

MINUTES OF A MEETING OF LYDD TOWN COUNCIL PERSONNEL COMMITTEE
held on Monday 28th June 2021 at 6.30pm In the Guild Hall Chamber

Present: Councillors Darren Chapman (Chairman), Mrs Ann Duncan, Clive Goddard, Paul Rye, Martin Sweeney.

Angela Alexander- Town Clerk

There were no apologies for absence.

99. ELECTION OF CHAIRMAN

RESOLVED: *That Cllr Darren Chapman be re-elected as Chairman of the Personnel Committee.*

Proposed by Cllr Goddard and seconded by Cllr Sweeney
Unanimous

100. DECLARATIONS OF INTEREST

There were no declarations of interest.

101. MINUTES

It was discussed by Councillors that the minutes of the Personnel Committee should contain less detail as most of the discussions are of a personal or sensitive nature and therefore not in the public interest.

Cllr Sweeney said that if there was something specific a councillor had said that they wished to be minuted then they must identify this and request this at the time.

The Town Clerk said that a way forward is for the minutes not be signed at this meeting and that the Committee resolves that they accept the content of the minutes but that the detail is removed to a confidential report and the resolutions only are recorded as the minutes and that this would be prepared to present for signing at the next meeting.

RESOLVED: *that the minutes of the last meeting held on Monday 15th March 2021 are presented for signing at the next meeting of the Personnel Committee with the detailed discussion removed and the resolutions retained.*

Proposed by Cllr Goddard and seconded by Cllr Sweeney
Unanimous

102. PRESS AND PUBLIC EXCLUDED

RESOLVED: *that this meeting be held without press or public present as the content of discussions will involve sensitive and confidential matters and is therefore exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the local Government Act 1972, to be treated as confidential by Members*
Unanimous

103. CONFIDENTIALITY (Appendix A page 106 to 107)

A report had been circulated for information. The Town Clerk explained the 'need to know' basis for information and that Councillors who are not on the Personnel Committee have only the same rights as members of the public for confidential matters discussed at the meeting or documentation relating to the meeting.

RESOLVED: *report received and noted*
Unanimous

104. TO RECEIVE REPORTS ON THE OUTCOME OF RETURN TO GUILDHALL MEETINGS

The Chairman, Cllr Chapman reported that he and the Town Clerk had met with all those who would return to working from the Guild Hall which initially had been planned for 21st June and that they were all happy to do so. Any concerns raised had been addressed and preparations made but the government had then extended this by 5 weeks and the new date for return is 19th July. Cllr Goddard said that it was a good decision to wait until 19th July.

Cllr Sweeney said that everything had been assessed and he was confident of holding the first physical council meeting on 26th July with things that had been put in place.

The Town Clerk added that everything had been prepared in readiness for 21st June including a deep clean and that only the date had been pushed back so what we would have resumed on 21st June we will now do on 19th July.

Councillors discussed how any urgent decisions would be reached prior to the Council meeting on 26th July. Cllr Sweeney said it was sensible that the Town Clerk utilise delegated powers.

RESOLVED: Any matters requiring decisions or action to be taken by the Town Clerk under delegated powers until the next Council meeting is held.

Proposed by Cllr Sweeney, seconded by Cllr Rye

Unanimous

105. UNTAKEN HOLIDAY LEAVE DURING PANDEMIC

Confidential report no: 2021/C006

The Chairman, Cllr Chapman said that he felt the staff should be paid in place of their untaken holiday hours during the pandemic as reward and recognition and a gesture of goodwill and as a thank you for keeping the Council running as best as it can under the current circumstances.

RESOLVED: That staff members be paid for their hours of untaken leave (1st April 2020 to 31 March 2021) and this to be included with the July salary run.

Proposed by Cllr Chapman, seconded by Cllr Goddard

Unanimous

106. MATTERS RAISED BY THE INTERNAL AUDITOR AND BESPOKE TRAINING

Confidential report no: 2021/C007

The Town Clerk reported that since the independent review of his findings in the Internal Audit report and the bespoke training to address the actions of two councillors that she had met with the Internal Auditor and had reported on the measures taken to date. He was satisfied with the action taken by the Panel of the Personnel Committee and said that the situation should continue to be monitored and reviewed at his next visit.

RESOLVED: Report received and noted.

107. GUIDANCE FROM SATSWANA

Confidential report no: 2021/C008

Councillors considered guidance from Data Protection Officer Satswana

RESOLVED: That the Town Clerk take further advice and guidance and report back to the Committee as soon as practical.

Proposed by Cllr Sweeney, seconded by Cllr Paul Rye

Unanimous

108. NATIONAL EMPLOYERS PAY OFFER

To note that further to the National Employers' pay offer to the National Joint Council (NJC) Unions in respect of staff covered by the local government services NJC (the Green Book) of an increase of 1.5% on all NJC pay points 1 and above with effect from 1 April 2021, the trade unions have written to the National Employers to reject the pay offer and have asked for urgent talks. The employers have said they will consider the letter and respond in due course.

RESOLVED: Received and noted

109. STAFFING MATTERS

The Town Clerk reported that the waterproof jacket and trousers supplied to our handyperson were no longer fit for purpose.

Cllr Sweeney said that rather than the suggestion tabled in front of the Committee that he wished the jacket to be clearly printed with Lydd Town Council so that the handyperson was very visible when carrying out his tasks.

RESOLVED: That a set of storm proof high visibility jacket and trousers printed with Lydd Town Council should be ordered from Top Banana.

Proposed by Cllr Sweeney, seconded by Cllr Chapman

Unanimous

The meeting closed at 8.20pm

Chairman _____

Date 20/9/21

BRIEFING NOTE PERSONNEL COMMITTEE

Confidentiality

1. Introduction

Council Standing Orders state that no member of the Council or of any committee or sub-committee shall, unless required by law to do so, disclose to any person, not a member of the council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

Council Code of Conduct states that a Councillor shall not disclose information which is confidential or where disclosure is prohibited by law.

2. Press and Public Excluded

The public may be excluded from all or part of a meeting where discussion in public of the business being considered would be prejudicial because of its confidential nature.

A local council meeting and its committees must be open to the press and public until the vote is taken to exclude them due to the nature of the business, but the press and public do not have a statutory right to attend a meeting of a sub-committee. If the main work of a particular sub-committee is always confidential (e.g., staffing) then it is not desirable for the public to be permitted to attend.

3. Publication of Agendas

a) It is recommended but not mandatory for the agenda to include the items of business that are likely to be considered without the public being present at the meeting. The wording of a motion that is due to be considered without the public present must not undermine or disclose confidential or other sensitive information. ***Please see the table provided below for examples.***

b) It is undesirable for a meeting of a staffing sub-committee to be notifiable or accessible to the public. It is recommended that the standing orders of a local council confirm that the public has no notification or right to attend a meeting of a staffing sub-committee whose decisions, under delegated responsibilities, will always concern individual staff members, disclosure of which would breach the obligations of a council under the Data Protection Act 1998 which is relevant to information about individual staff members and candidates for a job at the council.

It is recommended that members of a sub-committee require three clear days' notice before the meeting and that they are issued with an agenda.

4. Papers to support Agenda

When compiling the documents that are given to councillors in advance of a meeting in support of the agenda, great care must be taken over documents that are confidential. Confidential information or information not in the public interest (whether or not considered and acted on by a previous meeting) may also need to be protected from wider disclosure. Examples of sensitive or commercial information include contractual negotiations, legal advice or a matter of which disclosure or wider use would breach the Council's obligations under the Data Protection Act 1998.

When a meeting is due to consider confidential matters that are documented separately to the agenda, great care must be taken when handling and disclosing those confidential papers. In practice the Personnel Committee previously

established a protocol of 'tabling' confidential papers for members to read and then the Clerk collecting these in prior to the end of the meeting for shredding.

5. Minutes

Resolutions that are confidential or for some other reason not in the public interest to disclose must be recorded in the minutes without undermining or disclosing the confidential or other sensitive information. For example, the resolution Option 2 in confidential report dated 10 July 2021 is approved provides the decision without revealing confidential information.

6. Rights of Councillors to information (need to know basis)

A councillor who is not a member of a committee or sub-committee has the same rights to attend a meeting as a member of the public. They can participate in the meeting only if the public can and subject to the same standing orders about public participation. If a councillor is not a member of a particular committee or sub-committee, they do not have an automatic right to access information or documents relating to the business of that committee or sub-committee (this is not limited to only confidential or sensitive information). Unjustified or improper access to information or documents available to only the members of a committee or sub-committee should not be accommodated.

The examples below illustrate the wording of agenda items to exclude the press and public

AGENDA ITEM	RESOLVED	REASON
Approval of a councillor's long-term absence	Public excluded due to the consideration of personal sensitive data	The councillor's physical or mental health is classified as personal sensitive data
To consider tenders to refurbish the tennis courts	Public excluded due to the consideration of tenders to issue a contract	Disclosure of time sensitive commercial interest of the council and the persons tendering is not in the public interest.
To progress staffing issue referenced in confidential report 10 July 2021	Public excluded due to consideration of a staffing matter	Information about an individual member of staff is confidential and under the Data Protection Act 1998 a council has obligations as to how it used information about an individual.
To consider professional legal advice	Public excluded to consider advice from a solicitor	Communication with a solicitor for the purpose of legal advice is protected by legal professional privilege and therefore confidential. While the legal advice is the property of the council it is likely to prejudice the legal position of the council.
To consider the outcome of a Code of Conduct Complaint	Public excluded to consider personal data	Under the Data Protection Act a Council has obligations as to how it used personal data about the complainant and the councillor.
To progress purchase of a new playing field	Public excluded to consider the purchase price of a new playing field	Publicity of the professional survey and purchase price being considered is likely to prejudice the commercial position of the council when making its offer.