

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the consultative Extraordinary meeting of Council held Online via the Zoom App on 28 September 2022**

#### **Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.34 pm

#### **29 Public speaking**

The Chair welcomed members of the public and Councillors to the meeting and explained that all participants were taking part remotely and the meeting was also being viewed online and recorded.

He outlined that the Council had delegated much of its decision taking power to Senior Officers until 31<sup>st</sup> October 2022, due to continuing concerns related to COVID risk in this area. Consequently, the meeting was being held on a consultative basis only, and the normal procedural rules as detailed in the Council's Constitution, would continue to be closely adhered to.

Accordingly, where the meeting would have normally decided a matter, it will now make a recommendation to a Senior Officer. The Officer will then take that recommendation into account, when making their decision.

The Chair said that the Council recently lost one of its members, Cllr Val Ranger, who was also Vice Chair of Council. He said that he would speak further on this at Full Council on 19<sup>th</sup> October, but in the interim would like Council's agreement to elect Cllr Eleanor Rylance as Vice Chair for the meeting. Following a vote the Chair confirmed support and invited Cllr Rylance to act as Vice Chair for the meeting.

The Chair then started the meeting by doing a roll call of those present, and confirmed that the meeting was quorate.

During the meeting the public would be able to participate if they had pre-registered to speak.

Two members of the public had registered to speak at this meeting.

Mark Hawkins began by stating that he did not recognise the Chief Executive's (CEO) rendering of his earlier statement as accurate. He considered the police were negligent in not making routine public statements in stark contrast to their practice in other matters, for example, a proactive investigation with very public information in Budleigh in 2011, with recommendations. He said that his comments appear to have been flipped to build a case justifying neglect.

He regarded the comments relating to Cliff Richards by the CEO as misleading and irrelevant. He referenced an article on this in his report, but the police are not subject to the restrictions he claims. The Verita report on a similar issue in the Green Party appeared to present a straightforward route to clarification, focussing on individual personal responsibility. In contrast, the QC's opinion obtained by the CEO seemed to focus on protection of particular groups, and the instructions he was given have still not been published.

He asked why all the individuals involved could not just be open with all relevant knowledge, rather than hiding behind the collective, being whipped or instructed to say nothing. There appeared to be no transparency except as an accessory.

He went on to say that he remembered the Conservative Group pressing their opponents in the recent past about mandatory DBS checks, but this appeared to indicate hypocrisy.

He said that Cllr Wragg told us when she first heard of an investigation probably through a similar route and at a similar time to himself. He believed that he could name another four Cllrs with knowledge. The CEO now believed that it was common political gossip. He said that he knew that at no stage had any Cllr declared that John Humphreys had been a friend of theirs or that they had received gifts, services or hospitality, not even the one whose wife is seen standing close to him in a photo of a meeting.

In relation to the officer who attended the meeting with the LADO and police, they could have provided more clarity than their boss who had not been there and who talks in terms of what the police would have said or done. The officer could tell us what was said. He asked how they balanced their perceived obligations to the accused, their employers and the wider community. Had they discussed the LADO's response and potential implications with their line manager, and as any legal officers at the authority would understand and expect to happen, as emphasised by the Verita approach.

The Chair thanked Mr Hawkins for his contribution to the meeting stating that his comments would be noted.

The Chair went on to explain that unusually, the second public speaker would be addressing the meeting anonymously via Cllr Taylors channel. He extended a warm welcome to an individual who had suffered personally as a victim of the crimes perpetrated by former Cllr and Honorary Alderman John Humphreys.

He thanked the Chair for the chance to speak at the meeting and began by stating that John Humphreys was originally arrested on 11 May 2016. On 24 January 2017 a file was handed to the Crown Prosecution Service (CPS). It took a long time for them to deal with it, and the case went to court in August 2021. The police said that Humphreys knew that the case was live during this time from 2016 to 2021. His legal team communicated with the officer in charge and at no time was he told that the case was not proceeding. This left him wondering who else knew and how he had been allowed to carry on as usual being a Cllr at Exmouth and East Devon. When he was convicted, he was sentenced to 21 years and would possibly serve at least 14 years. He would remain on the sex register indefinitely.

The speaker said that he had been told that this was one of the longest sentences ever passed for crimes of this sort. Part of his healing from the matter started when he walked into the witness box and was able to say what he needed and to finally be heard. He had insisted that the screen could be taken away so that he could look him in the eye. It had helped him psychologically because he had always viewed John Humphreys as a man of influence and standing in the community. He still has the view that he is being favoured because of his connections, his apparent good character and social standing as a Cllr. He thought that he had sat as a representative on Devon and Cornwall's Police Scrutiny Committee. He obviously knew all the people at the top of the Conservatives and in the Masons.

The speaker stated that he had been a monster to him. He took away his teenage years and this went on into adulthood when he should have retained his innocence. The choice was taken away by this man. There are still many questions remaining after the verdict and he still felt ignored. He would like to be heard and it was important that the Council heard his statement despite not knowing what difference it would make. He said that he thought a few people may be present and feeling worried. He wanted to voice his disgust with the lack of concern or urgency from the people who were supposed to safeguard our communities, and asked how people would feel if it was their child, and whether they

would want a chance to get to the bottom of the matter and how he was allowed to stand as a public figure.

He also expressed concern about the lack of an investigation, because without it things would not be learnt from the matter.

The Chair thanked the speaker for addressing the meeting and appreciated hearing his personal insight into the harm caused by the crimes committed. He confirmed that he was sure of a disgust shared at the meeting in the behaviour of John Humphreys and a wish that the speaker would be able to gain some closure.

### 30 **Declarations of interest**

29. Declarations of interest.

Councillor Eileen Wragg, Affects Non-registerable Interest, Had met with the second public speaker who had been one of the victims of John Humphreys and his mother.

29. Declarations of interest.

Councillor Jess Bailey, Affects Non-registerable Interest, Had met with the second public speaker who had been one of the victims of John Humphreys.

29. Declarations of interest.

Councillor Marianne Rixson, Affects Non-registerable Interest, Had met with the second public speaker who had been one of the victims of John Humphreys.

29. Declarations of interest.

Councillor Megan Armstrong, Affects Non-registerable Interest, Had met with the second public speaker who had been one of the victims of John Humphreys.

29. Declarations of interest.

Councillor Paul Arnott, Affects Non-registerable Interest, Had met with the second public speaker who had been one of the victims of John Humphreys on several occasions.

### 31 **Confidential/exempt item(s)**

There were no confidential or exempt items.

### 32 **Report: Former Councillor and former Honorary Alderman J. Humphreys**

The Chair introduced this item as an updated report from the Chief Executive following his original report to Cabinet on 7<sup>th</sup> September. There were several recommendations to consider aimed at ensuring that the circumstances leading to the appointment of John Humphreys as an Honorary Alderman did not happen again and the concerns of Council members were addressed.

The Chief Executive began by taking Members back to the motion that was approved at Council in April, in particular that what Council wanted was a clear understanding of how John Humphreys, despite his arrest in May 2016 continued to serve as a Cllr until May 2019, retained his position as a Lead Member for Exmouth and went on to be bestowed the title of Honorary Alderman by the Council in December 2019. Further that, a report should focus on the circumstances of how John Humphreys came to be bestowed the award of Honorary Alderman despite being under criminal investigation at the time. He

said that in all such cases they are fact specific and that was how he sought to approach his report and how he had framed the recommendations for Council to consider.

He said that he assumed that Cllrs had familiarised themselves with the background, in terms of information that was publicly available around the offences for which John Humphreys was convicted and sent to prison, when they occurred, when complaints were first made to the police, when they were pursued, and leading up to what Council was after in terms of the motion and seeking information and understanding regarding matters from May 2016. It was in that context, that he took the decision in consultation and liaison with Group Leaders to obtain a QC's opinion into the matter because it struck him that when reading the motion and reading the debate on what took place, there was a degree of misunderstanding and uncertainty around what the law said, what the procedural requirements were regarding safeguarding, and in terms of Counsel's advice, they do help frame what happened into a sequence of events.

Returning to the two primary requirements, he stated that everyone was aware that an officer of the Council was requested to attend a meeting at Devon County Council (DCC) by the LADO officer. At that meeting the police were in attendance. They asked for information, that information was provided and the officer concerned was left in no uncertain terms that the meeting was confidential, that the information provided was confidential and this was to remain as such. That was important because as could be seen from Counsel's advice, there were a range of ways in which the Council's safeguarding obligations could bite in terms of matters that are brought to its attention through members of the public or through Cllrs, as opposed to the Council operating as a partner authority in conjunction with other lead partners in the safeguarding process. The CEO continued to outline that John Humphreys had been arrested in May 2016 and the Council was never officially told and heard nothing from the police at all since then. If one had read local papers, it could have been picked up that John Humphreys first appearance was in November 2020, and then subsequently the press reports that covered the conduct of the trial in 2021.

So he was arrested in 2016 and that information was confidential. The officer concerned was not at liberty to tell anyone and the police conducted their investigation, and as was heard from one of the speakers a file was submitted to the CPS. So it was also worth pointing out that even if it had become public knowledge and had the police made the decision to make it public, procedurally there was no power on the part of the Council to suspend the Cllr, or power to require a Cllr to resign. The best that could be said and as alluded to previously by the CEO and as referred to by Counsel, is that one hopes to be dealing with a decent person and that they would resign in those circumstances, but it was clear that this was not the kind of person being dealt with in this case.

This was the situation which informed the reason the CEO came to his recommendations with regards to the arrest situation in May 2016 and then what followed. Similarly it applied to the process under which John Humphreys came to be nominated and bestowed the award of Honorary Alderman. This was covered in the report to Scrutiny. The proposals and the nominations for Honorary Aldermen came from Group Leaders and are consulted upon by other members, and if no one makes a comment to the contrary a recommendation goes forward to Council for their consideration and decision. There is no officer recommendation and never has been with regard to who should become an Honorary Alderman. It was a Member led matter and decision. So that was how it came to be that the Council decided in 2019 that the Honorary Alderman position should be awarded to John Humphreys.

Moving to the recommendations in his report, the CEO stated that the first one was straightforward in terms of noting the advice of Peter Oldham QC. He assumed that it had been read by Cllrs since none had made any comments, sought clarification or raised questions. It was important in terms of the fact specific nature of this issue that Cllrs looked at paragraphs 12 through to 19 because what Counsel had said in those

paragraphs had informed how the CEO approached the recommendations. Whilst the CEO made clear that Cllrs were free to disagree with his view, they do seek to address the mischief of how the Council found itself in this situation in regard to its experience with John Humphreys.

Paragraph 12 stated that the legislation provides a child safeguarding role for District Council, not to be specifically engaged in the delivery of particular services but as a partner with other authorities, some of which have more extensive powers and duties to take steps than others. That was relevant and important with regard to this issue, because no complaint was received by the Council in terms of engaging a process of trying to assess and understand what John Humphreys had done or might have been doing with regard to the activities of the District Council. That process came through DCC and the police, and this Council being requested to give information in a confidential LADO meeting.

Similarly paragraphs 13 and 14 go on to canvas similar things but particularly with regard to paragraph 14 and the fact that the QC could only find an outdated LGA (Local Government Association) reference guide to safeguarding, which was an issue that the CEO had subsequently discussed with the LGA and their Safeguarding Lead Officer in terms of updating their guidance and awareness. The LGA stated that they had sought funding from the Department of Education for this, which had not been forthcoming, which was why one of the recommendations was around working with the LGA to ensure that there was relevant guidance that could be used for both District Cllrs, and Town or Parish Cllrs within the district.

Paragraph 17 was important and the CEO was happy to discuss it in more detail, as was the relevance of paragraph 19 in terms of the limitations and expectations that one is dealing with honourable people in these circumstances, and that the Member concerned would have resigned.

This was important in terms of understanding why Counsel's opinion was relevant and needed to be brought back to Council members.

With reference to Recommendation 2 and whether an independent investigation should be commissioned, the CEO said that Council was likely to know what there was to know in terms of the Council's involvement in this matter. Recommendation 4 sought to highlight there is an obligation on Cllrs when they were proposing someone for an honour or position with the Council, to carry out a process of due diligence, which is an omission in terms of EDDC's current procedures, and was the reason for it being recommended. Similarly Recommendation 5 which was around best practice guidance. The CEO said that he wanted to refer to Recommendation 6 because it was important and he had heard what Mr Hawkins had said with regard to his interpretation of police powers and obligations. He said that he was clear from the documents given to Council in terms of the guidance notes that the police work to, that it was a more complex and complicated picture than had been suggested, but if it was the case that a Council is required to be told that a Cllr had been arrested, none of this would have happened in the first place in terms of John Humphreys being made an Honorary Alderman and Council would have been able to take a view on appropriate actions to take. With reference to his report as originally drafted, he said that it was not a question of if found guilty the Cllr should be asked to resign. In terms of public confidence in Cllrs, if one had been arrested one should resign. It was a privilege to represent the public as an elected Cllr or an MP. The public were entitled to expect high standards of conduct. He did not think the reality of what happens matches up to public expectations. However, if one looked at recent changes to the law, particularly with regard to disqualification from standing as a Cllr, parliament was not yet ready to consider those steps favoured by the CEO. It currently allowed a whole appeal process to be gone through with regard to different offences for which one could now be disqualified from standing as a Cllr or from continuing to be one if one is already elected.

The Chair invited comments in relation to recommendations 1 and 2.

Cllr Millar asked with reference to the process of making former Cllrs Honorary Aldermen and knowing that officers could not make recommendations in this respect, there had been at least one officer who was aware of the fact that a Cllr had been nominated and a police investigation was taking place. Should that officer have gone to DCC and the police to request an update on the progress of that investigation to ask what could have been done to prevent that honour from being issued. That was one of the reasons why he had always been in support of an investigation. He went on to say that the Leader and Cllr Bailey had showed extraordinary restraint at the last meeting when the CEO had referred to members' quest for an investigation as what many people might see as a political witch hunt. He could not show such restraint and following what had been heard from the victim at the meeting, he asked the CEO to withdraw the phrase and apologise for using it at the last Cabinet meeting. The investigation had always been about learning lessons not pointing fingers.

He went on to say that as well as reference to the political witch hunt, the CEO justified his advice of not pursuing an independent investigation by saying that it was not a unique situation.

The CEO had suggested that he understood why the event had made Cllrs concerned about the Council's reputation but Cllr Millar said that this was to misunderstand that the point of the requisition for an investigation was about making sure that all lessons from this could be learned. With regard to the CEO's view that it is unlikely that Council would learn anything that is not known already, even if that was the case, it would still be worth doing an investigation with respect to the public speaker, to be sure that justice did not just start and end in the courts. All institutions needed to be looked at to make reforms if they are necessary.

Cllr Skinner spoke as Leader of the East Devon District Council Conservative Group, and wanted to pick up on questions previously posed by members. The Group had looked into its procedures and duly responded with the letter attached to the documents for the meeting. He believed it answered the questions posed by members regarding the recommendations under discussion. He wanted to support the way the CEO had laid out his report in factual terms and said that the way he had handled the matter had been exemplary. On that basis he would support recommendation 1 to note the advice of the QC, and in relation to recommendation 2 and taking into account the advice of Counsel, he could see that there was little to be gained from commissioning a report. The result of such a report in his view would be to take Council no further forward that it currently was, and would cost the best part of £50K at a time when finances were already stretched. If the commissioning of a report was implemented, he would ask what pot of money it would be paid from, particularly since DCC were conducting their own inquiry. Furthermore, the recommendation would do nothing to help the victims of this atrocious crime, and they should always come first.

Cllr Bailey thanked the public speakers for addressing the meeting, and clarified that she had put forward the requisition which was recommendation 3a. She said that she did not agree with the CEO and believed that many questions remained unanswered. Members had been asking for an investigation for a year. They had asked for an investigation on 20 April in principle and the CEO decided that an investigation was not appropriate, which was what had prompted her to put in a requisition on 16 August, eleven and a half months after she had started asking for it.

She said that she did not find the answers she was looking for in the report and found it concerning that they were still having to explain why they wanted an investigation. In the months and years following John Humphreys arrest in May 2016 while he continued as a District Cllr, had EDDC taken the appropriate safeguarding steps and other appropriate

actions. She did not know the answer to that. She went on to ask why the Council had allowed him to attend events when children were present. They knew he had been arrested for offences against children but he was still allowed to attend events when they were present. She asked why EDDC had awarded him an Honorary Aldermanship in 2019 when he was under investigation for offences against children. She said that that question had not been answered and as heard from the second public speaker there were many more so she did not accept that an investigation was not needed. Members had said they wanted an investigation, and it had been agreed almost unanimously, with one abstention in April.

So while it was fine to note the advice, Cllr Bailey said that it did not say there cannot be an investigation, and repeated that one was needed. She said that she did not see why it was necessary to vote on that again because the Council had already agreed it.

Cllr Whibley picked up on the point made by Cllr Skinner about what good would an investigation do for the victim, and he said the public speaker had made it clear that it would show he was being listened to. He went on to say that whilst he appreciated the CEO's explanation of events, some of his points sounded like they would be better placed before an inquiry than being part of the debate at the meeting. He said that the key question needing an answer involved not only official communications, as stated by the CEO, but what people knew outside of that. To answer that would require a lot of soul searching and honesty on the part of those being asked and that would fall outside the legal framework within which the CEO had framed his report. He said that the creation of an environment in which safeguarding principles can be promoted and acted upon should be at the forefront of every public organisation's thinking and at EDDC it was clearly not.

He went on to say that if an investigation was voted for at the meeting, it should not have a whiff of influence of anybody in a senior position during the period in question, whoever it was, because they could not be seen to be marking their own homework. For example a local law firm sourced, appointed and guided by officers who were in post at the time would not fit the criteria.

Cllr Rylance stated that any service that handled the welfare of children had a safeguarding duty. EDDC does not have an obvious responsibility for children's services, however, it is known that the individual, John Humphreys, weaponised his social standing in order to gain access to children and teenagers. It is known that he was able to use the fact that he was an elected representative of the Council to lord it over at least two children. In that respect he dragged EDDC into this even though EDDC do not have responsibility for children's services. She said that she had read through the advice of Counsel and two things struck her in particular. One was the weakness of the expectation of what a Cllr would do if they were indicted of such a crime. Another was that experience informed us that people who are intent on doing harm will not be bound by the same conventions that a lot of other people would be, and a very weak expectation that somebody would resign if they were indicted for a serious crime, given that the person involved in this case was using his social standing and social capital by having votes behind him to crush the spirit of children. Cllr Rylance said that she doubted he was able to do this alone, and most Council members had sat at the meeting in December 2019 which made him an Honorary Alderman. She said that having been elected for two years at that point, she had only met John Humphreys twice in passing. That the convention was for a few people to propose individuals to be awarded this position on the basis of flimsy evidence. She said that she felt cross to have been dragged into the situation but much crosser to know that two children who are now adults were failed by every adult they had turned to. She went on to say that the police failed the speaker because they ignored him when he first reported it and it took 13 years to get to court. It had become a historical investigation because the police had taken no

action. John Humphreys was given a social standing he did not merit by the time he was awarded the position.

She said that she resented the implication this was political when it had only ever been about safeguarding children, and if anyone placed other interests ahead of the welfare of young people it was very wrong. £50K was not more important than every household having the reassurance that everything was in place to stop this happening again, and for the Council to find out how the system could have been improved to prevent them being manipulated by a cunning individual.

The paragraphs referred to in the legal advice were weak if it is based on the expectation of a manipulative person suddenly discovering a conscience and deciding to stand down from their role, and the Council as an organisation did not yet know how to prevent this happening again.

Another question Cllr Rylance wanted to pose was about the various meetings which an officer was going to attend which were cancelled, exposing the Council to further risk. She wanted to know more about the cascade of information down the local authority chain and also about links between the police and EDDC and how they could be improved, so that it might have been possible for the Council to ensure John Humphreys did not have access to children which is now known that he had, late into the investigation of him. It was necessary to know where all the failings were to enable the Council to be sure it has done everything it can to prevent it happening again. She said that this was why she wanted investigators who were devoid of any EDDC influences to conduct an investigation, safe in the knowledge that they do not know any of the people involved, and for this reason they should not be based in East Devon.

The Chair invited comments from the CEO at this point.

The CEO wanted to point out that it is necessary to be fact specific and some comments being expressed at the meeting were not based on facts. He stated that the only way to have a truly independent investigation is for the Council to refer itself to the Secretary of State (SoS) on the basis of failing in its Duty of Best Value in terms of the way this situation had transpired. Without trespassing into recommendation 3a or 3b, he advised that members should think about asking the SoS to assess the matter and potentially appoint a Best Value Inspection Team to look into this so that there would be people involved with no association with East Devon. Otherwise investigations conducted under 3a or 3b will inevitably have some form of association with the issues and will not be truly independent.

Cllr Wragg thanked the public speakers and commented that the second speaker had been unable to get help from his own parents because they were also being groomed by John Humphreys. She wanted to endorse what Cllr Bailey had said in not understanding why a senior council officer could not report back to his line manager, the CEO, even though the issues were confidential, and why DCC as the safeguarding body had not pursued the issues. They had already admitted this was a mistake. She also wanted to say that in relation to referring the matter to the SoS, the confidence in the current national government had sunk to a level she had not experienced previously. She said that there needed to be an independent investigation because at present it appeared that collusion and collaboration had taken place at best, and an orchestrated cover up at worst. She considered that this had been borne out by the minimal coverage in the local media, and when complaints were made that there was no coverage of the trial, there was a very short column on page 16.

Cllr Davey said that almost every investigation into harm to children had highlighted failures in communication and that was the case here. He said that he had no doubt that some kind of investigation was needed to find out what role the Council played and why



information that was known, was not passed on. He stated that he had done some safeguarding training and was an ex-teacher and the training had always emphasised the importance of communicating concerns without hesitation or feeling the need to judge the information. He went on to say that ultimately the issues rested with the police but he was unsure whether the Council would ever get answers from them.

He said that an investigation was needed but had misgivings about Verita. He confirmed that he had read the CVs of their staff and was not convinced they had the relevant experience or why they had been quoted apart from the fact that they had done an investigation into a similar case for his own party, the Green Party. However, he had noticed that DCC had appointed an Ofsted Inspector to carry out their investigation, and Ofsted would have safeguarding at the top of their agenda. He would keep an open mind about Verita but did believe a wide ranging investigation was necessary to ask why things that were known were not passed on to those who should have known. As the CEO pointed out, the Council had not been told when it should have been, in order to not have allowed the Cllr concerned to continue certain public duties.

Cllr Armstrong wanted to make three points. Firstly and as she had mentioned at the last Cabinet meeting, that although as a Group Leader she was apparently sent an invitation to discuss and contribute to the discussions about whether advice should be taken from a QC, she had never received that email and so was not part of that discussion. Secondly that she was one of the members who had signed a requisition which was proposed by Cllr Bailey following the lack of action, to instigate an investigation. This was voted for in April and agreed at Council and should have been started months ago without having further discussion about it. Thirdly she wanted to confirm she would be voting for an independent investigation.

Cllr Jackson wanted to ask about what percentage of the Monitoring Officer's investigation budget had been spent on resolving issues relating to members of Parish Councils and what percentage related to members of EDDC. The Monitoring Officer responded by saying that while he could not give an accurate specific answer to the question at the meeting, he could confirm that the majority had been spent on lower tier authorities, although there had also been some investigation expenses incurred in relation to EDDC.

The Chair moved for a vote first on Recommendation 1.

Cllr Bailey called for a recorded vote, which was seconded by Cllr Bonetta.

The Chair called for a vote in favour of a recorded vote which was carried.

**Recorded vote:**

Councillors Mike Allen, Megan Armstrong, Paul Arnott, Jess Bailey, Denise Bickley, Jake Bonetta, Alasdair Bruce, Fred Caygill, Sarah Chamberlain, Maddy Chapman, Andrew Colman, Olly Davey, Bruce De Saram, Peter Faithfull, Ian Hall, Paul Hayward, Nick Hookway, Ben Ingham, Sarah Jackson, Vicky Johns, Geoff Jung, Jamie Kemp, David Key, Richard Lawrence, John Loudoun, Dawn Manley, Paul Millar, Helen Parr, Christopher Pepper, Geoff Pratt, Marianne Rixson, Jack Rowland, Eleanor Rylance, Philip Skinner, Brenda Taylor, Ian Thomas, Phil Twiss, Joe Whibley, Tony Woodward, Eileen Wragg, Chris Wright, - voted in favour – 41.

Following a recorded vote the Chair confirmed that there had been unanimous support for Recommendation 1 and would be passed to Senior Officers for approval.

**RECOMMENDATION** to be passed to Senior Officers;

That Council note the advice of Mr Peter Oldham Q.C. set out in Appendix A to the report of the Chief Executive.

The Chair then moved directly to Recommendation 2.

Cllr Bailey asked for a recorded vote which was seconded by Cllr Skinner.

The Chair called for a vote in favour of a recorded vote which was carried.

Following a recorded vote the Chair confirmed that Council had indicated it wanted to recommend an independent investigation.

**Recorded vote:**

Councillors Megan Armstrong, Paul Arnott, Jess Bailey, Denise Bickley, Jake Bonetta, Sarah Chamberlain, Andrew Colman, Olly Davey, Peter Faithfull, Paul Hayward, Nick Hookway, Sarah Jackson, Vicky Johns, Geoff Jung, Jamie Kemp, John Loudoun, Dawn Manley, Paul Millar, Geoff Pratt, Marianne Rixson, Jack Rowland, Eleanor Rylance, Brenda Taylor, Ian Thomas, Joe Whibley, Eileen Wragg, Chris Wright, - voted in favour – 27.

Councillors Alasdair Bruce, Fred Caygill, Bruce De Saram, Ben Ingham, Richard Lawrence, Helen Parr, Christopher Pepper, Philip Skinner, Phil Twiss - voted against – 9.

Councillors Mike Allen, Maddy Chapman, Ian Hall, David Key, Tony Woodward - voted to abstain – 5.

Following a recorded vote the Chair confirmed that there had been support for Recommendation 2 in that Council wanted to commission an independent investigation or enquiry into the relevant matters, and would be passed to Senior Officers for approval.

**RECOMMENDATION** to be passed to Senior Officers;

That Council considered in the light of the advice received and the updated contents of this report that it does wish to commission an independent investigation or enquiry into this matter.

Chair invited the CEO to add anything at this point.

The CEO said that he was mindful of what Councillors had said around ensuring that something was genuinely independent. He said that he could discuss the concerns that the officers had around Verita, had heard some of the comments that had been made around using a Legal 500 firm of solicitors and also heard the comments around the Secretary of State. The only alternative that he could think of which would reassure all potential participants in this process that it was genuinely independent was either that the Council's external auditors were requested to carry out an investigation or if they felt unable to, that they find another firm of external auditors to do so. He said that the cost would be what it is but in legal terms, the auditors were able to do that and would not have to worry about working to a budget, but he said that he was literally reflecting on what he had heard from all the councillors who contributed to the debate and if members wanted to assure the victim or the public or themselves that this was genuinely independent, then that was another option that they might want to consider. He offered to quickly canvas Recommendations 3a and 3b, in that officers' concerns around 3a were set out in the report, but he was just being honest in stating that if the Council went out to tender and selected a shortlist of 3 firms to do this work, he did not believe Verita

would be on that shortlist. He also had concerns about the element of editorial control that would be vested in certain councillors if option 3a was chosen. He said that as regards option 3b, it would be going to the recommended source for legal specialists, and whether members agreed with him or not terms of his legal advice, he believed good sound legal advice would be needed around everything that was involved in this because he did not hear that at the moment in terms of the way this was being debated.

The Chair suggested that meant that there had to be an amendment proposed which included the revised additional option, if members were minded to do that.

Cllr Bailey stated that members were now many hours into the latest meeting where they were still going round in circles on this really important issue. The Chief Executive had been requested to identify suitable organisations and terms of reference on 20<sup>th</sup> April and it was now 28<sup>th</sup> September. When the report came through from the Chief Executive on 4<sup>th</sup> July for Cabinet recommending no investigation she had been really concerned about that because she felt that was not what the Council had wanted and that had been confirmed at the meeting because a majority of councillors confirmed they did want an investigation. She said that she felt upset that members had had to go through this again because they had already been through this and decided in April. So when the no recommendation of investigation had come through from the Chief Executive she had approached some of her colleagues. She had then found a company that she felt had equivalent and suitable experience having done investigations of this nature before. The Chief Executive could have identified various companies, he could have identified terms of reference but did not. Cllr Bailey wanted to draw the council's attention to what Devon County Council were doing. She said that in a matter of weeks of having identified an issue, they went and instructed somebody. They did not have to have motions, meetings, or months of delay and then voting on several occasions, so she queried why EDDC were having to do that. The councillors had asked for an investigation in April, they asked for terms of reference, they asked for suitable companies, and then did not get them. She found what felt to be an appropriate organisation with nine other colleagues and although it was not clear from the agenda papers who those nine colleagues were, she had written them down and could read them out because she did not know whether people who watching would be aware. She confirmed that collectively they felt that Verita would be a suitable organisation and that the Chief Executive had had many months to decide which entity would be suitable if the councillors wanted to do an investigation. At this meeting members had heard the suggestion of the Secretary of State and external auditors. They had still not had any terms of reference and she felt that councillors who were potentially tainted by association of what had happened, had been blocked. She had thought that officers advised, and members decided, so she was glad that members, voted for the second time that they wanted an investigation and she hoped that that would be implemented. She summarised by stating that she had found what she believed to be a suitable organisation, had prepared terms of reference, and there were nine other councillors that put forward a requisition which had brought them to this point. The recommendation was in the agenda papers.

She said that she would not be happy with auditors, as she did not know what the auditors were going to do, or know what their terms of reference were, or who they were. If that was an ideal solution, she did not understand why it was not in the agenda papers. She said that in relation to the comment about editorial control vested in certain councillors, she assumed that the Chief Executive was referring to herself, and that she had heard other comments such as that she wanted to be judge and jury. She said that she would respond to that by saying she was not predetermined, did not know what had

happened, did not know who had known what, who did what, or what could have been done, but she thought that the council needed to find out and believed that Verita were the appropriate organisation. She confirmed that she did not have any influence over them but that somebody would have to be the contact between Verita and the organisation. She went on to say that unlike the Chief Executive, she had not said there should be no investigation, or that people would think it was a political witch hunt, or that it might be considered to be a waste of public money. She believed it needed to be done and that the council had been going round in circles for a year, which reflected badly collectively on the organisation and also on Cllrs as individuals who were elected to be open and transparent.

She queried again why DCC had got their act together within a matter of weeks. She said that it was her view that any self-respecting organisation would have investigated straightaway and she did not see why it had taken a year to get to this point. She said that there may be many companies who could potentially be instructed but so far, none of them had come forward, and her view was that members had already had legal advice which was all very well but she did not believe it would get to the bottom of the questions that still have not had answers.

She then proposed that the Council appoint Verita, and would like to put that as her recommendation. She believed that they had the expertise, the experience, they are completely independent, regardless of what the Chief Executive says because they do not know anybody at EDDC, and that she had no intention of editing anything.

Cllr Millar seconded the proposal from Cllr Bailey.

The Chair said that whilst it is true that officers delivered, and members made the decisions, although this was slightly complicated with the current situation on virtual meetings, it was also sensible practice for all members to take due regard of officers professional opinions. He suggested that a little balance was needed.

The CEO commented on a matter of factual record. He said that he would double check his emails but as a matter of record, Cllr Bailey first recommended or promoted Verita to him even before he had taken QC's advice because they had featured in a national inquiry into safeguarding procedure and practice. He wanted to make that clear. He also said that he had given his advice on the basis of the facts as he had been able to ascertain them and understand them and he had tried to do it in a cost-effective way for the council. He said that Councillors were, of course, free to spend whatever sums they thought were appropriate with regard to a matter but he did not think it was appropriate to criticise him for trying to protect the public purse.

The Strategic Lead for Finance, Simon Davey, wanted to point out that he was expected to make comment in terms of Recommendation 3a but that he was named in it in terms of leading that particular piece of work. The said that that created difficulties for him in terms of the fact that Chief Executive would be by far the most experienced and knowledgeable officer in this area compared to himself. If the issue, as he understood the debate, was around independence and connections at the time, he had been a senior officer at the council at the time in question, specifically Chief Finance Officer, so it was no different if he was being named than if the CEO was being named. He said that as a recommendation he had difficulties in terms of leading that investigation if the point was around independence, since he was in the same position as the CEO, and members ought to be aware of that before voting if that recommendation was going to go through as stated.

The Chair commented that members should be aware that he had also had involvement with the Council during that period as leader of the council in the 2018-19 council year and also in terms of one of the other areas of scope in relation to how EDDC dealt with the removal of the award of Honorary Alderman. That process was driven by the chair which had been himself, so clearly there were going to be some difficulties with this. It had been suggested whether it would be considered sensible in 3b that we gave delegated authority to one of the statutory officers in consultation with the Portfolio Holders for Council and Corporate Coordination, and Democracy Transparency and Communications. He asked if Council would feel more comfortable were that the case, rather than naming the Chief Finance Officer and similarly himself. He also asked what it would do if there was any concern, reasonable or otherwise, that Cllr Bailey had a particularly strong interest in this project, and whether it would be helpful to remove her from it as well, and avoid any possible allegations. He said that he would propose that as an amendment to 3a if members wanted to support that.

Cllr Millar commented about having due regard for advice, and he considered that he and his colleagues had always had due regard and in the vast majority of the occasions tended to vote according to officer advice because they were the professionals but this was quite a unique situation. He said that he personally felt convinced that Verita were a competent and credible organisation partly by the report Cllr Davey had also read about a similar case of safeguarding within the Green Party, partly by the breadth of inquiries they had done and the expertise they had internally. Having looked at their website he would have to reject the suggestion that their lawyers were not in any way qualified to investigate issues relating to local government. He also trusted Cllr Bailey's judgement as an interested party, and just because she was interested in the issue did not make her not impartial. She was neither part of the administration nor the opposition; she was an independent councillor, a member of the Law Society, and had not had any involvement with the case at all. He said that if Cllr Bailey's name was the only name on the list of proposers he would be happy to support it because in his opinion there was trust there and he did not understand the comment about editorial control. Regarding the CEO's alternative recommended investigation, he said that it contained no terms of reference or organisation to carry out the inquiry, so he queried whether it was appropriate to delay this any further when there was a competent organisation already in place to do this work. He went on to say that crucial information had not been shared with members relating to the Council's knowledge prior to the involvement of the national journalist. It was only because of the involvement of the national journalist that Council had known what it knows. He said that there had been conversations that had been had with significant others with reference at the last Cabinet meeting to a discussion with the LGA Head of safeguarding. Members had not heard about that, they had not seen the instructions to the QC, and now they had the suggestion of involving the Conservative Party Secretary of State. He queried why that had not been in the report for members to be able to digest and consider, along with the suggestion of the external auditors. The CEO had already stated via email to the requisitioners that he wished any results of such an inquiry to remain strictly confidential but, to be truly independent, the inquiry cannot be seen to be directed or micromanaged by any officer or member involved in any way present at the time. He stated that he would be voting for Cllr Bailey's investigation as a lack of transparency, unacceptable delays of getting a proper inquiry underway which he knew from speaking to residents was desired, but members heard it at the start of the meeting from the victim that it was desired. Members must get this inquiry immediately underway so he urged all of his colleagues to vote for the Verita investigation.

The Chair stated for the avoidance of doubt, that he was not inferring any shortfall in Cllr Bailey at all. On the contrary, she was well aware that he had commended her on the basis she had come forward with a properly researched proposal which compared favourably in terms of its research with others that Council sometimes had to deal with.

The CEO said as a matter of factual record, that he had not said that this should be confidential. He had highlighted the fact that he thought this should be non-confidential. He considered that everything should be in the public domain because the recent experiences councillors had was that it was entirely unsatisfactory in terms of doing things confidentially, and so everything should be in the public domain so that it could be looked at, as opposed to just having a report in the public domain without any ability to interrogate the background documentation.

Cllr Arnott said that he would have to challenge comments from the Chair in relation to Cllr Bailey, because what he had tried to do was to amend option 3a to exclude Cllr Bailey and that would have been the effect. He went on to say that this was really straightforward now, since members had voted twice to do an investigation. He said that Council was in danger of losing sight of the wood due to focusing too much on the trees. He said this had been a disgusting multi agency failure, resulting in the hideous disadvantage to a number of people one of whom had been heard from at the meeting. This included the police, Humphreys' party, various schools, Devon County Council, Exmouth Town Council, the masons, EDDC members and others who may not be known. He said that what was needed was somebody with the skills and the imagination and the investigative experience to see that that was the premise that needed to be looked at. He said that the minute the issue got boiled down into legal disputes, members would fail to serve the public interest here. He confirmed he had a great deal of respect for the CEO and understood why he had given the advice he had given and he hoped he had enough respect for him and for members, and he was sure he did, if they disagreed with it. He said that there were specific facts that had not been taken into account in considering the recommendations yet. He stated that he thought 3a should be voted for as it stood and that what would flow from that was that Council should park recommendations 4, 5 and 6. That the process according to 3a needed to take place, so that members could then receive the report back to the Council, and he would have to support the CEO, in that he had always said that this would not be confidential. Following that he said that members could then consider the matters in recommendations 4, 5 and 6. He confirmed that there was a proposer and a seconder for this option 3a, that he would be voting for it, and that if the meeting moved forward he would be happy to suggest dealing with other recommendations on another occasion.

The Chair proposed to work through recommendations 3 a and 3b, and then if council was of the view that it wanted to park recommendations 4-6 then obviously that could be proposed subsequently.

Cllr Woodward wanted to say a few words on the expectations from a review investigation by anybody under options 3a or 3b, that he thought some councillors may be disappointed in the outcome of a report. As counsel had mentioned, there was no compulsion on the part of anybody to respond to the investigation and there was no compulsion on any particular party either. Statements had already been made, and he could not see why an individual would suddenly change or disclose any new information to make them appear culpable in what went on before. He said that he did not think that either Verita or anybody else would be able to get to the deep truth of what actually went on. That said, the part he thought members should focus on was the safeguarding procedures and what happened next, in terms of how EDDC safeguard for future

purposes. In that respect he thought Verita would be adequate for that, but it had been said that they had investigated the Green party but that was very different to this situation in that the Green party commissioned that report, it had been an in-house report about them and they were very happy to be involved in the process. He did not think that would necessarily be the case here. That was just an observation that he had, so he was happy to go with 3a, he just thought that councillors should not have their expectations too high that there would be any particular outcome which would be of significant interest to them.

Cllr Allen wanted to explain why he had abstained last time and could not agree to either option 3a or 3b this time. This had been a serious problem for him and one which he was familiar with through having had the life of one of his family members ruined by a paedophile. He was angry that anyone should turn this into any form of political issue, and angry that members were not looking to do what was the really essential thing which was to make sure that this never happened again, and all he was hearing was that members wanted to investigate what happened previously. He wanted to make sure that members set up systems that never allowed this to happen again. He said that such an evil man should never have got into the system in the first place but such people were very clever and able to manipulate, and so some form of system is required that will eliminate the possibility. Another issue was how one would know if somebody was guilty if they were accused. He said that whatever was decided, it must be about making sure that this never happened again which would be the best security that the Council could give to the general public. On that basis, he thought Cllr Davey had come up with a solution and hoped that his group would listen to him when he suggested that Ofsted with all their expertise and clear independence, might be considered to do an investigation.

The Chair asked if that was a formal proposal, and whether there was a second for that if Ofsted were to be added as an alternative.

Cllr Allen responded by saying that he felt railroaded in terms of Veritas, and that it had all been sorted out in advance, with the leader having indicated to his group that that was the way they were going to vote. He said that he thought they were all being bullied.

Cllr Hayward asked through the Chair that the councillor withdraw that statement since it was unfounded.

Cllr Arnott commented that Cllr Allen had just said that he may have been bullied and that was just crap but he now needed to be taken to Standards for saying crap.

Cllr Allen said that it looked as if the Leader and Deputy Leader had just bullied him.

Following a few further comments the Chair asked members not to get diverted.

Cllr Skinner said that he was quite concerned about the way the meeting was unfolding and about a member of the council putting forward a particular firm to look into issues over this particular authority and the way that it had gone about an issue that came forward to it. He confirmed that he had every faith in Mark Williams as the CEO and the SMT team that worked with him. He said that they were professional, and the CEO's background was of a legal basis. He went on to say that the way that the CEO had been trying to conduct himself was not only about ensuring he did the right thing for the authority but also about protecting the authority against people coming up with whimsical comments. The decisions that members make on such an important issue should be factually bound, and that hearsay that is being mooted by members on long standing opinions, do not have place at the meeting. He said that he was sure that the senior

officers including the CEO were doing their utmost to ensure that if there was going to be an investigation, that it was done by a proper firm, company or even the secretary of state, and he had heard the secretary of state of this country being almost put in the bin. He considered it shocking talk and no more than hearsay and somebody's view. The CEO put forward some options for going forward and, if it took longer to get to where we needed to be, to get to the right conclusion, then that was fine by him. He said that the crime had been committed and the gentleman concerned with the crime was in jail, and he thought the point that Cllr Allen was suggesting was about ensuring that this did not happen again.

He said that he was not happy with the company being put forward by a councillor. He said that the proper procedure was for officers to advise on the best way forward, putting options to councillors, giving recommendations, and councillors deciding upon the recommendations being put to them. He said that that was the procedure and that was the discipline in which Cllrs worked, and if they did not work within that discipline it became chaos. He said that he was unhappy and concerned about a company being mooted by a councillor regardless of motive, and he had no issues with Cllr Bailey or the way she was trying to do something, but that was not the point. He considered that to challenge officers was shameful, and so he was not supportive of going for this company and that he did not know them but he did know it was the business of the CEO in whom he had every faith.

Cllr Loudoun commented that he accepted that an independent investigation would be appropriate, but looking at options 3a and 3b, he was not minded to be supportive of 3b. He said that he had been thinking about the NSPCC or organisations like that, but he had heard what other people had said. He went on to say that he would like to support 3a but could not because he disagreed with the names and roles that had been allocated to manage the process, and it was for that reason that he had come to the view that he would have to abstain.

Cllr Hayward commented that he had heard of Verita through various means but had never actually looked into them so a quick review of their website appeared to indicate that amongst their client list was Great Ormond Street Hospital, the UK Health Security Agency, Department of Health, Public Health England, NHS Direct, Mighty Group, the State Government of Jersey, the RCN, the NRC, the Green Party, the Civil Aviation Authority, and Devon & Cornwall Police who have all trusted Verita to undertake investigations. He went on to say that there was a direct testimonial from the Secretary of State for Health, 'I wanted to write to thank you and your team at Verita for your excellent work overseeing the NHS investigation reports' which were into the infiltration into the NHS by the notorious paedophile Jimmy Savile. So this was the standard of work that they worked to and the Secretary of State had given a testimonial, so he would be voting in accordance with his conscience on this.

Cllr Wragg said that she found it totally abhorrent having met with one of the victims, and there must be many more, that the accusation of political capital being made was being hurled at members. She said that this was not the case, and this was about the victims. She queried what sort of party would use victims as a ploy to get votes and deplored the allegations that were being made. She went on to say that this was genuine concern by people who care and not about a political party which closes ranks. She said that she knew about the allegations against Humphreys in 2016-17, and as she had said before, found it inconceivable that some of the Tory party members were unaware of them. She went on to say that alongside confidence in the Secretary of State, she thought that confidence had also been undermined in some officers of the relevant authorities, in that



this had not been brought to the attention of members and that Humphreys was actually being promoted. That honour would have given him even more credibility in court which is why she applauded the bravery of the victim because he had been really up against it, since Humphreys had accused the two victims in court, of trying to use this case to extort money from him. She said that the life of victims were shattered, and there were some people at the meeting who should be hanging their heads in shame because they had been well aware of it. It was a case of either collusion and collaboration or a cover up, and only a completely independent investigation was going to uncover that. She said that she did not care which company carried out the investigation, what happened had to be uncovered to ensure that it did not happen again.

The Monitoring Officer, Henry Gordon Lennox commented in relation to his observations and the way members had spoken about the understanding as to what might or might not have been done, and that there may be outstanding questions, but a lot of answers had been given, as the CEO had said. He said that one thing concerning him was the leader's comment about who one might use and saying that it should not be a legal practice, and should include thinking outside and beyond a legal position to look at the situation through a wider lens. He wanted to flag up from a local government perspective, that the Council was a creature of statute, as a body, and effectively all its actions were governed by a legal framework, powers and duties, and this issue had got a multitude of different obligations all flowing through it. From his point of view and his advice to the councillors was that in any report, that framework has to be clearly understood, and he appreciated Verita had done lots of work elsewhere, but the local government framework was very acute and very specific and so his advice was that that report needed to be clearly done on an understanding of the local government framework. The question he wanted to pose was how the council would reassure itself to give confidence to those who would be involved, who it wanted to be involved, that that was going to be the case and be understood. He went on to say that it would thereby be making sure that the outcomes whatever they might be, were meaningful for the organisation. The flip side was, that one goes ahead and does an investigation, and then the council just had to accept there was an aspirational aspect to it, perhaps, that it was outwith the understanding of that framework and it had to take the report in that vein, so he flagged that whoever was chosen. He thought it was also worth picking up that the issue of who else might be appropriate, because of the specific comments around independent investigation and it was not possible to get away from the fact that Verita, whatever they may be outside the organisation, they had been contacted by a councillor from within the organisation, who had then instructed them effectively to come up with a brief. He queried whether that could be said to be truly independent. And he thought what the CEO had been eluding to was that if you were to go to the Secretary of State, and he appreciated the political affiliations, or Grant Thornton or whoever they might recommend, it was then truly independent from anybody having any involvement at the meeting now. It was not about being referenced in a report earlier, because the issue about it being truly independent had only really arisen at this meeting so he thought it was fair to say to the CEO that these were ideas to try to help the council along so that members do get that true independence if that is what they are actually after. He said that the critical point for him was making sure that whoever members were going to instruct, that the legal framework point is clearly understood, to give reassurance to those who might be involved or who members want to be involved specifically, because some of those will be outside of the organisation and then members might get more traction with those, so that they get a fuller report.

Cllr Armstrong said that Cllrs Skinner and Allen had worked with her for a long time and if she thought that any of this was party political or was trying to get one over on somebody else she would not touch it with a barge pole. They had both said that they just wanted to make sure this situation does not happen again and that was what her understanding was of the 10 requisitioners and all members who had voted to have this independent investigation. She said that they just wanted to know what the truth was, what happened, and to ensure that it does not happen again. For her the speed it needs to be done at, and it also had to be done properly was because members were trying to protect children in future and because the Council needed to put systems in place if it did not have them already. She said that she wanted to reassure Cllr Allen and Skinner particularly because they referred to this as being political and she would not have put her name to it if it had been.

Cllr Skinner wanted to point out that while he respected what Cllr Armstrong had said about him referring to being a political party, he did not say that and wanted that clear.

Cllr Faithfull said that going back to what the CEO had explained about the appointing of Honorary Aldermen, it was the responsibility of all councillors, regardless of which party, and he did not remember whether he voted or did not vote at all, so right across the board to some extent all members were guilty of giving that award. He said that he would like to see councillors getting a better understanding of their own actions right across the board and regardless of party because he considered that everyone was a little bit guilty.

Cllr Jackson said that she would probably abstain on this because she was named in both recommendations and felt quite torn. She said that she was comforted by the information provided by Cllr Hayward around Verita, and it was important to recognise that they had been used by a number of reputable organisations to do similar sorts of work. She said that she had no major issues with Cllr Bailey being involved, because it was only through her tenacity that members were looking at two options for how to pursue an independent review, given the original recommendations were perhaps that they do not pursue an independent investigation at all. She said that members now had options in front of them. She said that there may be recommendations that are made that members do not have the power to action but at least they can recognise what the proposed recommendations would be on the back of an independent review and establish what they could do and what they may need additional support on from central government to be in a position to achieve later on. She said that she had no major concerns with either option 3a or 3b, but wanted to state that she would like to abstain because she was named in both.

Cllr Bonetta requested a recorded vote, which was seconded by Cllr Skinner.

The Chair invited members to vote in favour of a recorded vote. Following a vote, the Chair confirmed that a recorded vote had been agreed by those present.

The Chair confirmed that he was inviting people to indicate how they wanted to vote by saying either 3a, or 3b when their name was called, or to say abstain if they did not want to vote for either.

**Recorded vote:**

Councillors Megan Armstrong, Paul Arnott, Jess Bailey, Denise Bickley, Jake Bonetta, Andrew Colman, Olly Davey, Paul Hayward, Nick Hookway, Vicky Johns, Geoff Jung, Jamie Kemp, Dawn Manley, Paul Millar, Geoff Pratt, Marianne Rixson, Jack Rowland,

Eleanor Rylance, Brenda Taylor, Joe Whibley, Eileen Wragg, Chris Wright, - voted in favour of Recommendation 3a – 22.

Councillors Mike Allen, Alasdair Bruce, Fred Caygill, Sarah Chamberlain, Maddy Chapman, Bruce De Saram, Peter Faithfull, Ian Hall, Ben Ingham, Sarah Jackson, Richard Lawrence, John Loudoun, Helen Parr, Christopher Pepper, Philip Skinner, Ian Thomas, Tony Woodward - voted to abstain – 17.

Following a recorded vote the Chair confirmed that the Recommendation 3a was carried by a majority of those present and would be passed to Senior Officers for approval.

**RECOMMENDATION** to be passed to Senior Officers;

That this Council hereby commissions Verita to carry out an independent investigation in accordance with Verita's proposal attached ("the Investigation") and instructs Simon Davey the Strategic Lead for Finance immediately to complete (or authorise completion of) the contract and any necessary paperwork with Verita;

Approves a budget of up to £45,000 (exc VAT) for the Investigation.

Approves an exemption to the Council's standing orders that would normally require quotations to be obtained from three suppliers to enable the Council to appoint Verita given their experience and expertise in this highly specialist area.

Requests that Verita treats Simon Davey together with Cllr Ian Thomas Chair of East Devon District Council and Cllr Sarah Jackson the Portfolio Holder for Democracy and Transparency and Cllr Jess Bailey as the relevant contacts for the purposes of any queries or day to day matters relating to the Investigation and who shall in the first instance receive Verita's report following completion of the Investigation.

The Chair then moved to Recommendation 4 and invited the CEO to say anything before further discussion.

The CEO said that he thought recommendations 4, 5 and 6 were not necessarily time sensitive, and that particularly because members will have seen within his report that there was work already underway with the other Devon districts and Devon County Council to look at our collective safeguarding policy. Also there was an audit being carried out of safeguarding policy and practice. He said that he had provided everything that he knew in terms of his report and published documents relating to John Humphreys, so partner colleagues were fully aware of that, and he was sure that would be taken into account in terms of what came back for further consideration in due course. He went on to say that recommendation 4, in terms of considering Honorary Aldermen was unlikely to happen again until September 2023 at the earliest, so that was not time sensitive. In relation to recommendation 5, that may well come out of the work that done as a collective Devon family of councils, and recommendation 6 would involve lobbying, and there would be a long timeframe involved in lobbying.

Cllr Arnott said that he thought that was very sensible at this stage and was happy to propose that the remaining recommendations were deferred.

The Chair confirmed that if Cllr Arnott proposed deferral of recommendations 4, 5 and 6, he would need a seconder. Cllr Skinner seconded the proposal.

Cllr Millar asked if it could be specified that they are deferred until the inquiry investigation was published at which point members would be able to look at them with informed eyes.

The CEO said that if members looked at paragraph 7 of his report he had highlighted what other work was under way so that was what was going to happen, so the result of that work and the result of the investigation when it was completed could be considered by Council and Cabinet in due course.

The Chair then invited members to vote on the proposal.

Following a vote the Chair confirmed that the proposal to defer recommendations 4, 5, and 6 until after the report under 3a was received had been agreed unanimously by those present and would be passed to Senior Officers for approval.

**RECOMMENDATION** to be passed to Senior Officers;

That Council defers Recommendations 4, 5, and 6 of the report of the Chief Executive until the investigation was completed and report received.

Cllr Jackson just wanted to remind members that they had received a request from Democratic Services to give feedback around the safeguarding training which is scheduled, and requested that members engage with that at the earliest opportunity.

The Chair thanked everyone for attending and for their positive contributions to the meeting. He acknowledged that it had been a difficult subject and there were no right answers in something like this and as he had said earlier, he thought everyone was in the same frame that they were outraged at the activities that went on with former Councillor Humphreys and that was without exception and so he took great reassurance from that and thought it was right that members should be looking to make sure these things don't happen again and that protection of children and vulnerable was top priority.

The meeting ended at 8.34pm.

### **Attendance List** **Councillors present:**

J Kemp	V Johns	G Jung
M Armstrong	J Rowland	H Parr
S Jackson	J Loudoun	C Pepper
S Chamberlain	D Bickley	G Pratt
P Arnott	J Bailey	M Rixson
F Caygill	P Hayward	E Rylance
A Colman	A Moulding	B De Saram
P Millar	D Key	P Skinner
R Lawrence	M Allen	B Taylor
T Woodward	D Manley	I Thomas (Chair)
N Hookway	M Chapman	P Twiss
C Wright	P Faithfull	E Wragg
O Davey	I Hall	A Bruce
J Whibley	B Ingham	J Bonetta

**Officers in attendance:**

Mark Williams, Chief Executive  
Simon Davey, Strategic Lead Finance  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)  
Susan Howl, Democratic Services Manager  
Sarah Jenkins, Democratic Services Officer  
Andrew Hopkins, Communications Consultant

**Councillor apologies:**

P Jarvis  
K Blakey  
K Bloxham  
S Hawkins  
C Gardner  
C Brown  
I Chubb  
A Dent  
S Gazzard  
M Hartnell  
M Howe  
T Wright  
S Hughes

Chair .....

Date: .....