

## HERSTMONCEUX PARISH COUNCIL

Minutes of the Extraordinary Full Council Meeting of Herstmonceux Parish Council held at 7.00pm on Tuesday 02 February 2016 in the lounge of Herstmonceux Village Hall.

Present: Councillors Mrs. J. Angear (Chairman), Mr. M. Bradshaw, Mr. M. Goodsell, Mrs. H. Kenward, Mr. S. Nash, Mr. I. Stewart, Mrs. C. Stirling-Reed and Mr. M. von Barnholt Krag.

Mr. S. Goacher, the Finance Officer took the Minutes.

No members of the public attended.

### \*\*\*.2016 APOLOGIES

Apologies were received and accepted from Councillors Mrs. J. Alder Ms. A. Ashley Mr. B. Naish. Mrs. J. McInnes, Clerk to the Parish Council.

### \*\*\*.2016 MINUTES

The Minutes of the Finance & General Purposes meeting held on 26 January 2016 had been circulated. The Chairman reminded the meeting that the only item on the Agenda was 'Retirement of Parish Clerk – to consider the recommendations of the Finance & General Purposes Committee, held on 26 January 2016, with regard to the Recruitment of a new Parish Clerk and associated matters'.

### \*\*\*.2016 DECLARATIONS OF INTEREST

There were no declarations of Interest in connection with the matter to be discussed.

### \*\*\*.2016 DISPENSATION REQUESTS

None.

### \*\*\*.2016 RETIREMENT OF CLERK, RECRUITMENT OF NEW CLERK

Following the Finance & General Purposes meeting, the Chairman rang the Chief Executive of SSALC, Mr. Trevor Leggo, to discuss the matter of Herstmonceux Parish Council using the SSALC Recruitment Service. Mr. Leggo confirmed that Herstmonceux Parish Council would be able to use the service and arranged for a proposal, and timetable, to be sent to the Clerk.

Subsequent to the receipt of the paperwork, and in particular to the proposed timetable, the Chairman referred back to SSALC and discussed the timetable, negotiating the deadlines more in line with that envisaged by Members of the Finance & General Purposes Committee.

The Timetable as presented to the meeting, was as follows:

- **By 08 February 2016** – SSALC to receive the Council's agreement to use the SSALC Recruitment Service and agreement of timetable. SSALC will draft advert and a pack for approval of the Parish Council.
- **By 12 February 2016** – SSALC to be sent confirmation of pack.
- **12 February 2016** – Advert to go live. SSALC to display on SALC website. Council to advertise elsewhere where it sees fit.
- **11 March 2016** – Closing Date
- **14 March 2016** – SSALC to e-mail applications with notes for the Recruitment Panel to shortlist.
- **By 16 March 2016** – Shortlist to be emailed to SSALC for interview invitations to be issued.

- **21, 23, or 24 March 2016** – Interviews, note these dates have not yet been checked with Linda Butcher’s diary. Parish Council to choose preferred date.

The meeting discussed the area covered by the SSALC website and asked whether there was any possibility of any advert being put on the Kent Association of Local Councils website, as Herstmonceux was near to the Kent border. The advert would be placed on all Parish Noticeboards, displayed in the Village Information Centre, and would be sent to all Town and Parish Councils within the Wealden area. Councillor Stewart asked about placing an advert in the local newspapers. The Finance Officer stated that he had enquired of the cost to advertise Tenders on behalf of the Parish Council and this would have cost £700 to £800. The meeting decided that this would be too expensive.

The Chairman referred to the sample recruitment pack, that the Finance Officer had downloaded and printed off the SALC website, and in particular to the sample Job Description for a Clerk without the responsibilities of finance. The meeting looked at this, discussed it and went through the document slightly amending it, and agreed that this should be used as the Job Description for the new Herstmonceux Clerk. The Finance Officer said he would amend the Job Description as required by the meeting and have it checked by the Chairman.

The meeting then went through the rest of the documentation, as presented in the sample pack, and agreed with the Application letter, Application Form, and Personal Specification.

The Finance & General Purposes Committee had recommended that the Interview Panel would comprise, Councillor Mrs. Angear (Chairman of the Council), Councillor Nash (Vice Chairman of the Council), and Councillor Bradshaw (Chairman of the Personnel Sub-Committee). Together with these the Parish Council can have a member of SSALC as the Human Resource representative.

The cost of the SSALC Recruitment Service would be £335, to include attendance of the new Clerk at a New Clerks Briefing Course.

It was proposed that the SSALC Recruitment Service is used to recruit a new Clerk, and that the contents as amended and agreed should be forwarded to SSALC by the due date.

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

The Finance & General Purposes Committee had discussed and agreed payment of a Gratuity in lieu of a pension, as included in the Clerk’s contract of Employment, subject to the checking by the Internal Auditor that the calculation and legality of its payment. The Finance Officer informed the meeting that Mr. Peter Frost, Internal Auditor, had agreed the calculation and that payment by the Parish Council would be in accordance with its contractual obligations.

The Finance Officer informed the meeting that there would be Holiday Pay in Lieu due to Mrs. McInnes of 60 hours amounting to approx. £650.

The Finance & General Purposes Committee had considered the offer of the current Clerk to be employed on a casual basis in the capacity of Clerk to the Neighbourhood Plan Steering Group, to see the Neighbourhood Plan through to it passing over to Wealden District Council, estimated to be by the end of May 2016. The recommendation of the Committee was to seek legal advice on behalf of the Parish Council as to continue the Clerk’s employment, albeit under a casual contract, could present the Parish Council with unforeseen problems under Employment Law and be classed as ‘Continuous Service’.

A suggestion from SALC was to employ the current Clerk as a self-employed contractor for any such period required, and for the individual to render monthly invoices to the Council. Councillor Stewart, was still of the opinion that this was not a feasible solution, and Councillor Bradshaw said that this was against the principles and rules of the HMRC. The Finance Officer stated that he would have to agree with Councillor Bradshaw and would have had to advise the Parish Council that it is the employees relationship with the

employer that determines whether the person is a contractor or an employee. In the situation of the redeployment of the Clerk, the Finance Officer stated that from a payroll perspective it could only be determined that Mrs. McInnes would be an 'employee' under HMRC rules and that PAYE would have to be applied.

The meeting agreed to await the outcome of any forthcoming legal advice from SALC on this matter, prior to considering to enter into any dialogue with Mrs. McInnes over her offer to act as Clerk to the Neighbourhood Plan Steering Committee.

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

**\*\*\*.2016 CLOSE of MEETING**

There being no further matters to discuss the Chairman, Councillor Mrs. Angear thanked everyone for their attendance and closed the meeting at 20.00.

Chairman.....Date.....