions are proving difficult to manage.

RECOMMENDATION

R9 All members need to be familiar with standing orders. The council needs to ensure meetings are run more effectively and efficiently by methods such as enforcing a '3 minute' speaking rule and effective use of motions to move to next business. A chair needs to be seen as impartial and to be supported by members in applying rules effectively and equitably.

D. Ambition and strategy

3.36 While Berwick-upon-Tweed Town 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 were given a set of objectives drawn up by the council but they were very broad statements of desire and did not constitute 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. 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. We will address those issues below when we look at the role of members and officers.

3.37 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.

- 3.38 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 town of Berwick. Given ongoing personal differences within the council this may have to be facilitated with external support and the council may wish to discuss this with Northumberland County Council and with the Northumberland Association of Local Councils.
- 3.39 We also recognise that the council has elections upcoming in May so would not want to bind an incoming council with a particular direction but the council should at least be putting a methodology in place which will allow its successor council then to develop quickly a plan for Berwick, working with key local partners as appropriate.
- 3.40 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 Berwick 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 Berwick, 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.
- 3.41 Any plan developed must then be accepted as the plan for the council but must be properly costed and resourced appropriately. We will deal with that issue in our section on officers later.

RECOMMENDATIONS

- R10 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.**
- R11 The council should review its communication strategy in conjunction with the public to evaluate its effectiveness and ensure that the public understands the work of the town council, is engaged in developing a vision for Berwick and is able to participate more fully in local decision-making.**
- 3.42 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

Berwick-upon-Tweed Town Council in future given the issues it has faced. In our view there is no reason why, once it has developed a deliverable strategy, Berwick 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 look at local councils in the Northumberland area who have been recipients of the Local Council Reward Scheme – information on this is available from NALC and the County Association.

RECOMMENDATION

R12 The council chair and clerk should look to learn from and share best practice with outstanding local councils

E. Role of members

- 3.43 Some of the issues we came across arose from lack of familiarity with good practice and some misunderstandings about the role of the town councillor. 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. Given the challenges and difficulties Berwick-upon-Tweed Town Council has faced we believe it is even more important that they have a comprehensive training package for members which should be developed in consultation with Northumberland County Council and the local County Association.
- 3.44 In particular it should seek to put in place a detailed training programme on the role of the town councillor, understanding the role of the clerk, understanding delegated authority, chairing and meeting skills, the code of conduct, financial regulations and other matters. Some of this training has been done already but it needs to become an ongoing package for new councillors.
- 3.45 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 to ensure members understand fully their role and responsibilities on a particular committee in future.
- 3.46 As well as formal training, more work needs to be done to help understand what is expected of a councillor. There is a lack of clarity and support about what you as individuals do or should do. Of course what each individual can give to the council varies widely – some councillors will work fulltime 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 nobody seemed to

be clear what it was they were expected to do as individuals. We believe the council should be agreeing proper role descriptions and expectations for members.

3.47 That should include a clear statement of what an individual's role is as a ward member as opposed to their role on the full council; what a member can do for and in their ward in terms of very local improvements and how that fits into a consistent pattern across the town; and what a member's role is with regard to outside appointments where they represent the council – people seemed confused about what views they should express, what they were delegated to say or decide and what they should or should not report back.

RECOMMENDATIONS

R13 The council should develop a comprehensive and ongoing training and development strategy.

R14 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 ward representatives and as representatives of the council externally.

F. Officer support

3.48 While members set the tone and strategic direction of an authority, officers are charged with supporting the council and delivering its strategy on a day-to-day basis. Officers must therefore be resourced adequately and have the appropriate skills to do this.

3.49 The first big issue facing the council is of course the current absence of a permanent clerk and recruitment for this has to be a priority. It would be very helpful to have a permanent clerk in place in good time to support the incoming council in May.

3.50 We were very surprised at how little resource the council had put into its staffing structure in general, given the size of the council and the population it serves, its budget and its stated ambitions to achieve more for the people of Berwick.

3.51 The council's key priority must therefore be to decide what it wants its clerk to be able to do and the particular skillsets required of the clerk and recruit accordingly. We believe that post should be full time. The role of the clerk covers a lot of different aspects as the 'proper officer' of the council, but broadly it boils down to two facets – the chief administrator for the council responsible for ensuring meetings are run effectively and the council complies with its legal and financial duties; and chief operating officer responsible for ensuring the council delivers on its priorities and projects.

- 3.52 These two facets are not incompatible and can be done by one individual but factors need to be balanced in terms of what the council's priorities are, how large the council and job is and other such concerns. The council therefore needs to decide as a priority whether it expects its clerk to fulfil both these facets, or whether additional support is needed and in which case to cover what dimension of the role. For example, should the council be looking also to appoint a deputy clerk who could either take on much of the management and administration in order to free the clerk to concentrate on delivery or vice versa, and if a second role is needed whether the clerk would also remain the responsible financial officer or whether that role needed to be detached.
- 3.53 A lot of that debate will depend on the ambitions of the council but reflection does need to be given to it now as it will need to influence the recruitment of a new clerk who can then work with the council to identify the rest of the resources and support needed.
- 3.54 It is not our role to make specific recommendations on what that structure should be as there may be cost implications depending on the strategic direction of the council. However, the council needs to consider its whole staffing structure. This would include reviewing the job descriptions and workloads of existing staff members.
- 3.55 We also found no evidence of real performance management in the organisation so as part of its review the council will need to ensure that all members of staff have agreed objectives and there is an appraisal system in place designed to manage performance, reward where appropriate, develop staff and ensure the effective running of the organisation. Looking at whether the hours the clerk currently works are sufficient to allow a clerk to fulfil all the duties the council expects, or whether additional support is needed, for example through appointment of a deputy clerk.
- 3.56 One final area which was raised with us was the issue of member access to officer time. While member access to officers is important, there was a view that some members were spending too much time in the office with no clear purpose and were stopping higher priority work being done. The council therefore needs to look at how officer contact with members is regulated – for example by putting a system in place where members can only see officers during working hours by prior appointment, or for a set time unless by prior appointment, or only at particular times of day. The aim would be to strike a balance between allowing members to raise their own local priorities and issues and support officers with advice while allowing officers time to carry out their job and run the office effectively.

RECOMMENDATIONS

- R15 The council needs as a matter of priority to decide what role it wants for its clerk and what skills are essential and should undertake a thorough recruitment exercise with support where appropriate to ensure it identifies the best candidate.**

- R16 The council needs to review its staffing structure to ensure that it is fit for purpose and allows it to deliver on its key priorities and that the clerk is supported in fulfilling their role.**
- R17 The council should ensure job descriptions and objectives are kept up to date and there is a proper performance appraisal system.**
- R18 The council should agree a system to regulate members' time in the office during working hours to ensure an appropriate balance between an individual councillor being able to carry out their role effectively and officers being able to carry out their duties within working hours.**

G. Monitoring of this plan

3.57 While these recommendations are a matter for Berwick-upon-Tweed Town 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 Northumberland County Council needs to be able to monitor progress. Whilst Northumberland County Council does give valuable support to Berwick, this support comes at a price in terms of time and resources and it is important that in due course Berwick's demands on officer time at Northumberland are substantially reduced.

RECOMMENDATIONS

- R19 Where Berwick-upon-Tweed Town Council needs to use external support to comply with these recommendations, they should consult with Northumberland County Council before agreeing such support to ensure they have considered all the options and are obtaining expert advice at value for money.**
- R20 Berwick-upon-Tweed Town Council should report on its progress in implementing this action plan to the monitoring officer of Northumberland County Council in 6 months and again in 12 months after the date of this report.**

Appendix A

Summary list of recommendations

- R1 All councillors should give an individual signed undertaking to treat fellow councillors and officers with respect and not to make personal attacks on individuals either in public or in private. Until such respect is shown the council cannot move forward.**
- R2 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 as to whether or not the concern is legitimate. Where the concern is legitimate such a ruling should include the steps need either to rectify the matter or the changes needed to prevent the matter re-occurring.**
- R3 The council should allocate official email accounts to councillors to be used when communicating on council matters or when councillors communicate with residents about council matters.**
- R4 The town council should collectively agree a social media policy which makes clear that, while social media can and should be used by individuals to promote policy debate and communicate with the public, attacks on the integrity of individuals are not appropriate.**
- R5 The council needs to consider progress so far in implementing the Warren Report and agree an action plan to complete its implementation where appropriate.**
- R6 The council needs a clear process for setting agenda which is understood by all officers and members. Agendas should set out clearly what the item is about and should normally have reports to support the agenda items.**
- R7 The council needs to agree a consistent approach to minute-taking and minutes need to record clearly what has been decided.**
- R8 The council needs to review its scheme of delegation and ensure that all officers and members understand what has been delegated to whom.**
- R9 All members need to be familiar with standing orders. The council needs to ensure meetings are run more effectively and efficiently by methods such as enforcing a '3 minute' speaking rule and effective use of motions to move to next business. A chair needs to be seen as impartial and to be supported by members in applying rules effectively and equitably.**

- R10** 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.
- R11** The council should review its communication strategy in conjunction with the public to evaluate its effectiveness and ensure that the public understands the work of the town council, is engaged in developing a vision for Berwick and is able to participate more fully in local decision-making.
- R12** The council chair and clerk should look to learn from and share best practice with outstanding local councils
- R13** The council should develop a comprehensive and ongoing training and development strategy.
- R14** 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 ward representatives and as representatives of the council externally.
- R15** The council needs as a matter of priority to decide what role it wants for its clerk and what skills are essential and should undertake a thorough recruitment exercise with support where appropriate to ensure it identifies the best candidate.
- R16** The council needs to review its staffing structure to ensure that it is fit for purpose and allows it to deliver on its key priorities and that the clerk is supported in fulfilling their role.
- R17** The council should ensure job descriptions and objectives are kept up to date and there is a proper performance appraisal system.
- R18** The council should agree a system to regulate members' time in the office during working hours to ensure an appropriate balance between an individual councillor being able to carry out their role effectively and officers being able to carry out their duties within working hours.
- R19** Where Berwick-upon-Tweed Town Council needs to use external support to comply with these recommendations, they should consult with Northumberland County Council before agreeing such support to ensure they have considered all the options and are obtaining expert advice at value for money.
- R20** Berwick-upon-Tweed Town Council should report on its progress in implementing this action plan to the monitoring officer of Northumberland County Council in 6 months and again in 12 months after the date of this report.

Appendix B

The questionnaire used at Phase Two consisted of a series of 'closed' questions, together with a few 'open' questions and an opportunity to add any additional comments.

The information from the questionnaires, together with information gathered from the more in-depth face-to-face interviews at Phase 3 helped inform our report and recommendations.

This appendix sets out the findings of Phases 2 and 3.

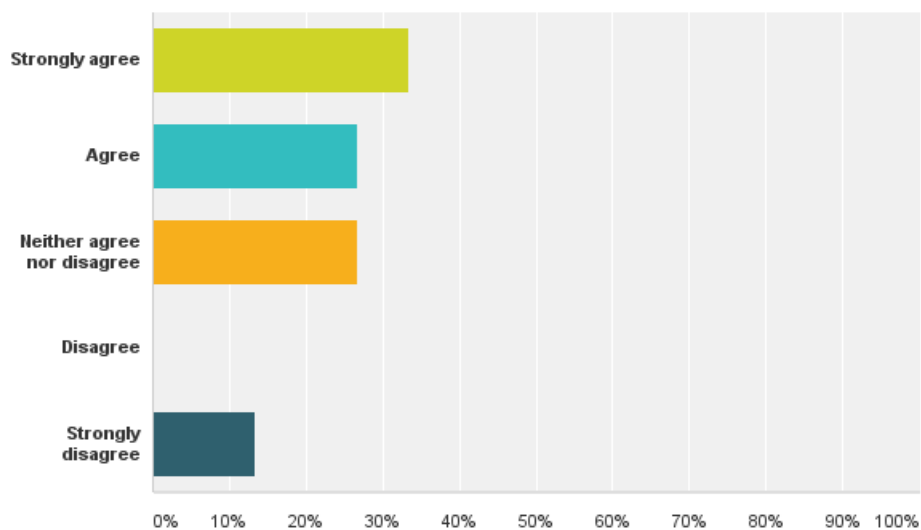
1. The questionnaire

These are the findings from the closed questions (NB 15 people responded, though not all answered every question)

Closed questions

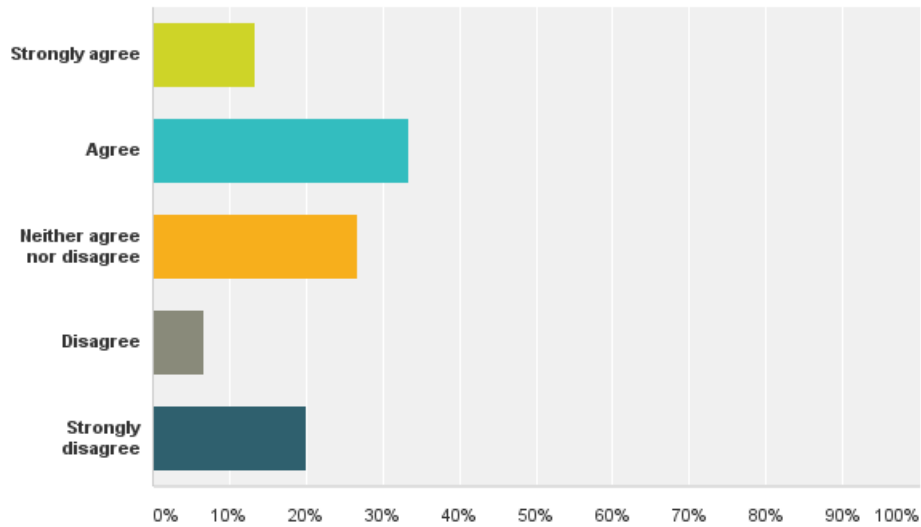
Q4 I am proud to be a councillor/officer at Berwick-upon-Tweed Town Council

Answered: 15 Skipped: 0



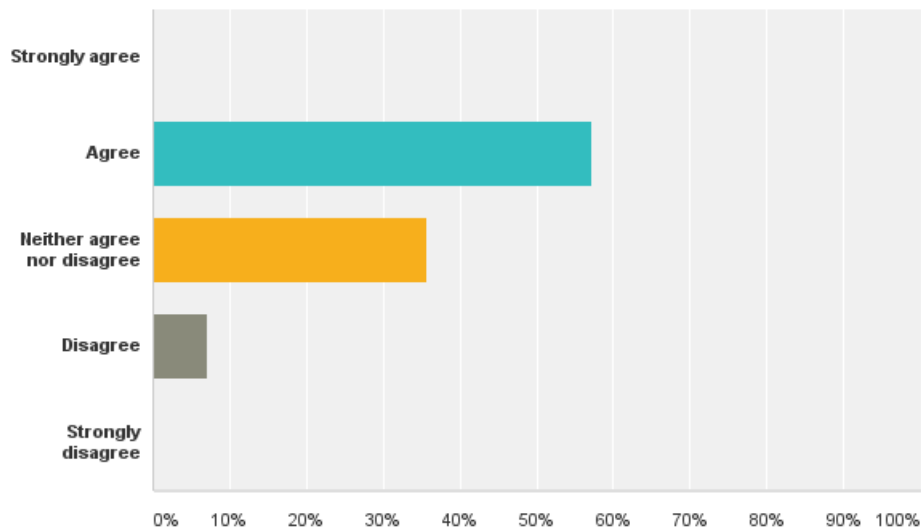
Q5 I enjoy my time at Berwick-upon-Tweed Town Council

Answered: 15 Skipped: 0



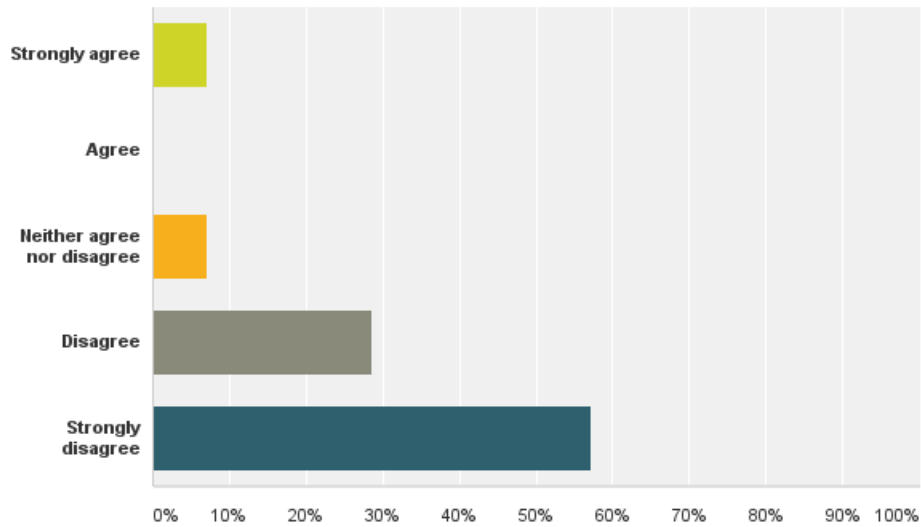
Q6 I feel valued by the Council

Answered: 14 Skipped: 1



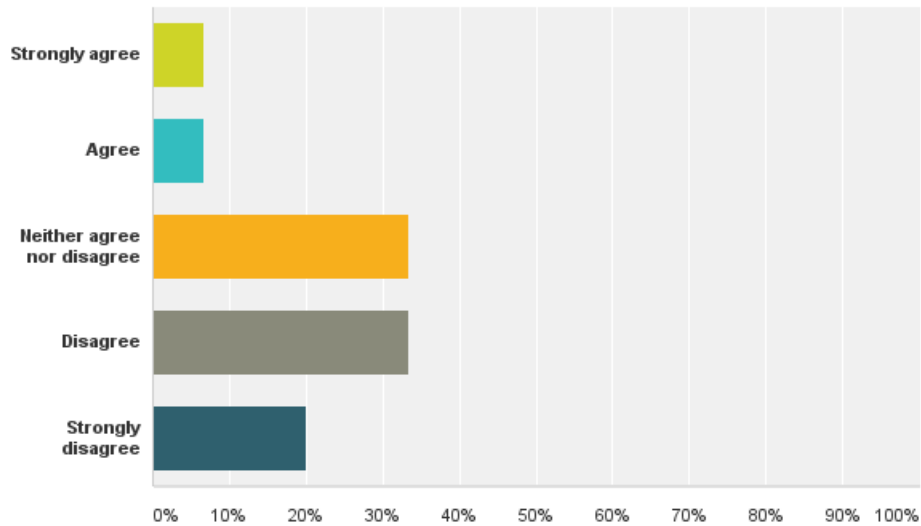
Q7 Councillors treat each other with respect and courtesy

Answered: 14 Skipped: 1



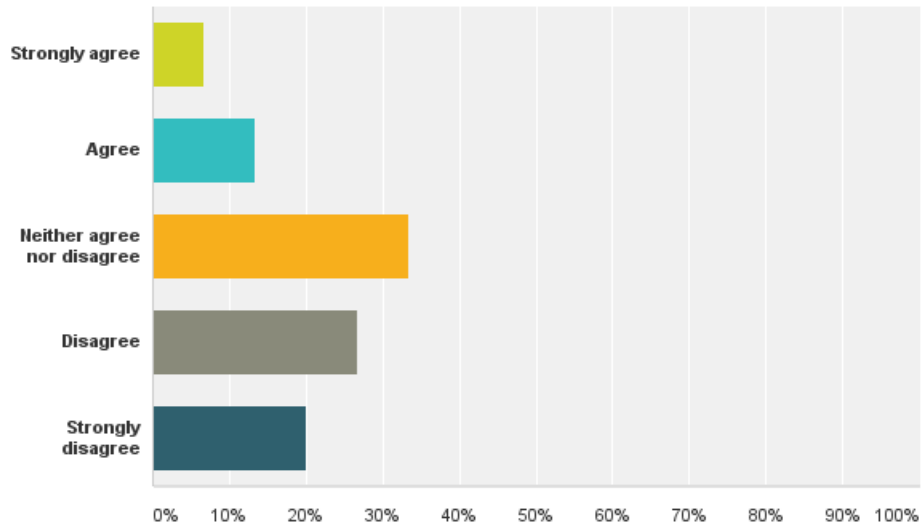
Q8 Councillors and officers treat each other with mutual respect and courtesy

Answered: 15 Skipped: 0



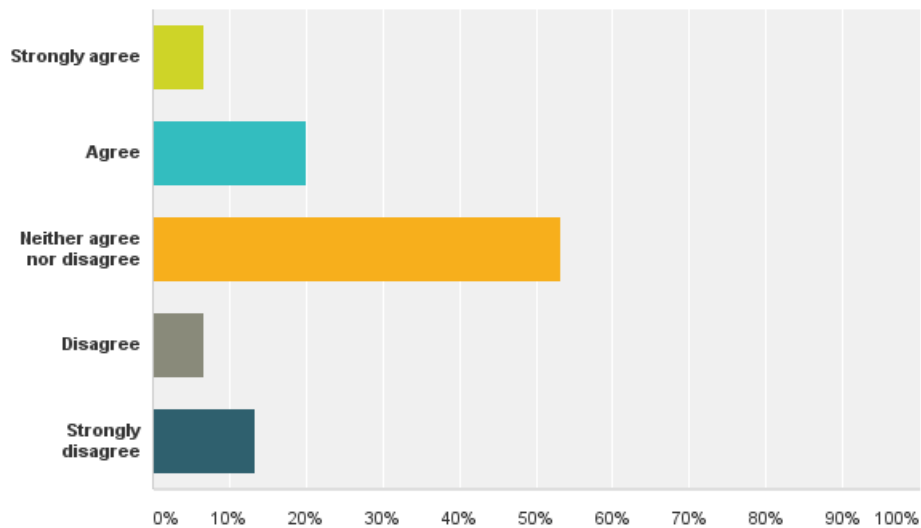
Q9 Councillors provide a clear sense of direction for the Council and this is well communicated

Answered: 15 Skipped: 0



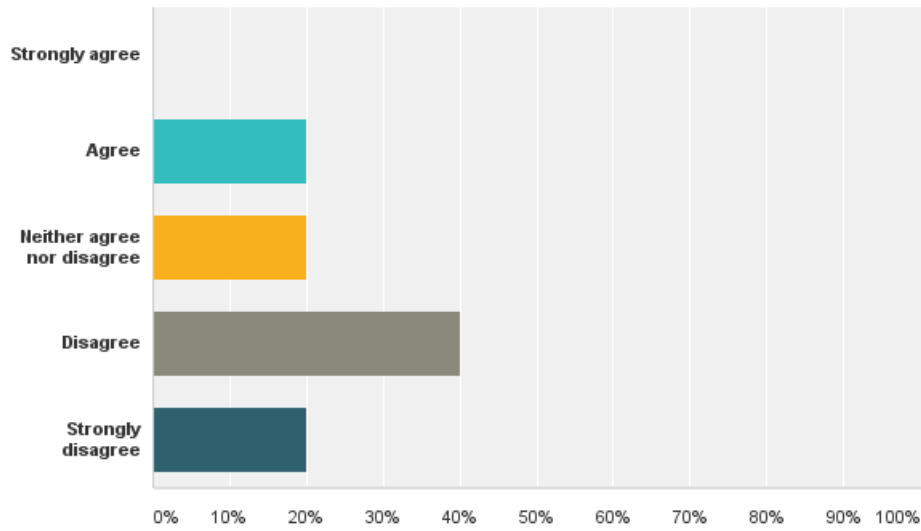
Q10 Councillors do all they can to improve Berwick-upon-Tweed

Answered: 15 Skipped: 0



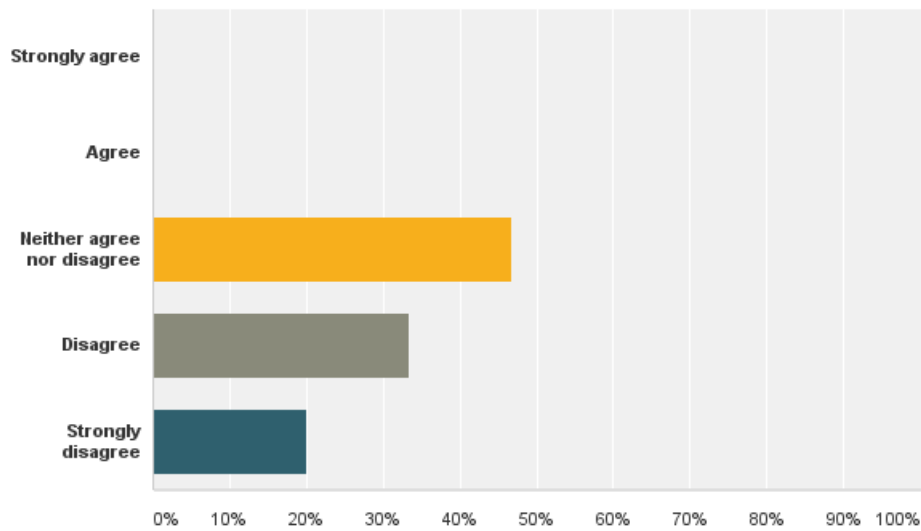
Q11 The Council is well managed

Answered: 15 Skipped: 0



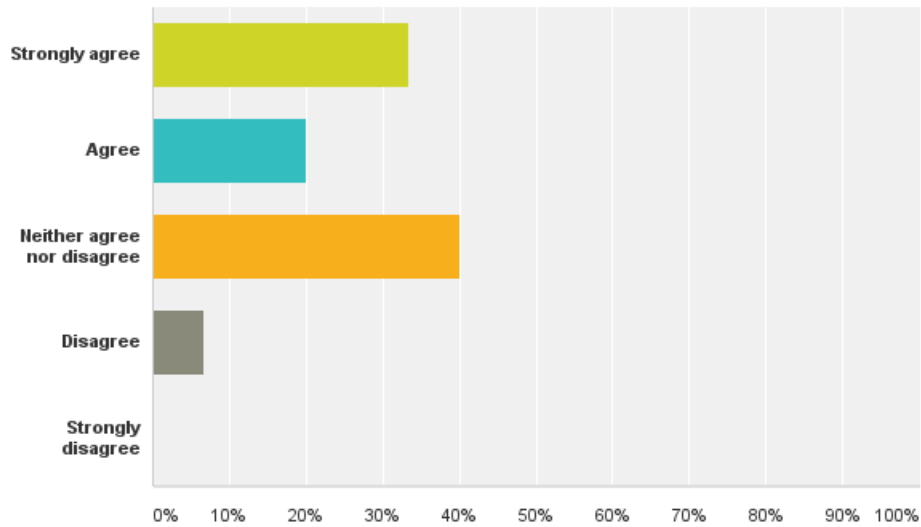
Q12 Council meetings are well run

Answered: 15 Skipped: 0



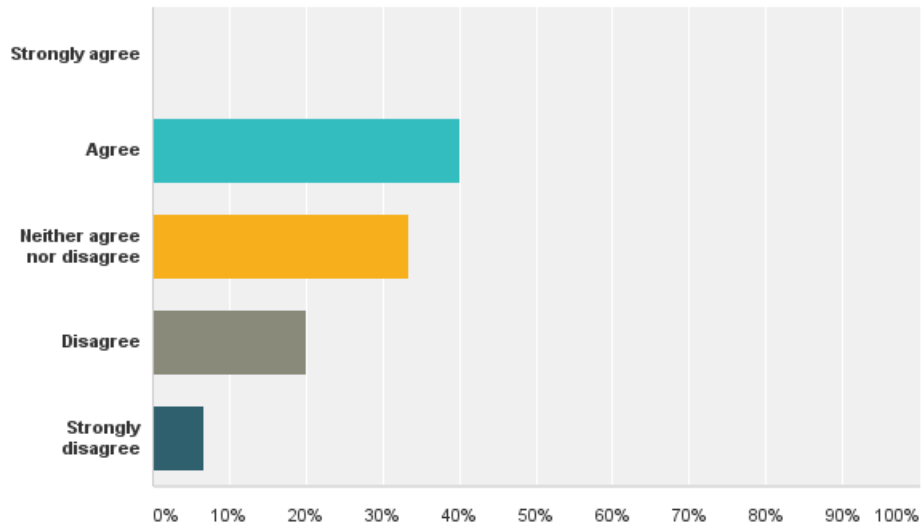
Q13 The Council operates in an open and transparent way

Answered: 15 Skipped: 0



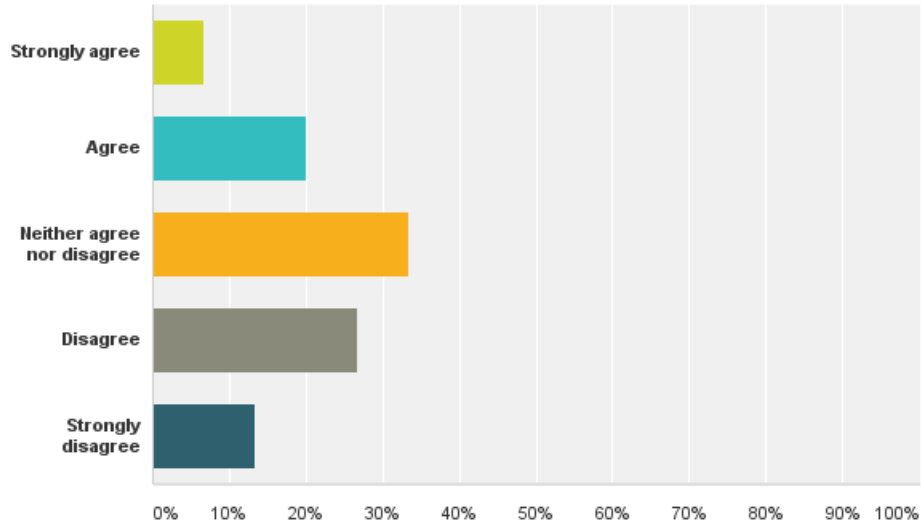
Q14 The Council is in tune with the local community and their needs

Answered: 15 Skipped: 0



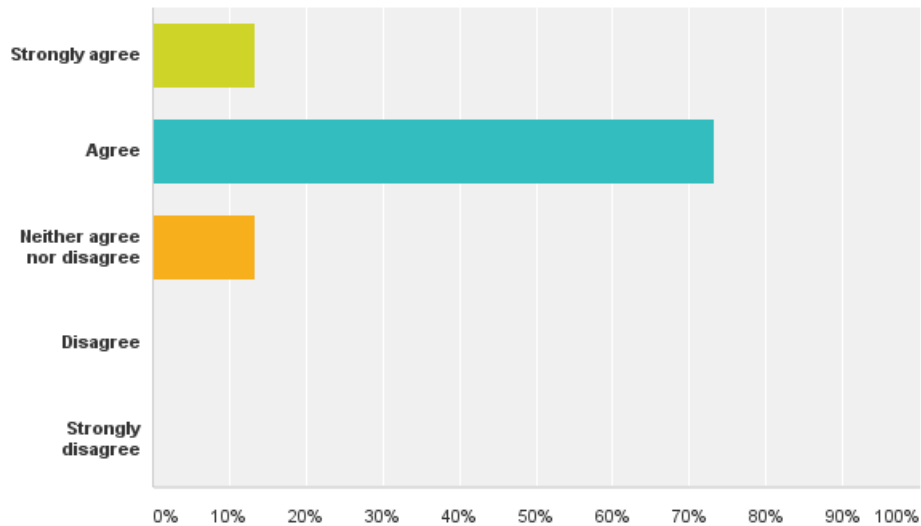
Q15 Councillors and officers are clear what is expected of them in their roles at the Council

Answered: 15 Skipped: 0



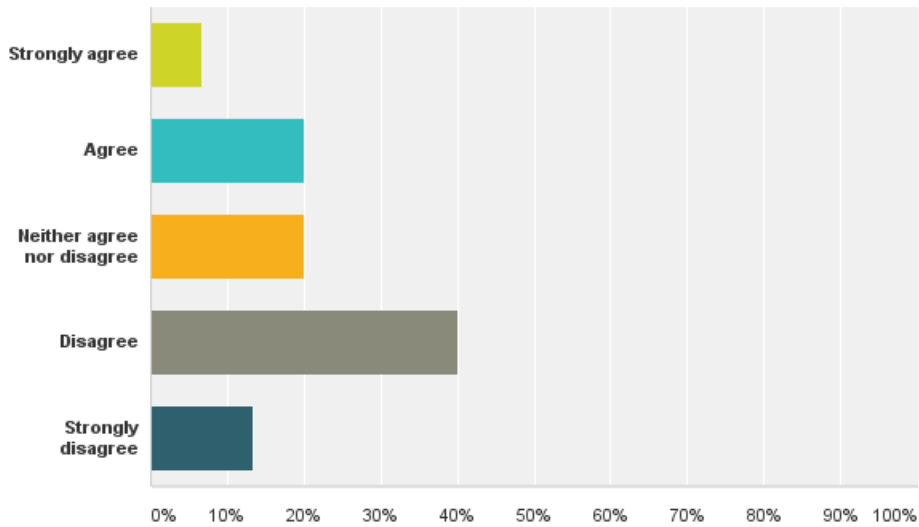
Q16 Councillors and officers are aware of the Council policies and procedures and where they can view them

Answered: 15 Skipped: 0



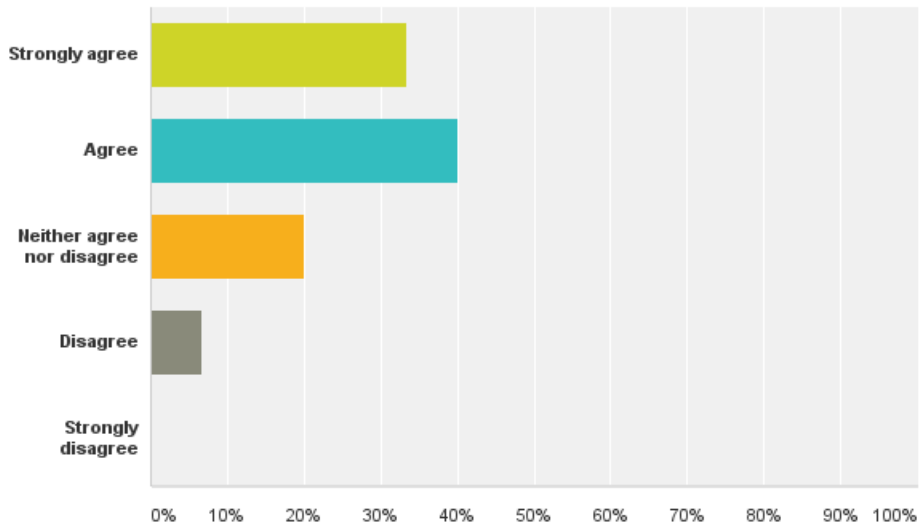
Q17 Council policies and procedures are always followed

Answered: 15 Skipped: 0



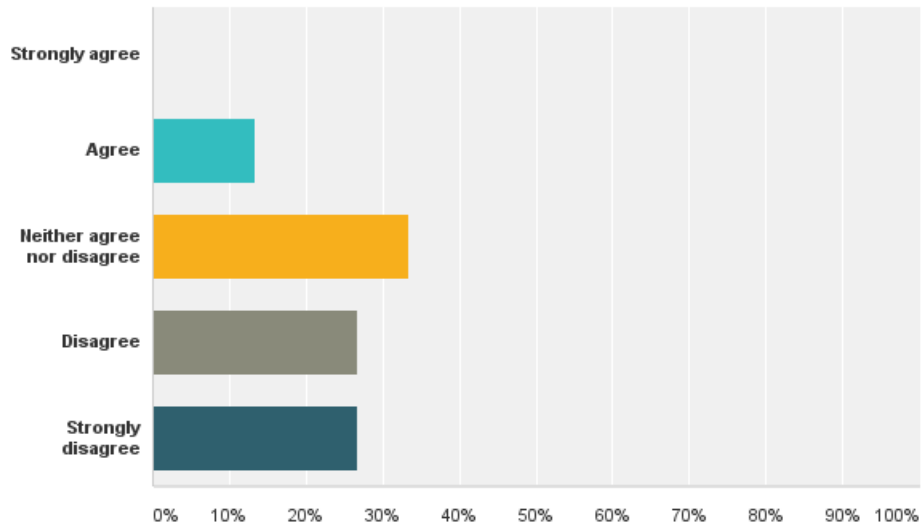
Q18 I have the opportunity to contribute to Council decisions

Answered: 15 Skipped: 0



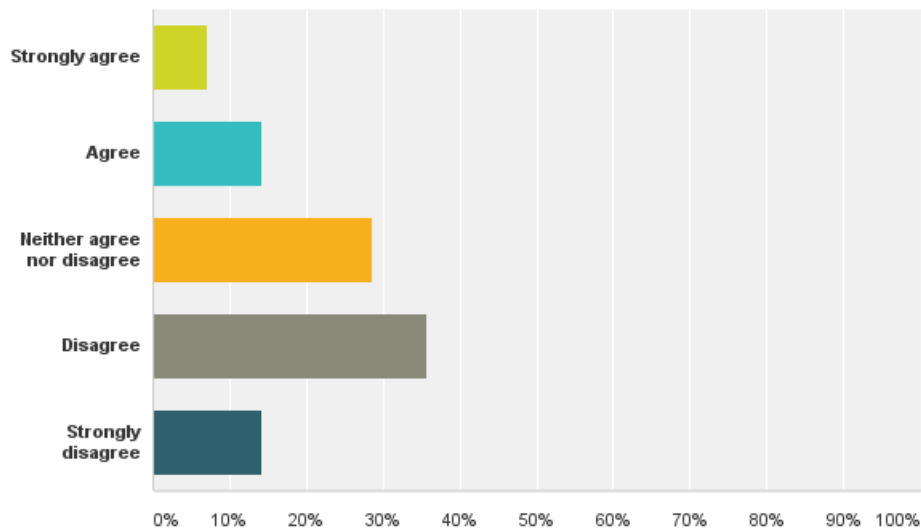
Q19 I am satisfied that concerns raised by councillors/officers are dealt with effectively

Answered: 15 Skipped: 0



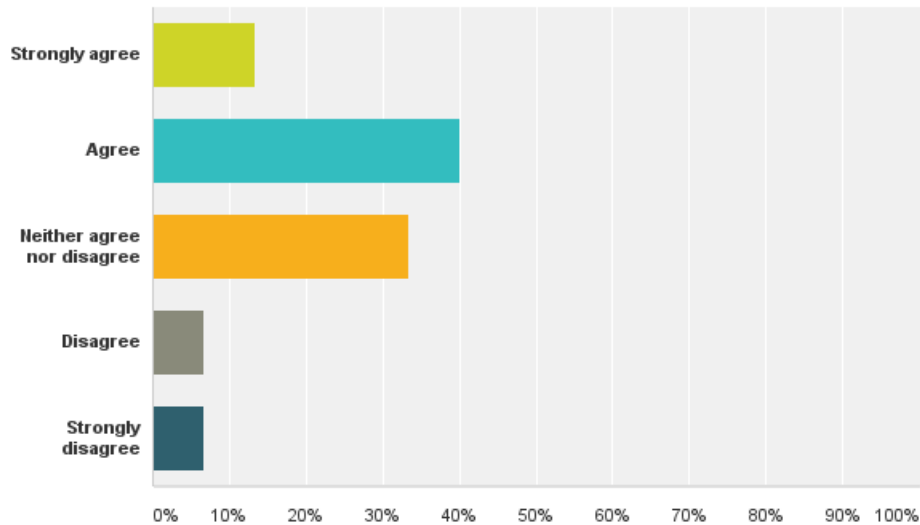
Q20 I trust others within the Council

Answered: 14 Skipped: 1



Q21 Information I receive from the Council is accurate and reliable

Answered: 15 Skipped: 0



Conclusions from 'closed' questions

The questions are framed in a positive way. Where a council is working effectively and harmoniously you would therefore expect agreement to all the propositions.

To develop our findings and areas to probe during subsequent phases we therefore look to where there are disagreements with the propositions as particular areas to explore.

In the case of Berwick there was a consensus that people are proud of their role, feel valued by the council and feel able to contribute to decisions. There was also support that councillors are aware of the council's policies and procedures and know where to find them.

Areas of disagreement tended to focus around meetings. Thus there was a strong view that meetings are not well managed, that people do not treat each other with respect and that there is a lack of mutual trust. Also while people recognised that policies and procedures are in place there were concerns that these are not always adhered to, that the council is not well managed and that concerns raised by officers and members are not dealt with.

These were areas we followed up subsequently and were reflected in our face-to-face interviews.

Where we asked open-ended questions, such as what should the council do more of and what should the council stop doing a number of common themes emerged. While we have not used quotes verbatim from the surveys and interviews, as the information we gathered from individuals was done in

confidence, the following key findings emerged consistently and the phrases/words used below were indicative of phrases that kept cropping up:

Open-ended questions

Key findings

Existing positives

- Good people
- Get things done for residents
- Town with great potential

What needs to stop

- Disrespect
- Disruption
- Unprofessionalism
- Conflict and confrontation
- Bullying and intimidation
- Abuse

What we want to achieve

- Delivery of play parks
- Projects to be proud of
- Harmony of members
- Fair and fit-for-purpose decision making
- Clear sense of direction
- Work for the community

2. The interviews

Following on from the questionnaire we explored these themes in greater depth in the face-to-face interviews. While we had some basic questions we wished to ask of everybody, most of the discussions were tailored to specific responses made by individuals in their own questionnaires or to explore further an individual's role within the council. We interviewed 17 people in total.

We have summarised the key themes under a series of headings. In order to respect confidentiality again we have not used detailed specific quotes but the phrases below are representative of what was said. As the interviews were more about discussion and perception, there has been no specific quantitative analysis done of the findings, but the following points emerged strongly from the majority of interviews:

- Disrespectful behaviour which is disruptive and distracting, carried out in meetings, in emails and on social media;
- Meetings are poorly run and decision making is confused due to a lack of information in reports and unclear minutes;

- Historic issues with officers, in particular conflicts with clerks and a lack of definition of roles and line management;
- A lack of clarity about which policies have been agreed and procedures not always followed;
- A lack of training which has led to a lack of understanding about the roles of members and officers;
- There is no clear sense of direction for the council;
- Members are hardworking and the town has great potential.