

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Council held at Council Chamber, Blackdown House, Honiton on 11 July 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.17 pm

1 Public speaking

Dr Cathy Gardner stated that:

Reading this report, it is apparent to me that some Officers and Members refused to be interviewed by Verita and that some documentation was difficult if not impossible for Verita to get. This is shocking in itself, given the nature of the investigation where full co-operation is surely to be expected and freely given.

I have two questions: Firstly is the Leader concerned that the investigation was deliberately frustrated or hampered by any individual or is he satisfied that Verita was able to obtain all the information they requested and had sufficient co-operation?

Secondly, if Verita were not able to obtain all the answers they were seeking, are further efforts being made to fill in any gaps so that the full investigation can be completed?

In response, the Leader felt that it was appropriate for the questions to be answered as part of the presentation from Verita.

2 Declarations of interest

Councillor Jess Bailey; Affects Non-registerable Interest: Devon County Councillor.
Councillor Iain Chubb; Affects Non-registerable Interest: Devon County Councillor.

3 Confidential/exempt item(s)

None.

4 Report of a Council commissioned Independent Investigation into the actions of East Devon District Council following allegations and then criminal charges against former Councillor John Humphreys

The Chair welcomed David Scott from Verita, and Simon Davey, Finance Director, to the meeting.

The reports before Council for consideration consisted of a report from Verita covering the independent investigation into the actions of the Council following the allegations and criminal charges against John Humphreys; and a supplementary report prepared at the request of the Commissioning Group to reopen the investigation in March 2023.

Mr Scott provided the Council with a summary of the timeline of events, and background to the work of Veritas in conducting the investigation. He highlighted:

- New evidence had prompted the re-opening of the investigation;
- The original report had been reviewed in light of the re-opening, and believed to still be accurate, and the recommendations still appropriate;

- The former Monitoring Officer was in an unenviable position in light of the police advice to maintain strict confidentiality, and therefore could not share the information with the Safeguarding Lead. Existing safeguarding procedures could therefore not be triggered;
- Expressing thanks to the Safeguarding Lead for his advice during the investigation;
- Urging all councillors to undergo and maintain safeguarding training to improve their understanding;
- The new evidence of minutes of LADO 9 March 2016 did cast doubt on the existing investigation, but the comment could not be attributed to any one person attending the meeting, and those attendees have not volunteered if any of them made the statement;
- The investigation found no reliable evidence to confirm that the Chief Executive was aware of the information as indicated by the statement in those minutes of LADO 9 March 2016.

In response to the questions put by Dr Cathy Gardner, Mr Scott responded that:

- He found it difficult to get a full contribution from officers at the Council. Face to face interviews were requested but declined, so information was sought through correspondence. He felt that this was unusual, but that the veritas team got as much information as they could have reasonably expected;
- It had also been difficult to obtain information from Devon County Council, and assistance was sought from the Director of Finance to press the County to respond. It was easier to obtain information from the Police.

The Chair requested questions on the report from Council, before moving onto debate.

Questions from Members included

- If the term “Chief” could have referred to any other officers or the Monitoring Officer; in response, Mr Scott outlined as already set out in the report as to an understanding of the term, and it would not have been the Former Monitoring Officer as they were not present at that meeting;
- If the invitation to the LADO meeting would have contained details of what case would be discussed, and therefore the name of the individual being discussed, particularly as it was clear that the meeting was referred to as a strategy meeting on adults working with children; in response, Mr Scott stated that they did not have information about how the LADO invitation was made, and confirmed that they did not ask for this information;
- Clarity on the extent of digital record information requested, and if that included meta data and/or audit logs from IT systems; in response, officers outlined the work of keyword searches of data and reviewing that data. Mr Scott commented that in regard to the correspondence between the Police and the former Monitoring Officer, they only had sight of information from the former Monitoring Officer and did not receive information from the Police, although that was requested;
- What incurred the additional £8K to the originally agreed budget; in response, Mr Scott outlined the work involved with re-opening the investigation as requested by the Commissioning Group;
- What did Mr Scott make of comments regarding the reputation of Verita; in response, Mr Scott outlined the view put to him by the Chief Executive relating to a lack of background in local government, and that he had impartiality concerns;
- Was it unusual for a Monitoring Officer to be invited to a LADO meeting, and was it the right person; in response, Mr Scott said he felt it was unusual and thought that the safeguarding lead would be more suitable, but that it was Devon County Council’s choice to approach the Former Monitoring Officer, and they accepted;
- Explanation of what the Grant Thornton report was; in response, the Finance Director responded that this was part of the value for money work being undertaken by the Council’s auditors, Grant Thornton, being extended to include governance arrangements. The report is currently awaited;
- Were Verita aware of the main principles and the 5 Rs in safeguarding while conducting their investigation, and were any of those used; in response, Mr Scott confirmed he was aware, through work with the healthcare sector. He outlined as per the report findings,

that as the information had not been shared by the former Monitoring Officer, safeguarding processes were not triggered;

- Why the minutes of the LADO of 9 March 2016 were not part of the original investigation; in response, Mr Scott responded that the former Monitoring Officer was asked about minutes but that he did not offer them;
- On the balance of probability, based on those LADO minutes, that the Chief Executive was aware of the police investigation; in response, Mr Scott said he would not go that far, and that the police had been circumspect about information and added nothing further to the minutes. Therefore the conclusions as set out in the provided report were as previously stated;
- If procurement for funding this investigation was questioned, why did it go ahead; in response, the Finance Director reminded Council of their decision to go ahead with the appointment of Verita without following the procedure of seeking quotes or tenders from other providers.

It was PROPOSED by the Leader and SECONDED by the Deputy Leader

That Council:

1. Note the contents and findings of the Verita reports appended.

2. Approved the recommendations (R1 – R7) identified within the original Verita report (set out below), and agreed that the Monitoring Officer, in conjunction with the Portfolio Holder for Communication & Transparency, urgently bring to Cabinet a report that includes a detailed action plan that relates to the following report recommendations:-

R1 In the event that a similar event arises in the future, we consider that anyone from EDDC invited to a LADO meeting should not go unaccompanied and should consult the Safeguarding Lead.

R2 EDDC should revisit its discussions and plans to reform the Honorary Alderman/ Alderwoman process.

R3 EDDC should consider implementing a development programme for members to incorporate regular 1:1s, ongoing training needs assessments, surveys and exit interviews for councillors.

R4 The Safeguarding Lead should consider adding specific procedural guidance to the safeguarding policy to help users understand how, in practice, risk should be assessed and managed.

R5 EDDC should consider designating safeguarding champions from within the councillor body.

R6 Officers, the Chair of Council and group leaders should encourage all councillors to attend the safeguarding training that is available. This should include induction and ongoing refresher training.

R7 The Safeguarding Lead should set up a small working group with councillors to consider what training would be appropriate to improve their understanding of preventative safeguarding practice.

3. Notes that in the “Financial implications” section of this report that an estimated additional expenditure of £8k was incurred in engaging Verita to undertake additional

work required to produce the supplementary investigation report, and Council approved of the additional funding that was incurred.

4. Notes with concern some of the conclusions within Verita's supplementary report, together with matters highlighted regarding both Devon County Council and the Devon & Cornwall Police, and in response Council agrees –

(i) through the Monitoring Officer, in conjunction with the Portfolio Holder for Communication & Democracy, to raise and discuss these issues with Devon County Council.

(ii) through the Monitoring Officer, in conjunction with the Portfolio Holder for Communication & Democracy, to raise and discuss these issues with the Devon & Cornwall Police.

The Chair then opened the debate on the recommendations put forward, which had been expanded on from the Verita report recommendations.

Debate on the recommendations included:

- Paying tribute to the Safeguarding Lead and the procedures already in place;
- Everyone's responsibility to undertake safeguarding as a duty and that criminal investigation and safeguarding processes should run concurrently; therefore the R1 was supported;
- Previous work by the Scrutiny Committee on safeguarding processes was robust and should be revisited if these recommendations are agreed;
- Keen to review fully the award of Honorary Alderman before any further awards made;
- Cllr Ingham read out part of a statement on behalf of Cllr Hartnell, some aspects of which had already been covered earlier in the meeting, but concluded that there was support for the recommendations but that the toxicity of political point scoring should not be allowed;
- All Councillors should be comfortable to be able to report any concerns they have, and be clear who that person is;
- Strengthen the mandatory aspect of safeguarding training;
- Have in place a Safeguarding Lead for Councillors, and a Safeguarding Lead for officers. Whilst there was reference to a Member Champion, some councillors felt that this was not strong enough. To assist Council, the Safeguarding Lead advised that they could explore options for this role for Members, either as part of an existing Portfolio or a lead in each political group. Members were keen to see qualified people in place, and that a report back on the options for implantation of those roles should be undertaken by the Monitoring Officer
- Debate over DBS enhanced checks as a requirement for Members to undertake, with some in support, but a reminder that the report set out how this would not have flagged up any concern for the former councillor until his arrest;
- Update the Portfolio Holder title to reflect the changes made at Annual Council, from Portfolio Holder for Democracy and Transparency, to Portfolio Holder Communications and Democracy.
- Consider a review of record keeping of this authority, as this impacts on the reputation of the Council; this would be directed to the Audit and Governance Committee to consider and scope;
- Make a direct request to the police to ask 1) Who did the police contact at EDDC and when; and 2) Why they directed the case to the Council's monitoring officer at that time and not the Safeguarding Lead.

Before taking a vote, Councillor Paul Arnott as proposer, addressed Council with his thanks for the debate. He reminded those present of the courage and persistence of the victim, and that without that, the debate would not be taking place. He commented that he was disappointed with the comments replayed from Cllr Hartnell and stated that the calling of a separate meeting of the Council on this item was not the decision of this administration.

A recorded vote was agreed, and taken on the recommendations as set out below on block.

RESOLVED that Council:

1. Noted the contents and findings of the Verita reports appended.
2. Approved the recommendations (R1 – R7) identified within the original Verita report (set out below), and agreed that the Monitoring Officer, in conjunction with the Portfolio Holder for Communication & Democracy, urgently bring to Cabinet a report that includes a detailed action plan that relates to the following report recommendations:-
 - R1 In the event that a similar event arises in the future, we consider that anyone from EDDC invited to a LADO meeting should not go unaccompanied and should consult the Safeguarding Lead.
 - R2 EDDC should revisit its discussions and plans to reform the Honorary Alderman/ Alderwoman process.
 - R3 EDDC should consider implementing a development programme for members to incorporate regular 1:1s, ongoing training needs assessments, surveys and exit interviews for councillors.
 - R4 The Safeguarding Lead should consider adding specific procedural guidance to the safeguarding policy to help users understand how, in practice, risk should be assessed and managed.
 - R5 EDDC should consider designating safeguarding champions from within the councillor body.
 - R6 Officers and all councillors, must attend the mandatory safeguarding training that is available. This should include induction and ongoing refresher training.
 - R7 The Safeguarding Lead should set up a small working group with councillors to consider what training would be appropriate to improve their understanding of preventative safeguarding practice.
3. Noted that in the “Financial implications” section of the report that an estimated additional expenditure of £8k was incurred in engaging Verita to undertake additional work required to produce the supplementary investigation report, and Council approved of the additional funding that was incurred.
4. Noted with concern some of the conclusions within Verita’s supplementary report, together with matters highlighted regarding both Devon County Council and the Devon & Cornwall Police, and in response Council agreed –
 - through the Monitoring Officer, in conjunction with the Portfolio Holder for Communications & Democracy, to raise and discuss these issues with Devon County Council.
 - through the Monitoring Officer, in conjunction with the Portfolio Holder for Communications & Democracy, to raise and discuss these issues with the Devon & Cornwall Police; including the two questions put forward by Cllr Jess Bailey as follows:
 - a) Who did the police contact at EDDC and when; and b) Why they directed the case to the Council’s monitoring officer and not the safeguarding lead.
5. Refer a review of record keeping of the Council to the Audit and Governance Committee for scoping.

For the recommendations: Councillors Arnott, B Bailey, J Bailey, Barlow, Bonetta, C Brown, J Brown, Bruce, Burhop, Chamberlain, Chapman, R Collins, Davey, Dumper, Faithfull, Goodman, Haggerty, A Hall, M Hall, Hawkins, Hayward, health, Hookway, Howe, Ingham, Jackson, Jefferies, Johns, Jung, Ledger, Levine, Loudoun, Mackinder,

Martin, Nicholas, Olive, Parr, Richards, Rixson, Rylance, Smith, Toye, Westerman, Whibley, Wilson.

No councillors voted against or abstained.

(Councillors Caygill, Chubb, B Collins, and O'Leary left the meeting during the item and therefore did not participate in the vote)

Attendance List

Councillors present:

P Arnott	P Faithfull	J Loudoun
B Bailey	M Goodman	D Mackinder
J Bailey	D Haggerty	M Martin
I Barlow	A Hall	C Nicholas
V Bonetta	M Hall	J O'Leary
C Brown	S Hawkins (Vice-Chair)	T Olive
J Brown	P Hayward	H Parr
A Bruce	J Heath	S Richards
C Burhop	N Hookway	M Rixson
F Caygill	M Howe	E Rylance (Chair)
S Chamberlain	B Ingham	S Smith
M Chapman	S Jackson	A Toye
I Chubb	R Jefferies	S Westerman
B Collins	V Johns	J Whibley
R Collins	G Jung	D Wilson
O Davey	D Ledger	
T Dumper	Y Levine	

Officers in attendance:

Andrew Hopkins, Communications Consultant

Simon Davey, Director of Finance

John Golding, Director of Housing, Health and Environment

Wendy Harris, Democratic Services Officer

Debbie Meakin, Democratic Services Officer

Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Councillor apologies:

K Blakey

K Bloxham

P Fernley

C Fitzgerald

S Gazzard

M Hartnell

S Hughes

J Kemp

T McCollum

H Riddell

E Wragg

Chair

Date: