

HERSTMONCEUX PARISH COUNCIL

Agenda Item: Committee Reports – F&GP

Minutes of the Meeting of the Extraordinary Finance and General Purposes Committee held on **Tuesday 26 January 2016** at Herstmonceux Village Hall, Hailsham Road, Herstmonceux.

Present: Councillors: Mrs J. Angear (Chairman), M. Bradshaw, M. Goodsell, Mrs H. Kenward, S. Nash, I. Stewart.

S. Goacher, RFO, attended and took the Minutes.

Members of the Public: None.

Agenda: Councillor Bradshaw stated that the Agenda for the meeting, as published, was 'ultra-virus' (illegal) as it was not what was agreed by Full Council at its meeting held on Monday 18 January 2016. The meeting was an extraordinary meeting of the Finance & General Purposes meeting with one item to discuss the recruitment of a new Clerk to the Council, and associated matters. The meeting would not be open to the public, as it was discussing confidential items appertaining to a Member of Staff, and to her replacement.

The Finance Officer had already sent out his apologies regarding this matter as he had got so confused as to the purpose of this extraordinary meeting, and had thought that this meeting was to bring forward and replace the scheduled F&GP Committee meeting from Tuesday 02 February, and thus reduce the number of meetings required.

The Chairman, Mrs. J. Angear told those present that the meeting should go ahead as published, by referring those items on the Agenda to a further meeting of the F&GP Committee scheduled for Tuesday 02 February 2016. Those present were in agreement.

FIN.1.01.16 **Apologies Received:** None.

FIN.2.01.16 **Declaration of Interests:** None.

FIN.3.01.16 **Dispensation Requests:** None.

FIN.4.01.16 **Current Year Expenditure:** Refer to F&GP Committee on 02 February 2016.

FIN.5.01.16 **Personnel Sub-Committee Report:** The Finance Officer referred to a report received from the Personnel Sub-Committee and Councillor Bradshaw took the meeting through the report.

PERSONNEL SUB-COMMITTEE MEETING held on January 14, 2016 at VIC, Herstmonceux

Present: Councillors Malcolm J Bradshaw (Chair), Stephen Nash, Ian Stewart

CLERK RELATIONSHIP — The chair reported that no response had been received from the Clerk as to whether the original email was a formal complaint or a grievance. However, an email dated December 18, 2015 had been sent containing further comments. **NB Councillor Bradshaw sent an email apology to Mrs McInnes on 15.01.16 for the lack of reply and informed her that the Personnel Committee will address the issues raised and respond to her in the near future.**

The committee discussed the contents at some length and decided to ask the Council Chair to send out a memo to all councillors and staff re-iterating how the relationship between the council and staff should work. The committee would draft the memo on behalf of the Chair and annex a copy of the SSALC training document on relationships with Clerks. (The current Standing Orders stated that communication has to be via the Chair).

HERSTMONCEUX PARISH COUNCIL

CONTRACTS OF EMPLOYMENT — The committee discussed the existing contracts of employment and agreed to produce drafts of up to date versions (to include all current legislation) for the next meeting.

JOB DESCRIPTIONS — The chair agreed to supply committee members with NALC job description guidelines.

TERMS OF REFERENCE — A recommendation to amend the council's Standing Orders on dealing with personnel matters would be made to the F&GP committee.

APPRAISALS — it was agreed that the committee would arrange staff appraisals after February 1, 2016. The chair would send copies of appropriate assessment forms to other members of the committee for their review. The committee would prepare a document for use at the appraisal meeting. One member of the committee would then meet the member of staff on a one-to-one basis, after the staff member had completed their part of the form.

It was agreed that the appraisals should be completed before March 31, 2016.

NEXT MEETING — The date and time to be agreed at the next F&GP meeting.

SUBSEQUENT TO THIS MEETING the Chair of the Council, Cllr Mrs. J Angear, met with the sub-committee just prior to the full Council meeting on January 18, 2016. She reported that the Clerk had notified the Council via her on January 4, 2016 of her intention to retire after 3 months' notice.

Further discussions will take place (in confidence) at an extra-ordinary meeting of the F&GP to be held on January 26, 2016

FIN.6.01.16

PARISH CLERK'S RETIREMENT: The Chairman of the Parish Council, Councillor Mrs. Angear, had received and it was announced at the January Full Council meeting that Mrs. McInnes had tendered her resignation on the grounds of 'Retirement' as at 31 March 2016. Mrs. McInnes had offered to continue on a casual basis to act as Clerk to the Neighbourhood Plan Steering Committee, until such time as the Plan had been handed over to Wealden District Council, which was envisaged at the end of May 2016.

The Finance Officer supplied those attending with copies of the Clerk's current Contract of Employment, job description, salary scale, holiday entitlement calculation for 2015-16, NALC's model contract of employment and job description, the Three Counties Training paper on the 'Position, Status, and Role of the Clerk', and an example of a Clerk's Advert taken from the SALC website earlier that day.

Councillor Stewart raised concerns under Employment Law, which he stated he was not an expert, of the Parish Council taking on the Clerk on a casual basis without seeking proper advice. The matter being that by considering and taking on the present Clerk on a casual basis, this could fall foul of the Employment Act and would be considered as continuous service on the part of Mrs. McInnes, and open the Parish Council to employee rights affecting holiday entitlement, SSP, SMP, and the entitlement and payment of the Gratuity under the present contract of employment, plus other employee rights. The meeting discussed the points raised by Councillor Stewart in some detail, and it was agreed that SALC be asked for its advice on this matter.

The meeting **RECOMMENDS to Full Council** that consideration of negotiating relative terms and conditions in accepting Mrs. McInnes offer to remain as Clerk to the Neighbourhood Plan Sub-Committee, **will only take place** if the advice sought permits the Parish Council to have no further obligations financially, or contractually linked to her current employment, under Employment Law.

Proposed: Councillor Stewart; Seconded: Councillor Nash; Councillor Bradshaw did not vote; All others in favour.

Arising from the former discussion was the payment of a Gratuity based on Mrs.

HERSTMONCEUX PARISH COUNCIL

McInnes's period of employment with the Parish Council. The Finance Officer had informed those present the amount due, with reference to the NALC's Legal Topic Notes on the payment of Gratuities, and informed the meeting that the sum due would be payable after the retirement date, subject to the deduction of tax. Councillor Bradshaw suggested that the Finance Officer's calculation should be independently checked by the Parish Council's Internal Auditor, Mr. Peter Frost, before payment.

Proposed: Councillor Bradshaw; Seconded: Councillor Mrs. Kenward; All in favour.

The matter of holiday entitlement was raised by Councillor Bradshaw, and the Finance Officer had circulated a calculation of the Clerks holiday entitlement calculation, based on her length of service with the Parish Council and contract of employment, showing that with Bank Holidays and Extra Statutory days the entitlement for the year ending 31 March 2016 amounted to 140 hours. The Clerk had informed the Finance Officer that holiday taken or booked was 80 hours, therefore, an amount of owing of 60 hours were due on retirement. The Finance Officer informed the meeting that this amounted to approx. £650.00 and would be paid as 'Holiday in Lieu' together with the Clerk's March salary.

The Finance Officer had made enquiries of SALC as to the amount that would be charged by SALC if the Parish Council were to avail itself of SALC's 'Recruitment Assistance – SSALC Recruitment Service'. The fee payable is by reference to the number of electorate. Wealden Elections Department had confirmed that the electorate of Herstmonceux parish as at 01 February 2016 would be published at 2038, which would result in a charge of £250. However, the Finance Officer was told that the Chief Executive of SALC, Mr. Leggo, had withdrawn this service from Herstmonceux Parish Council on the basis of recent matters being raised by Herstmonceux Councillors regarding SALC. The Parish Council would be permitted to have an advert displayed on SALC's website advertising the post of Clerk. The meeting would have liked to have used this service offered by SALC, but were furious on hearing of the actions of the Chief Executive, in withdrawing this service from Herstmonceux Parish Council, and Councillor Mrs. Angear agreed to personally ring Mr. Leggo to discuss the matter.

Proposed: Councillor Stewart; Seconded: Councillor Nash; All in favour.

The Finance Officer had circulated an example advert for a post of Clerk, and the meeting went through this line by line and drafted an appropriate advert for distribution. The meeting agreed and **RECOMMENDS to FULL COUNCIL** that this should be displayed on the SALC website, and on all Parish Noticeboards, that all Clerk contacts within the Wealden area should be forwarded a copy of the advertisement via e-mail. It was agreed that applicants would be required to complete an application form and supply a relevant CV and that the closing date for applications would be Friday 11th March 2016.

Proposed: Councillor Nash; Seconded: Councillor Mrs Kenward; All in favour.

The current Job Description of the Clerk was compared with that recommended by NALC as part of its model contract of employment, and with a version, brought to the attention of the meeting by Councillor Bradshaw, from CPALC (Communities, Parish & Local Councils). The meeting went through the three documents item by item, **RECOMMENDS to FULL COUNCIL** that the NALC version, minus reference to finance, plus three items from the CPALC, be adopted and used as the Job Description for the purposes of the advertising of the post of Clerk.

Proposed: Councillor Mrs. Kenward; Seconded: Councillor Bradshaw; All in favour.

Councillor Stewart was of the opinion that the recruitment procedure would not find and have in place a new Clerk by 31 March 2016, and it would, therefore, be inevitable that a 'Locum' would be required. Councillor Stewart did ask the Finance Officer if he would consider acting as Clerk for the intervening period, but The

HERSTMONCEUX PARISH COUNCIL

Finance Officer regretted that he was not in a position to consider taking on any extra responsibilities at this time. The Finance Officer had looked at the SALC website to see whether there were any names of 'Locums' recommended by SALC, but found none. The meeting was made aware of two Clerks/Ex-Clerks that had recently carried out locum work in the area. The Finance Officer informed the meeting that a Locum would command an hourly rate of £25, plus expenses. Councillor Mrs. Angear said that she would enquire of Mr. Leggo when speaking to him.

The meeting **RECOMMENDS to FULL COUNCIL** that an interview panel comprising the Chairman, Councillor Mrs. Angear, the Vice Chairman, Councillor Nash, and Chairman of the Personnel Sub-Committee, Councillor Bradshaw be formed. The Finance Officer reminded the meeting that the interview panel must formulate a set of questions to be asked of each candidate interviewed and must be in a position to answer any questions regarding the Parish Council or employment by the Parish Council posed by interviewees.

Proposed by Councillor Bradshaw; Seconded by Councillor Mrs Kenward, All Councillors in favour.

FIN.7.01.16 **Standing Orders / Financial Regulations:** Refer to F&GP Committee on 02 February 2016.

FIN.8.01.16 **Close of Meeting:** There being no other business, the Chairman, Councillor Mrs Angear thanked everyone for their attendance and closed the meeting at 21.35pm