

# KEYNSHAM TOWN COUNCIL

Minutes of the Extraordinary Personnel Committee meeting held on Tuesday 29<sup>th</sup> April 2021 starting at 7.30pm by Zoom conferencing.

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PRESENT: Councillors D Biddleston, D Cooper (Chairman), C Fricker, A McGuinness, B Simmons, A Wait

IN ATTENDANCE: Cheryl Scott – Town Clerk; Cllr A Halliday

## 126. APOLOGIES FOR ABSENCE

Cllr Sinclair.

## 127. DECLARATIONS OF INTEREST

There were none.

## 128. DISPENSATIONS

There were none.

## 129. PUBLIC PARTICIPATION

There was none.

## 130. RECORD OF PREVIOUS MEETINGS

RESOLVED

That the minutes of the meeting and subsequent Extraordinary meeting held on 25<sup>th</sup> February 2021 (previously circulated) be confirmed as a true record and signed by the Chairman.

## 131. DIGNITY AT WORK POLICY

The Cttee discussed the new Dignity at Work policy. The policy was based upon a model NALC Policy and everything in red font was additional to reflect the Town Council's issues with Ledbury, cyber bullying and upward bullying. Cllr Wait to address a possible issue of staff publicly complaining about Councillors and what remedy/disciplinary processes should be included.

It was pointed out that the policy was for inclusion in the staff handbook and related to procedures available to the staff to address the issue. If Councillors had a complaint about staff conduct this was dealt with through the normal disciplinary procedures with the complaint being made to the Town Clerk, or in the event it is about the Town Clerk, the Chairman of Council. The Code of Conduct complaints system provided for remedy for Councillor being bullied by Councillors. If the Cttee wished to include for staff bullying Councillors, then additional procedures would need to be included in a separate section.

RESOLVED

That the policy be referred back and adapted to include for bullying of Councillors by staff and come back to a future meeting once Ellis Whittam had been consulted.

## 132. ROLE OF DUAL HATTED COUNCILLORS

The Chair of Personnel had circulated a report posing a number of questions for discussion in respect of the role of dual hatted Councillors. The issue had arisen as an outcome from a staff grievance matter and the Cttee had already approved a decision to discuss the matter with a view to making recommendations to Council.

Several topics were discussed as follows:

- a) Difference in working practices permissible in law between Town Councils and Principal Authorities – such as the ability of Principle Authorities to delegate matters to Cabinet and Councillors which Town Councils were unable to do. The suggestion was that a document was produced to identify the differences between the two and give clear guidance to ensure the Town Council's processes and procedures were not confused with those of the Principal Authority with the potential result of the Town Council acting unlawfully.
- b) The provision and practices for operation of political groupings at Principal Authority level but not Town/Parish Level. Reference was made to political group meetings held prior to a Council meeting to discuss the agenda and decide how to vote as a group. Was this in keeping with the Council's wish to remain independent/apolitical in how it operated as a body? Whilst for the most part members of the Cttee did not feel this was a dual hatted issue, the provision of B&NES information by dual hatted Councillors to a specific political group at a meeting in advance of the Town Council meeting and to which other Town Councillors may not have been privy to was a dual hatted issue.
- c) Do Dual Hatted Councillors have a conflict of interest, given the increased activity of the Town Council on strategic development of Keynsham, which often put it at odds with some of B&NES actions/proposals such as the High Street temporary pedestrianisation. The Clerk provided information on the resolution made by the Town Council at the start of this item that all Dual Hatted Councillors would be granted a dispensation to participate and vote on all matters with the exception of specific matters where the Town Council might be in legal or financial dispute with B&NES. The Council therefore had a procedure requiring declaration of interests and seeking dispensations, but regrettably Councillors generally were notoriously bad about recognising where they had an interest and declaring it. Furthermore, Standards guidance was that public perception on whether there could be an interest should be factored into any decision to declare an interest. In response to a question the Clerk confirmed that they were not permitted to advise any Councillor on their interests, dual hatted or otherwise and that Councillor should instead be seeking the advice of the Monitoring Officer.
- d) According to ALCA, the way in which other Councils dealt with the issue varied. Some did nothing, some did not permit dual hatted Councillors to be Chair of Council or Chair of Committees. It was not unlawful for dual hatted Councillors to be Chair but there was an ethical consideration and public perception of the Town Council. Procedurally any Councillor who had an interest (or the public perceived they had an interest) should consider if they were Chair whether they should step aside for that item. Cllr Wait felt he did not have a conflict of interest because the Cttees he sat on as a B&NES Councillor he didn't believe were in conflict. He felt that any Town Councillor voted in by the electorate should not have restrictions on them as it could influence who residents voted for. He felt he was always putting Keynsham first and the main issue was not the actions of B&NES Councillors but B&NES officers.

- e) The issue of Cllr Wait chairing the discussion on the High Street and the phone calls made prior to the meeting by Cllr MacFie were raised – Cllr Wait said in hindsight he should have stood down, but he was having issues with the IT at the meeting.
- f) The Clerk suggested that the Cttee were discussing the issue because it had arisen from a staffing matter and that their brief/Terms of Reference should address the issue from that perspective, and then refer recommendations to full Council to determine if it wished to act to address the issue as it had arisen through the staffing matter.
- g) Cllr Wait did not understand why dual hatted Councillors was even a staffing issue at all. The Clerk provided an example of B&NES Councillors instructing Town Council staff to do their Ward work that should be performed by B&NES officers but offered to leave the room so the Cttee could answer Cllr Wait's question more thoroughly. This was not thought necessary.
- h) The Cttee discussed which Cttee's should be mentioned in respect of a proposal for Council to discuss. Planning and Finance were agreed but it was not thought necessary for Personnel Cttee to be included. The Clerk raised the possibility of a dual hatted Councillor in their capacity as Chair of Personnel giving an undertaking to B&NES that Town Council staff would perform certain duties that should be performed by B&NES. However, it was felt that the staff could just refuse to do the duty and the Cttee would support them.

#### **RECOMMENDATIONS TO TOWN COUNCIL**

- (i) That the document supplied by the Deputy Town Clerk be submitted for consideration by full Council with the question “should dual hatted councillors occupy the position of Chair of the Council or Chair of the Finance or Planning Committees.**
- (ii) That the Finance Cttee produce a document with guidelines on the difference in operational procedures between principal authorities and Town/Parish Councils.**

### **133. PROPOSED CHANGES TO STANDING ORDERS AND PROTOCOLS**

Following on from the outcomes of the Grievance hearing, information was now provided as to the options available to the Cttee to incorporate some of the recommendations previously agreed into Council policies and procedures as changes to Standing Orders were not necessarily the appropriate way to implement changes.

- a) Harassment  
It was not appropriate to incorporate Harassment into Standing Orders as they referred to how the Council conducts its business. There was already a clause in the Members and Officers protocol and the Dignity at Work policy considered earlier may be sufficient. However, the Acceptance of Office could be amended to include observance of all Council policies of the Town Council.
- b) Training and Development  
There was currently no Standing Order relating to Training. The Cttee discussed whether training should apply to just Chairs of Council and Committees or all Councillors or certain Committees and if it was made a requirement how it would be enforced. The Cttee received regular updates on training undertaken however, the possibility of producing a matrix of training courses vs Councillors who had undertaken the training and becoming a quarterly full Council Agenda item was discussed. The other options included amending the Acceptance of Office and amendments to the existing Training and Development Policy. The possibility of sanctions was also discussed.

## RECOMMENDATIONS TO TOWN COUNCIL

- a) That the Acceptance of Office for Councillors be amended to add “and all other policies of the Town Council
- b) That the Acceptance of Office for Councillors be amended to add “*I confirm I will undertake all training required by the Council*”
- c) That a new Standing Order be added as follows: “*Councillors chairing full Council or (Personnel, Finance or Planning) Cttees*” are expected to undertake suitable training. A Member shall be deemed to have resigned their position as chair if training has not been undertaken within a period of 6 months”

### 134. RECRUITMENT ADVERTISING

The Clerk had provided alternatives for advertising vacancies other than Indeed. Different jobs may require different media. The Council already advertised in The Week In, on Facebook and on its website. Currently the Cttee were being asked to recommend a suitable portfolio for advertising Grounds Maintenance positions. It was felt that Horticulture News was expensive.

RESOLVED

That the jobs be advertised on Fish4Jobs and B&NEs together with the usual The Week In, Facebook and Website.

### 135. DATE OF NEXT MEETING

The Cttee felt that they would not compute all items on the agenda and that another meeting should be scheduled. The Clerk advised that if they wished to hold one virtually this would need to be on 6<sup>th</sup> May and that the Agenda would need to be published on the website that evening.

RESOLVED

To note the next Personnel Committee meeting will take place on Thursday 6<sup>th</sup> May 2021 at 7.30pm by zoom.

### 136. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That pursuant to the provision of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for the following items of business by reason of the confidential nature of business to be transacted. Items 13 onwards are to progress staffing issues.

### 137. CLERKS UPDATE ON STAFFING MATTERS FOR NOTING

The Clerk gave the Cttee brief feedback from the staff on the workshops recently undertaken.

RESOLVED

To note the Clerk's update.

**138. DISCIPLINARY, GRIEVANCE, FLEXIBLE WORKING AND OTHER PROCEDURAL STAFF MATTERS (IF ANY)**

A letter had been received from the Employee and a response was being considered in consultation with Ellis Whittam

RESOLVED

To note the above.

**139. ACCRUED TOIL/ANNUAL LEAVE**

The Chairman proposed that, owing to the fact the Clerk would have to leave the meeting, that this item be moved to the end of the Agenda.

Cllr Biddleston felt that the matter should be dealt with in conjunction with Item 15. He then proceeded to talk to his proposal.

There was some discussion about whether the TOIL policy or the skills audit was the best way to address the issue of the hours accumulated by the senior officers during the last year.

The Chairman proposed that the meeting should now end owing to the time and that the Cttee defer all outstanding matters to the meeting next week.

RESOLVED

To defer Items 14-17 to the next meeting

The meeting ended at 10.14 p.m.

SIGNED:..... (Chairman)

Dated:.....