

Manor Farm Update

To: Audit and Accounts Committee

Meeting Date: 7 March 2022

From: Director of Law and Governance and Monitoring Officer

Outcome: Consideration of the publication of the remainder of the Mazars independent review of the Cambridgeshire County Council Internal Audit Investigation into Manor Farm.

Recommendation: The Committee is asked to consider if the public interest in disclosing the information within the Mazars report, following the conclusion of the Code of Conduct investigation, outweighs the public interest in maintaining the exemption.

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1. Report

- 1.1 The Manor Farm update is included on the Audit and Accounts Committee agenda as an oral report, as it was not possible to produce a written report in time for the agenda despatch, which was on the same day as the meeting of Constitution & Ethics Committee. However, it is important that the Committee has all the relevant information in a report as it is being asked to take a decision. The Chair has been consulted and has agreed to accept this report to enable the Committee to take an informed decision.

2. Background and History

- 2.1 The tenancy of Manor Farm was advertised publicly as the smallest of ten vacant County Farms Estate holdings in early 2017. It was awarded to Mr Roger Hickford on 5th April 2017 with a business tenancy signed on 20th December 2017. On 15th January 2019, the Chairman of Audit and Accounts Committee formally received a request from Councillor Nethsingha to review the process leading to the award of the tenancy and subsequent decisions made regarding the tenancy. It was agreed that Internal Audit would conduct the investigation and the subsequent decisions made regarding the tenancy.
- 2.2 The first draft of the 'Tenancy of Manor Farm, Girton' report, along with another report on potential conduct issues, was completed in late June 2019. Some of the early findings showed financial and conduct concerns and in line with standard audit practice, the matter was referred to the police on 4th July 2019 to consider whether a formal criminal investigation was required. The police confirmed on 9th October 2019 that they would progress an investigation. At this point the audit work stopped to ensure that there was no prejudice to the police investigation, although Internal Audit continued to support the police investigation throughout.
- 2.3 On 5th March 2020 the police confirmed that they were closing their investigation, with no further action. This was formally confirmed in writing on 29th April 2020, with the audit able to commence again once this notification was received. Following this, there were some delays due to the Chief Internal Auditor being deployed on the response to the pandemic along with dealing with numerous process challenges that had been raised.
- 2.4 The draft report also went through two rounds of fact checking with key stakeholders which allowed those stakeholders to see the parts of the report that related to them and allowed them to confirm or challenge the facts in those parts of the report which relate to them. The draft report was due to be finalised and issued at the beginning of December 2020, but on 7th December 2020 the Chief Executive was informed that the Chief Internal Auditor would not be able to complete the audit due to sickness.
- 2.5 The Council subsequently appointed Mazars LLP, an international firm and 10th in the UK top accountancy and business assurance practices, to review the internal audit work and conclude on the matters involved.
- 2.6 On 5th March 2021, the Audit and Accounts Committee met and determined that the section of the Mazars report on the County Farm Service process and procedures and the 31 recommendations in the relevant audit should be made public and considered first by the committee as these sections did not contain exempt information. The Committee adjourned

for those sections to be made public and then debated in detail all of those recommendations and made comments, amendments and recommendations accordingly.

- 2.7 The Committee then resolved to consider the remainder of the reports concerning specific tenancy issues, code of conduct and disciplinary issues in private session as this information was exempt and the committee considered, on the basis of the legal advice that they had received, that these matters should not be considered in public.
- 2.8 Finally, the Committee agreed that a press release of the proceedings of the committee should be issued as soon as possible and that a further report be prepared for the Committee's consideration regarding matters which could be considered in the public domain. The press release is available here [Annex 1](#).
- 2.9 At its meeting on 26th March 2021, the Committee received an update from the Assistant Director: Property on the actions being taken in relation to the 31 recommendations which were agreed.
- 2.10 The Committee agreed that eleven recommendations from Mazars for further action to be considered in relation to financial, transparency and conduct issues should be referred on for further consideration under other processes, including the Members' Code of Conduct and officer disciplinary issues.
- 2.11 The Chief Executive informed the Committee that she had considered, along with the Assistant Director: Human Resources, the disciplinary matters referred to her in the Mazars report in two of the eleven recommendations. The Committee was informed of actions taken/to be taken in relation to these issues such as reviewing and amending the Respect at Work Policy, a pulse survey of staff on the implementation of the policy, a review of Whistleblowing procedures, Member training on the Code of Conduct and Ethical Standards as part of the induction process following the election, and a new Conflict of Interest Policy for Members.
- 2.12 Other financial and transactional matters had been referred to the Assistant Director: Property and LGSS Law Ltd (now Pathfinder Legal Services) and were currently under consideration in accordance with one of the eleven recommendations.

3. Constitution and Ethics Committee

- 3.1 On 27th July 2021, the Constitution and Ethics Committee agreed a process to consider whether Mr Hickford had failed to comply with the Code on the basis that it would facilitate compliance with the Council's duty under section 27 of the Localism Act. The Committee agreed it was important that the public had faith in the integrity of local democracy. The issues connected with the tenancy of Manor Farm had received significant public attention and concern, therefore the Committee believed it was important to have a clear response to any suggestions of impropriety.
- 3.2 The Constitution and Ethics Committee noted that, as Mr Hickford was no longer a councillor and therefore any investigation would not be carried out under the Council's arrangements under the Localism Act, no sanctions could be applied to Mr Hickford if he were found to have failed to comply with the Code. However, if the Council published the outcome of the investigation, it would demonstrate that the Council had acted on concerns

and any lessons learned in relation to the Code and the way Councillors interacted with officers could also be considered.

- 3.3 The Monitoring Officer also consulted with the Council's Independent Person who stated that, in their opinion, the conduct matters raised in the Mazars report should be investigated.
- 3.4 In August 2021, the Monitoring Officer instructed Jonathan Goolden, Head of Public Law at Wilkin Chapman LLP solicitors, to conduct the investigation. The confidential report was considered by the Constitution and Ethics Committee at its meeting on 25 February 2022.
- 3.5 At this meeting the Committee considered representations from former councillor Hickford asking for an extension of time to consider the report before responding. The process the Committee had agreed at its meeting in July 2021, which was communicated to Mr Hickford at the time and the timescales set out in this procedure, had been followed. It was believed this allowed adequate time for responding to the report. There were no extenuating circumstances provided which would necessitate an adjournment and there was public interest in bringing the matter to a conclusion without undue delay. No objections to the report were received or any request for participation in a local hearing so the meeting continued.
- 3.6 In relation to the confidential report prepared by Wilkin Chapman LLP solicitors, the Committee considered if the public interest in maintaining the exemption outweighed public interest in disclosing the information. The Committee had taken legal advice on this issue and considered the data protection rights of any individuals named or identifiable from the report. The legal advice was clear that a final report into, and determining whether, former councillor Hickford had breached the Code was likely to be publishable in compliance with the Council's GDPR and other obligations. The Committee therefore resolved that the public interest in publishing the report outweighed the public interest in maintaining the exemption information on the basis of the very strong public interest in transparency on issues concerning the conduct of elected official. The report is available here [Report prepared by Wilkin Chapman LLP solicitors](#)
- 3.7 In conclusion, the Committee viewed it as a cross-council priority to address the issues raised in the report, and agreed to:
- Refer the investigation to the Strategy and Resources Committee with a request that they establish a programme of action to resolve these issues and prevent a recurrence;
 - Invite the Strategy and Resources Committee to refer the matter to Full Council if necessary; and
 - Take up the issue with colleagues in councils across Cambridgeshire, to improve standards of behaviour in public life more widely throughout the County.
- 3.8 The Chair noted that the previous Chief Executive had issued a private apology to impacted officers. However, it was proposed by the Chair and agreed unanimously to ask the Chief Executive to explore the possibility of also issuing a public apology. Members also noted pre-existing safeguarding measures listed in the report.

4. Mazars' Report

- 4.1 As set out in Section 2.6, the section of the Mazars report on the County Farm Service process and procedures and the 31 recommendations in the relevant audit was made public as these sections did not contain exempt information.
- 4.2 The Audit and Accounts Committee is asked to consider if the public interest in disclosing the information within the remainder of the 69-page Mazars report, following the conclusion of the Code of Conduct investigation, outweighs the public interest in maintaining the exemption. The Committee will need to take legal advice on this issue and consider the data protection rights of any individuals named or identifiable from the report. The report is attached as a confidential appendix for the Committee to consider.

5. Source documents

- 5.1 [Audit and Accounts Committee – 23 March 2021](#)
- 5.2 [Audit and Accounts Committee - 26 March 2021](#)
- 5.3 [Constitution and Ethics Committee – 27 July 2021](#)
- 5.4 [Constitution and Ethics Committee - 25 February 2022](#)