



CLOSED SESSION MINUTES

Confidential Minutes of a meeting of the Staffing and Appeals Sub-Committee held in the Stable Block Meeting Room, Stone House, Corve Street, Ludlow on **Thursday 28th June 2012** at **11.00am**

SA/01 PRESENT

Councillors: Newbold, Perks, Phillips (ex-officio), Pound, Smithers and Wilcox

Also present: Veronica Calderbank, Town Clerk
 Naomi Brotherton, Admin Assistant

SA/02 ELECTION OF CHAIRMAN

The Town Clerk invited nominations for Chairman.

Councillor Pound nominated Councillor Smithers. This nomination was seconded by Councillor Perks.

RESOLVED (unanimous)

That Councillor Smithers be appointed as Chairman for the Staffing & Appeals Sub-Committee for 2012-2013.

SA/03 ELECTION OF VICE-CHAIRMAN

The Town Clerk invited nominations for Chairman.

Councillor Pound nominated Councillor Perks. This nomination was seconded by Councillor Smithers.

RESOLVED (unanimous)

That Councillor Perks be appointed as Vice-Chairman for the Staffing & Appeals Sub-Committee for 2012-2013.

SA/04 APOLOGIES

Apologies were received from Councillors Aitken and McCormack.

SA/05 DECLARATIONS OF INTEREST**Personal**

<u>Member</u>	<u>Reason</u>
Cllr Smithers	Treasurer of Ludlow in Bloom

Prejudicial

<u>Member</u>	<u>Reason</u>
Cllr Perks	Weyman Road Play Area and Standards Committee complaint re: Cllr Parry

SA/06 EXCLUSION OF PRESS AND PUBLIC: PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960

The Chairman moved that the public be excluded from the meeting for the following item(s) of business pursuant to section 1 of the Public Bodies (Admission to Meetings) Act 1960, on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

RESOLVED (unanimous)

That the public be excluded and the meeting continue in closed session.

SA/07 TOWN CLERK'S REVIEW

The Town Clerk introduced her report and explained that the current Town Council Standing Orders would need to be reviewed due to the new regulations regarding 'well being' powers which had been replaced by the 'General Power of Competence'.

She quoted from the Standing Orders, (Amended and Adopted on the 5th September 2011 and 9th May 2012), page 30, point 26, c

"The Chairman of the Staffing and Appeals Sub-Committee or in his absence, the Vice-Chairman of the Staffing and Appeals Sub-Committee shall upon a resolution, conduct a review of the performance and/or appraisal of the Town Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Staffing and Appeals Sub-Committee."

The Town Clerk highlighted that under Section 101 of the Local Government Act, one Councillor cannot be delegated to undertake a staff appraisal. She explained the Town Council had a due process and this had been included in the delegated powers. She went on to say that an appraisal was an important

opportunity for staff and opened dialogue between the employer and members of staff and why Members approved it as a 'Key Issues Exchange'.

She indicated that on her appraisal form under Equal opportunities on the form, Section b) that she had stated that she was unable to raise issues with the former Mayor Councillor Aikten ("JA"), as he had refused to undertake her appraisal. She drew their attention to a document from November where he had stated he could not undertake her review and also the argument with Martin Taylor - Smith ("MTS") when he had been Mayor and JA as far back as 2009 - 2010 refused to do a review with MTS until he was finally persuaded to.

At Full Council, Councillors and Parry and Phillips had volunteered to undertake the appraisal, minute FC/281 refers from the meeting of 5th December 2011. This was arranged for after the Christmas holidays and carried out in February 2012. Councillors Parry and Phillips had commended the Town Clerk on her achievements when comparing these to the Project Plan where she said most of the ten year plan had been achieved in 3 years.

Councillor Pound complained about the confidential papers only being available on the day and the Town Clerk explained that this was due to the sensitive nature of the papers. She advised Members that until recently for years this had been the practice to read them at the meetings

The Town Clerk went on to say that JA had emailed all Members of the Staffing and Appeals Sub-Committee on the 26th June 2012 but she had been excluded from the content of that e mail although the contents directly affected her. He had also sought to undo a Council decision where he had not been present and had been happy for it to proceed without him and where the decision was a majority of the Town Council.

Councillor Perks referred to the rights and obligations within the Disciplinary and Grievance Policies and Councillor Wilcox stated that he felt that in the circumstances that he was going to withdraw from the meeting as JA was not able to be present at the meeting. He added that it was not a matter of testing the Grievance Policy but the integrity of the member not being present, whilst indicating that he could not attend. He continued by saying that unless it was on equal ground he could take no part in the meeting.

Councillor Phillips commented that she had been involved with the Town Clerk's review and indicated that the Town Clerk had a legal point of redress and was entitled to do this as a contractual employment right as an employee.

Councillor Wilcox left the meeting at 11.24 am.

Councillor Phillips continued by saying that once the former Mayor had refused to undertake the review he had waived Standing Orders and the Town Council was potentially in muddy waters. She re-iterated that the Town Clerk had a right to redress and Full Council had resolved for two Councillors to undertake the Town Clerks appraisal which was the correct process. She went on to say that in the circumstances, following the email from JA on the 26th June and previous

emails that it was critical that the Town Clerk did bring the issue to the Staffing and Appeals Sub-Committee.

RESOLVED (4:0:0)

That the Town Clerk continue the meeting, being as concise as possible for the minute taker.

SA/08 The Town Clerk thanked the Members for listening to her and allowing her to go through the review she had had. She continued with her report highlighting the achievements of the Town Council such as her course undertaken under the new law under the Localism Act and offered Members a copy of the Course information explaining the requirements of Quality status how CiLCA had changed since she became clerk. She praised the staff and thanked them for their support. NABMA had highlighted Ludlow Market as an example of good practice and were to hold a special event on Saturday 7th July as part of the 'Love your Market' initiative. She said a considerable amount of work had been completed at the Cemetery refurbishing the Cemetery House the toilets paths garden and creation of a Town Council Polly Tunnel and nursery, the finance package and staff training, changes to the amenity areas and changes with the Street Lights.

She stressed to the Sub-Committee that she did not know of any other Town Council that had such an in depth, complicated Service Plan as she had provided to the Council for information. The office staff were over stretched to full working capacity and she highlighted that at Shropshire Council for the Local Joint Committee's, which occurred once a month there were 6.5 FTE dedicated Committee Officers as opposed to the Town Council who had only 3 Officers, of which Committee work was a small part of their job and one was part-time.

Councillor Newbold declared that if there had been friction between JA and the Town Clerk which needed to stop and he was concerned that potentially the Town Clerk could be laid wide open for further personal verbal attacks on her own and it should not be allowed to protect the staff.

Councillor Smithers suggested that no member of staff should be left with a Councillor on their own and they would be entitled to have a colleague with them. The Town Clerk thanked Councillors Newbold and Smithers and outlined that JA had objected to this arrangement in his Mayor's briefings and highlighted that she had been instructed by JA to give a formal warning to a member of staff. However, once the member of staff had left JA had informed her that she was responsible for these proceedings should there be any comeback. She pointed out the e mail dated 5th March 2010 attached to the agenda where it was he who had reported the member of staff to her as having attended a coffee morning in a works van during working hours.

Councillor Pound advised the Committee that he was concerned that small groups of Councillors were making decisions when it should be going to main Committees or Full Council.

Councillor Phillips referred to the emails from various Councillors attached and advised the Committee they needed to be careful as this could be seen as constructive dismissal.

The Town Clerk referred to a recent encounter with Councillor Parry, who she said “ranted” at her for 12 minutes. This had been confirmed by CCTV footage that she had been checking when Councillor Smithers had attended the office the previous day. She then stated that she was on record as having stated that she would never report any Councillor to the Standards Board, but would if instructed to by the full Council. However, she said when she was instructed by Full Council to report Councillor Leyton-Purrier, Councillors Wilcox, Aitken and McCormack told her that she had not done her job properly although the Assessment Panel had decided there was enough evidence within the complaint to the Monitoring Officer. She added that these Councillors had made her life a misery, it had been relentless for a considerable amount of time and she had had enough.

11.50 am the Town Clerk left the meeting.

SA/09 Councillor Pound advised the Committee that he had witnessed the behaviour of two Councillors towards the Town Clerk and was concerned. He had witnessed Councillor McCormack verbally attacking the Town Clerk however this had not been reported to Full Council. The second was Councillor Parry who he said had told the Town Clerk to “shut your mouth” and “keep your gob shut” at the meeting at the Bishop Mascall Centre. He stated that all Councillors should treat Officers with respect and added that he had received several complaints regarding Councillor Parry, who incidentally was also Deputy Mayor. The complaints he added, were from the public and Councillors where outbursts from Councillor Parry had happened. He said that these incidents should be reported to Full Council and Officers and the public should be treated with respect.

Councillor Phillips suggested that an extraordinary Confidential Full Council meeting be called before the situation got out of hand. She warned the Committee that damage had been done to relationships between Officers and Councillors and that this could lead to spiralling legal costs should the Town Clerk resign and take the matter further.

Councillor Perks asked the Secretary/Admin Assistant if she was happy continuing to take the minutes for the meeting and she confirmed that she was. He continued by saying that he felt that some positivity should come from the meeting and that performance could be measured against the work schedules approved and provided at previous meetings. He also suggested that the Town Clerk and Deputy Town Clerk could be supported in their pursuit of the CilCA qualification. He added that perhaps in the current situation the Authority for Local Councils could be approached for advice.

Councillor Smithers added that he was concerned that a single Councillor could not expect to dictate when a meeting was called so that they could attend. He

informed the Committee that the Council acted as a whole making decisions and not just a handful of Councillors. He then proposed that Councillor Phillips be appointed as a Member to the Staffing & Appeals Sub-Committee as she had employment experience.

RESOLVED (unanimous)

That:-

- i) The Town Clerks Report be noted;
- ii) The email from Councillor Aitken dated 26.6.12 be noted.

SA/10 **RECOMMENDED** (unanimous)

That Councillor Phillips be appointed as a Member of the Staffing & Appeals Sub-Committee for 2012-2013.

SA/11 **RECOMMENDED** (4:0:0)

That:-

- i) No Member of staff is to be on their own with a Councillor and vice versa;
- ii) Performance is measured against the recently approved work DLF schedules, e.g. DLF
- iii) The Town Clerk and Deputy Town Clerk are supported in their CiLCA submission and qualification;
- iv) No Councillor is to dictate when or where a meeting takes place so that they may attend;
- v) An extraordinary Confidential Council meeting is called in September to discuss what has been raised at Staffing and Appeals Sub-Committee today

SA/11 **STAFFING REPORT**

The Chairman invited thoughts on the current staffing workload and activity.

Councillor Pound said that in his opinion on some occasions there was more focus on work for Outside Bodies and Organisations and not on Town Council work. He said this added considerably to the workload and time of the current staff. He cited Ludlow in Bloom as an example saying that he had noticed the amount of paperwork the office staff members were undertaking increasing in the last two years.

Councillor Smithers declared an interest at this point stating that he was Treasurer of Ludlow in Bloom and that he understood Councillor Pound's comments. He informed the Sub-Committee of the history on Ludlow in Bloom as historically it had been a Sub-Committee of the Town Council before becoming independent. He also stated that the workload of the Town Council would also increase in line with the Localism provisions.

Councillor Perks asked that it be minuted that Councillor Phillips and the Secretary/Admin Assistant had been asked to check on the Town Clerk after the meeting as the Town Clerk had been upset when she left.

RECOMMENDED (4:0:0)

Any admin or DLF support given to outside bodies or organisations should be reviewed through the relevant Committee, e.g Ludlow in Bloom to be referred to the Services Committee.

SA/12 Councillor Newbold re-iterated that he was concerned that due to the friction JA may attend the office to discuss the matter with the Town Clerk.

Both Councillor Smithers and Pound stated that if JA did he would have to book an appointment first to see the Town Clerk.

SA/13 Councillor Phillips stated that although not being discussed at this current Staffing and Appeals Sub-Committee she felt it was relevant to inform Members that she was not in a habit of reporting fellow Councillors to the Standards Board but that she would be reporting Councillor Parry. She stated that Councillor Parry had implied that she had sold off a play area for personal gain.

12.15 pm Councillor Perks declared an interest and left the meeting.

Councillor Phillips continued by saying that she felt that this victimisation had come about following her comments on the wording for the plaque at the Buttercross. She confirmed that when she bought the property on Stanton Road with her ex-husband and the waste land adjacent was on their house Deeds. The land had originally been earmarked for waste land as it had been so close to the A49 bypass.

Councillor Pound added that Councillor Parry had made similar allegations regarding land at Weyman Road. He stated that it had been South Shropshire Housing Association land. Councillor Phillips confirmed that the land had been acquired for homeless youngsters at the time.

The meeting closed at 12.25 pm

Chairman

Date