

MINUTES OF THE GOVERNANCE COMMITTEE

2 February 2022 at 2pm

Present:

Councillor H. Ayres (Chair)

Councillors K. Bentley, N.A. Dudley, N.M. Walsh and I. Wright

Also in attendance –

Parish Councillors V Chiswell, P Jackson and J Saltmarsh

Independent Person –
Mrs C Gosling (remotely)

1. Apologies for Absence

Apologies for absence were received from Councillors Jones and Thorpe-Apps and the Independent Person, Mrs Mills.

2. Minutes

The minutes of the meeting on 24 November 2021 were confirmed as a correct record.

3. Declarations of Interest

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda.

Councillor Bentley declared a non – pecuniary interest as they are on the same political group as Cllr Daden. The Monitoring Officer confirmed that this had been discussed prior to the meeting and that there were no concerns as to Cllr Bentley's participation.

4. Chair's Announcements

No Announcements were made

5. Standards Complaints 12 and 14/21 Investigation and Hearing Report

The Committee considered a report asking them to determine the complaints made against Councillor Daden by way of a hearing, pursuant to the procedure detailed at Part 5.1.2 Annex 5 of the Constitution. The Chair explained the processes under the hearing procedure at Part 5.1.2 Annex 5 of the Constitution. Those present were informed that after hearing the necessary information, the Committee would consider the information in private and determine whether the code had been breached. The Committee noted that the following elements of the complaint were to be considered;

- 1) Brought the Parish Council into disrepute by comments on social media during and around 3rd February meeting (point c in paragraph 1.2 of the investigation report);
- 2) Failed to register her interest in relation to Broomfield Bridges association (point d in paragraph 1.2 of the investigation report) and failed to declare that interest as required;
- 3) Misreported third-party discussions to the Parish Council's Planning Committee (point e in paragraph 1.2 of the investigation report).

It was also noted by the Committee that the two further elements of the complaint were not being considered. This was because in one, the Investigator was unable to make a finding and in the other the investigator had concluded it was a breach of internal Parish procedures, rather than the Code of Conduct.

At this point in the hearing, Councillor Daden was asked to confirm whether all three elements of the complaint being considered were disputed. This was confirmed, but in respect of the second, Councillor Daden said that it had been an oversight and the register of interests had been updated. The Committee was informed that Councillor Daden had always had the best interests of the public at the forefront of the decisions made and always wanted to prioritise the public being aware of what was happening. Councillor Daden also informed the Committee that the Parish Council had not tried to resolve the matters before putting in the complaint. The Committee were also informed that Councillor Daden believed in true transparency at every cost and despite understanding Councillors would have different beliefs, certain members of the Parish Council had been hostile towards Councillor Daden's views. Councillor Daden felt that this was harassment and political games.

At this point of the hearing, the Committee received the report of the Investigator, Mr Arrandale. The Committee was told that the report had not attempted to go into who was right or wrong with practical decisions and had focused on whether the Code of Conduct had been followed. Mr Arrandale referred to the two elements of the complaint that were no longer being considered. It was noted that the social media post referred to as point a of the complaint was clearly not authorised by fellow Councillors and was therefore a breach of their social media policy. The Committee was informed that for point b, the Investigator had been unable to make a finding as it could not be established that the price information disclosed was clearly to be kept confidential. The Committee were also referred to the confidential appendices to the report, which included screenshots from social media.

The Investigator summarised the findings on point c of paragraph 1.2 of the report. The timing of the posts and whether they were during the meeting itself or not were irrelevant. It was noted that the post in question related to Handforth Parish Council and included many comments from members of the public in response. It was also noted that, in terms of the comments, they could relate to either Parish Council but the key aspect was that the post by Councillor Daden invited comparisons. The Investigator informed the Committee that it was felt reasonable to say the post was disparaging and had concluded that this was a breach. The Investigator also referred to a separate social media post in which it had been concluded that Councillor Daden's comments about the Parish Council winning the lottery also met the test of bringing the Council into disrepute.

The Investigator also updated the Committee on the findings regarding the element for the complaint at point d of paragraph 1.2 of the report. This noted that Councillor Daden had been involved in the Bridges organisation but had not declared this interest. It should have been declared in the register of interests and also at meetings where relevant items were being discussed. The register of interests had since been updated accordingly. The Committee heard that this was still a technical breach of the code of conduct.

The Committee was informed that the third finding by the Investigator referred to the misreporting of external discussions to a Parish Council meeting and that this did not comply with the Code requirement of openness, transparency and accountability. The Investigator was of the view that Councillor Daden's question to committee about the provision of GP facilities in the area were a misleading account of the meeting with the CCG.

In response to questions from Councillor Daden, the Investigator stated that;

- Councillor Daden's Register of Interests was now up to date
- It was understood that the complaint on the non-declaration of the interest related to the 3rd February meeting.
- The complaint regarding the social media postings related to Councillor Daden's post, not the follow up comments. These had been included to demonstrate the effect of the initial post.
- Pages 34-37 of the confidential document related to the Handforth Parish Council posting, but pages 38 onwards did not.

In response to questions from the Committee, the Investigator stated that:

- The report did not look at whether the Parish Council should publicise their meetings on social media; this was a decision for individual Parish Councils.
- The Investigator had spoken to the Parish Council during the investigations.

The Monitoring Officer noted that there had not been a requirement for the Parish Council to participate in the hearing and that it was not the procedure that complainants automatically speak at hearings. It was noted that the Investigator spoke to them and did not find any points that needed to be clarified. It was also noted that the pre hearing procedure helped to establish that there was no need to hear live evidence from witnesses to resolve disputed facts.

At this point of the hearing Councillor Daden was invited to respond to the allegations.

In response to the social media posts, Councillor Daden stated that:

- The Handforth Parish Council post was made after the clips went viral and Councillor Daden had felt that as everyone was making comparisons to other Councils it was relevant. Councillor Daden felt it was poor marketing at best on a private Facebook account and there was no evidence that this had brought the Parish Council into disrepute.
- Not including all of the Facebook comments was misleading as there were over 300 of them and Councillor Daden was responding to a joke made by a resident.

In response to the non-declaration of the interest, the Committee was told that the clerk had not advised Councillor Daden to declare an interest and that as Chair of Broomfield Bridges Councillor Daden had presented to the Parish Council the group's proposals for health services in the area.

In response to the misreporting of discussions to a Parish Council meeting, the Committee was told that Councillor Daden:

- Had become confused about the differences between the CCG and other health organisations which had similar names and email addresses etc.
- Had did not realised that two of the organisations were separate and had understood they were the same organisation.
- Had only heard from the meeting encouragement for facilities at Broomfield Place, hence Councillor Daden reporting to the Parish Council.
- Did not accept that the actions had been misleading and was acting in the interest of local residents.

In response to questions from the Committee, Councillor Daden stated that;

- The Parish Council meetings were on Zoom and not recorded, the first CCG meeting had however been face to face.
- The Parish Council does not post agendas on their social media pages.
- The interest regarding the bridges organisation had now been recorded as a non-pecuniary interest.
- During her interview with the Investigator, Councillor Daden was aware that any answers were to be used for compiling the report which could be brought before members.

At this point of the hearing, the Investigator was invited to summarise the case. The Committee was reminded of the Investigator's findings, which highlighted that the matter of bringing the Council into disrepute was an objective one but had concluded that the social media posts had done so. It was noted that the register of interests had now been updated and the Investigator reminded the Committee of the findings regarding the misreporting of a meeting to the Parish Council.

Invited to summarise the case, Councillor Daden noted that the register of interest element of the complaint summed up the spirit of the complaints. Councillor Daden felt that it should have been resolved separately and was not a good use of public money or officer time in being investigated; if it was found to be a breach then this had been an oversight. Councillor Daden was of the opinion that the experienced Planning

Committee at the Parish Council had not been misled. Councillor Daden's intention had been to place the interests of the public above the agenda of the Parish Council. The Committee heard that the matters should have been resolved internally but had instead been allowed to grow into barriers. Councillor Daden also noted that the Parish Council were still not posting agendas on social media a year later and that some simple solutions had not been activated. Councillor Daden felt that a fair decision of the Committee would be to recommend mediation with the Parish Council. This would allow trust and solutions to be built along with understanding how to work together to bring forward the best interests of local residents.

The Committee retired to determine the complaints in private at 3.40pm

The meeting resumed in open session at 4.52pm. The Committee confirmed that they had come to the following findings.

Allegation 1 – No Breach. The Committee felt the posts had been ill advised and inappropriate but did not in this instance reach the threshold of a breach. They recommended further social media training for the Parish Council and asked Councillor Daden to adhere to the Social Media Policy and consult with the clerk regarding posts. It was noted that Cllr Wright voted against this allegation.

Allegation 2 – Breach found. The Committee noted that the register had now been updated, but reminded Councillor Daden to be make sure the register of interests was kept up to date and that interests are declared in future. It was also noted that Councillor Daden may wish to seek a dispensation.

Allegation 3 – Breach found. The Committee stated it was the responsibility of elected Councillors to make sure what they say is correct. They recommended that Councillor Daden be more careful when establishing facts, before addressing the Parish Council or its Committees. It was noted that Cllr Wright voted against this allegation.

(2.02pm to 4.56pm)

6. Urgent Business

There were no items of urgent business.

The meeting closed at 4.56pm.

Chair