

MINUTES OF A MEETING OF LYDD TOWN COUNCIL PERSONNEL COMMITTEE

Held on Monday 22nd January 2024 at 6.30 pm in the Guild Hall Chamber

Present: Councillors Darren Chapman (Chairman), Clive Goddard, R.S. Jones and Martin Sweeney

Angela Alexander – Town Clerk

26. APOLOGIES FOR ABSENCE

Cllr Paul Rye - unwell

27. DECLARATIONS OF INTEREST

None

28. MINUTES

RESOLVED: *The minutes of the meeting held on Monday 18th September 2023 were agreed as a true record of the meeting and signed by the Chairman*
Proposed by Cllr Jones and seconded by Cllr Sweeney
Unanimous

29. 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*

30. CONFIDENTIALITY

The Chairman advised councillors on the subject of confidentiality

31. NALC 2023/24 LOCAL GOVERNMENT SERVICES PAY AGREEMENT

The National Joint Council for Local Government Services has reached agreement on rates of pay applicable from 1 April 2023 to 31 March 2024. The new pay rates for local councils are attached and have been agreed with SLCC and ALCC. Employers are encouraged to implement this pay award as swiftly as possible. For all spinal points to 43 the agreed award was a flat rate payment of £1,925. For scale points above that the award was 3.88%

RESOLVED: *To implement the NALC/NJC recommended pay scales which will be backdated to 1st April 2023 or to the member of staff start of work date (Caretaker)*
Proposed by Cllr Jones and seconded by Cllr Sweeney
Unanimous

32. STAFF APPRAISALS

CONFIDENTIAL REPORT 2024/C0002

The Chairman, Cllr Chapman reported on the staff appraisals carried out along with Cllr Sweeney in October 2023. Cllr Chapman said that things were very positive and thanked the Town Clerk for the work that she does. Cllr Sweeney said that the Town Clerk is robust in how she works and we need to ensure that the Town Clerk's pay grade reflects her knowledge and integrity and address the issues of work levels,

Cllr Sweeney said that we have now put a lot of protocols in place which has made the role of the Mayor easier.

RESOLVED: *That the pay scale for Assistant Town Clerk, Caretaker and Town Sergeant remain at the present level and that the pay scale for the Town Clerk raise by two points*
Proposed by Cllr Chapman and seconded by Cllr Sweeney
Unanimous

33. COMPLAINTS

CONFIDENTIAL REPORT 2024/C0003

- a) The Chairman reported on a complaint made by a member of staff due to a Councillor's behaviour and that this happened when the member of staff was off duty and the Councillor went to their home and was abusive to their partner. The member of staff had raised concerns over how the Councillor knew their home address and that they expected assistance but had not gone through the proper channels. The Chairman had spoken to the Councillor who apologised for her behaviour but had not apologised to the staff member. The Town Clerk advised that the staff member did not wish this to happen again and therefore the Councillor/Officer protocol had been updated for consideration as an agenda item this evening.

Received and noted -Policy to be reviewed

- b) Councillors to consider a complaint made by a Councillor due to incident when representing the Council at the meeting of an outside body.
The Councillor attending the meeting said that she felt bullied and victimised.
The Town Clerk said that there was a related email from the organisation and that she had taken advice and prepared a response letter for consideration which included reference to the way in which representatives of the Council wish to be treated by the organisation concerned.

Received and noted and letter approved and signed to be sent to the organisation,

- c) Councillors to consider a complaint made by a Councillor regarding public questions.
Following the January Council meeting a Councillor raised concerns about a member of the public who in his opinion verbally attacked another Councillor and that this was not the standard of behaviour to be expected from members of the public attending Council meetings. The Councillor asked for a guide for the way in which public should behave and speak at meetings of the Council.
The Clerk advised that there was a Policy for Public Participation to be considered and that the Mayor had also requested that a policy be put in place.

Received and noted – Policy to be considered for adoption

34. REVIEW AND UPDATE OF COUNCILLOR/OFFICER PROTOCOL (Appendix A page 50 to 52)

The Councillor/Officer protocol had been updated and strengthened to address the incident around a Councillor visiting a member of staff's home, their unreasonable behaviour and demands during non- working hours at that visit and to put in place the correct protocols to guide Councillors on these matters. The Chairman, Cllr Chapman, said that he will address Councillors on the importance of this at the March Council meeting in private session.

RESOLVED: To adopt the revised Councillor Officer protocol to be issued to Councillors at the March meeting.

Unanimous

35. POLICY FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS (Appendix B page 53)

Following a request made by the Mayor at the close of the January 2024 Council meeting and a complaint regarding public questions Councillors considered the draft policy outlining the protocols of public participation at meetings. Cllr Sweeney said it is important to adjourn the meeting when the public speak. Cllr Goddard said that the Mayor has handled some of the situations well.

RESOLVED: To adopt the Public Participation at Council Meetings policy and that this be uploaded to the website and emailed to members of the public wishing to ask questions at a Council meeting

Unanimous

36. STAFFING MATTERS

The Town Clerk advised that when the salary, pensions and cash book work had begun with the Accountants that an additional 3 hours had been given to the Assistant Town Clerk on Monday afternoons to carry out the in office and preparation work to provide information to the Accountants for the cash book. However, this work was being carried out by the Town Clerk during normal hours and requested that the Personnel Committee consider that a finance officer be recruited. The Town Clerk said that she had spoken to the Assistant Town Clerk who understands the position and will relinquish the 3 additional hours per week which are not being utilised for finance work. It was noted that this would enable the Town Clerk to delegate some workload.

RESOLVED: That the Town Clerk has delegated authority to start the recruitment process and advertise the post and interview in liaison with the Chairman and that the Assistant Town Clerk's hours be reduced back by 3 hours with effect from 1st February 2024.

Unanimous

The meeting closed at 20.22 pm

Chairman's Signature _____

Date _____

LYDD TOWN COUNCIL

Protocol on Councillor/Officer Relations

Introduction

The purpose of this protocol is to guide Councillors and Officers of the Council in their relations with each other. In this protocol the word 'Councillors' includes the Town Mayor, Deputy Mayor, Civic Representative and Chairmen of Committees/ Working Groups and all other Councillors. The word 'Officer' includes all employees of Lydd Town Council.

Basic Principles

The basic principle of good Councillor/Officer relations in local government is trust, mutual respect and an understanding of the respective roles. Both Councillors and Officers are servants of the public, but their responsibilities are distinct.

- A Councillors role is to represent the whole community and they are responsible and answerable to the electorate and serve only so long as their term of office lasts. They are expected to observe the Council's Code of Conduct, participate in meetings of the Council, represent the Council on outside bodies, attend civic and ceremonial functions, and hold and maintain the assets of the Council in trust. During their term of office Councillors should not engage in any controversial activity which could call into question the integrity or impartiality of the office, or may bring the Council into disrepute. Councillors are elected to determine policy, not to engage in direct operational management of the services.
- Officers are appointed by the Council and are responsible through the management structure to the Council as a whole (the Council as a body is the employer). Officers serve the Council as a whole and are not answerable to individual Councillors. They have operational responsibilities which may include managerial, administrative or practical duties that are part of the day-to-day running of the Council and/or the delivery of services on behalf of the Council and should be selected for their experience, qualifications and qualities to carry out their duties.
- The Town Clerk is responsible for the day to day running of the Council in accordance with the decisions of the Council and under delegated authority. Their work includes giving professional and impartial advice to the Council which will assist Members in reaching the best decisions for the Council. The Town Clerk is responsible for implementing the **proper and lawful** decisions made by the Council. He or she is responsible for the management of the staff.

Relationships between Councillors and Officers

Councillors and Officers should demonstrate mutual respect and deal with each other sympathetically, efficiently and without bias, fear or favour. Working relationships should be professional and Councillors must respect the impartiality and integrity of the Town Council's employees. Councillors should not put pressure on Officers on matters where Officers make decisions; nor should Officers put pressure on Councillors where Councillors make decisions, but should offer professional advice where appropriate. Neither party should seek to take unfair advantage of their position.

Individual councillors do not have authority to instruct staff members in their work.

Out of hours requests should go to the Mayor, Deputy Mayor or Chairman of Personnel (in the case of an emergency they may contact the appropriate officer) and Councillors should not contact officers of the Council out of their normal working hours without express permission to do so.

Councillors are not permitted to visit the homes of staff members without express invitation.

Conduct and Effectiveness

- a) If Councillors have any concerns about the effectiveness or conduct of employees of the Council they should take this up directly and confidentially with The Town Clerk who will consider the complaint and if appropriate discuss and/or refer the complaint to a panel made of Members of the Personnel Committee. If Councillors have concerns regarding the effectiveness or conduct of the Town Clerk this should be referred to the Town Mayor. The issue will then be handled in accordance with the Council's procedures and the Councillor will be informed of the outcome, unless there are legal reasons why they may not.
- b) Personal criticism by Councillors of individual Officers will not take place in public forums (including the media) as this could seriously affect the ability of the Council to effectively defend its position as an employer and may in some circumstances render it liable to payment of compensation.
- c) If an employee has concerns about the conduct of a particular Councillor they should raise it in the first instance with the Town Clerk so that attempts can be made to resolve the issue on an amicable basis. If this is not possible or if the alleged misconduct is of a serious nature, the matter will be reported to the Council's Personnel Committee. The matter will then be handled in accordance with the Council's procedures.
- d) Any Councillor may report, in writing to the Town Clerk, any other Councillor who they reasonably feel has failed to comply with the Council's Code of Conduct. The Town Clerk will refer this matter to the Personnel Committee who will handle the issue in accordance with the Council's procedures.

Councillors Access to Information and Documents

Councillors are provided with information relating to Council meetings to which they have a right. However, any information which has not been made public should be regarded as confidential and not disclosed as this could prejudice the interests of the Council. The law prevents the release of confidential information in certain circumstances. The right of a Councillor to inspect other documentation not relating to Meetings is dependent on whether the access could be considered reasonably necessary to carry out their duties as a Councillor.

Updated January 2024

LYDD TOWN COUNCIL**PUBLIC PARTICIPATION AT TOWN COUNCIL MEETINGS**

Meetings of Lydd Town Council are **not** public meetings. Members of the public have a statutory right to attend meetings of the Council as observers.

Members of the public have no legal right to speak unless the Chairman of the meeting authorises them to do so. However, as part of its community engagement, Lydd Town Council sets out time when members of the public may ask questions directed through the Chairman.

Members of the public should **not** be involved in the decision making of the Council, and the Council should not make any decisions at the behest of members of the public on items not included on the agenda. As a matter of best practice, Public Participation will be kept separate from the debate of Councillors.

Members of the public are welcome to stay for the Council meeting as observers but will not be able to join in the discussion for the rest of the meeting.

Members of the public may be excluded by resolution of the meeting for specific items which need to be discussed in confidence – for example staffing matters, tenders for contracts, legal issues.

Rules for public participation

- Public participation shall not exceed 15 minutes in total and each member of the public is allowed to speak for up to 3 minutes as a maximum.
- Questions must be submitted in writing in full to the Town Clerk by 9am on the day of the meeting and must state the question to be asked in full. Questions not put in writing will not be accepted.
- If more than one member of the public wishes to speak on the same topic, they should nominate one person to speak on their behalf to avoid duplication.
- Information handouts should be delivered to the Town Council by 9am on the day of the meeting to avoid delaying or disrupting the meeting.
- The Chairman has the right to say that any question or statement is inappropriate and will not be accepted and stop the speaker from continuing to speak. If the speaker ignores the requests of the Chairman, they will be asked to leave the meeting.
- Neither Councillors or Clerk should respond to comments made by members of the public during public participation unless invited to by the Chairman. If the topic is an agenda item, then it will be debated at the correct time using the correct process.
- Members of the public do not have a right to force items on the agenda for Council or Committee meetings.
- Members of the public do not have a right to insist on how matters are recorded in the Minutes.
- A question raised by a member of the public during public participation shall not require an immediate response and there will be no debate or discussion by Councillors. The Chairman will direct this.
- A brief record of questions raised during public participation will be included in the Minutes
- All persons' present will act respectfully towards every other person in attendance. They must not act in a manner that demeans, insults, threatens or intimidates another person. All statements, questions, responses, challenges to statements, complaints or criticisms must be made appropriately and politely.
- All statements, questions and responses must be related to the facts of the matter and not be personal in nature. There should be no personal reference made to any person or persons identified at the meeting.

Offensive and/or threatening behaviour will not be tolerated. If a member of the public disrupts the meeting the Council reserves the right to curtail their contribution.
If a member of the public persists in disrupting the meeting after receiving two warnings from the Chairman, the third reminder will result in in person/s causing disruption to be asked to leave the meeting. If a member of the public refuses to leave the meeting the Police will be called upon to remove them.