



RESOURCES COMMITTEE

Minutes of a Committee meeting held on

Thursday 10th March 2022 commencing at 19:30hrs in the Town Hall, 1 High Street,
Cullompton, EX15 1AB

Present

Chair: Councillor Buczkowski

Committee Members: Councillors Dale, Haslett and Snow

In Attendance:

Note: Councillors attending by remote access are not able to participate nor vote in the meeting

Officers: M Weston (Deputy Town Clerk)

1 no. Member of the public attended the meeting in the Town Hall.

R 143. The Committee Chair undertook a roll call of Councillors present in the Town Hall.

R 144. Chair's Announcements

There were no Chairman's announcements.

R 145. Apologies for Absence

Apologies for absence were received from Councillors Andrews, Connolly and Johns.

R 146. Declarations of Interests

No declarations of interests were made regarding any items on the Agenda at this stage of the Meeting.

R 147. Public Participation

This agenda item allows members of the public present at the meeting to raise matters which are relevant to the work of the Committee.

Speaker 1 Note: Speaker advised the questions were directed to the Chairman.

1. To your knowledge, what is the most recent e-mail or correspondence you have been supplied with concerning agenda item no. 17 re: e-mails; are you able to state the date and subject heading?
2. Have you seen any e-mails sent by the Town Clerk to the Town Council's solicitor? If so, when and content.
3. What arrangements are in-hand for the proposed investigation which is being discussed with costs, in to my request for an apology and request by my solicitor. If you are not able to answer these questions perhaps the Mayor as the Chair of the Council can. If either of you refuse to supply the answers I will ask why. Could I have answers this evening please.

The Chair responded:

1. The most recent e-mail that he had regarding the complaint would have been this week; Further, he was not willing to disclose the date or subject heading.
2. Yes he had seen e-mails but likewise, was not going to disclose the detail which is legal correspondence between the Town Council and its solicitor.
3. Note: Following a request from the Chairman, the Speaker gave clarification on their question.

No investigation has been agreed. There was a request put to the Town Council for funding should there be a need to involve a specialist. No specialist has been appointed as yet nor have any terms of an investigation been set.

Note: The speaker was permitted to speak again.

Speaker 1

The Speaker advised the reason they asked this is was because their solicitor had sent correspondence to the Town Council via the Clerk on particular subject headings and there was a concern that the content of e-mails being supplied to the Council are not being passed to all Councillors or members of the various committees as required, therefore not giving sufficient knowledge to discuss the matter in Part 2. Further, this was why the Speaker had asked a couple of weeks ago if they could be there in Part 2 to make sure the Committee were aware of the full facts. The Speaker stated that it appeared the Chairman was not prepared to tell them the subject or date of the last e-mail from their solicitor to the Clerk. Further that they were not going to discuss it, they were just asking for the date, time and subject heading of the e-mail; it was 'pure and simple', nothing secretive.

A response was given by the Chairman (regarding the Speakers first question relating to the information the Chair had) that he did not have that information to hand to give to the Speaker and suggested if the Speaker was concerned that the Committee is not seeing e-mails being sent to the Clerk, then the solution would be to send these to himself and he would make sure these are distributed if they haven't been already. Further, in terms of correspondence between the Clerk, the Town Council and its solicitor, these are confidential and he was not prepared to disclose any information around that – It would be for the solicitors to discuss.

Speaker 1

The Speaker advised that it would appear the Council are not being given the information that is being passed from the Speakers solicitor to the Town Council's solicitor for the benefit of the Council to discuss and make a valid comment and decisions on. Further, that the Speaker was not calling anyone a liar but it's certainly suspicious that the Chair was not able to tell them the last e-mail or correspondence that had come to the Chair's knowledge as a Councillor on the Resources Committee or the Mayor; the Speaker feels information is being withheld.

The Chairman responded that the Speaker's points have been noted, gave a recap of the questions asked and thanked the speaker for their participation.

R 148. Minutes:

The Draft Minutes of the meeting held on 10th February 2022 were considered. (Supporting Paper A to the Agenda)

RESOLVED that the draft minutes of the meeting held on 10th February 2022 be confirmed as a correct record with the deletion of 'and *where*'

Note: Minute R142 ii. refers.

Administrators Note: 19:13 hrs - The member of the public left the meeting.

R 149. Action List

The Action List relating to the Resources Committee was received and reviewed.
(Supporting Paper B to the Agenda)

RESOLVED: That the action list is noted.

R 150. Financial Matters

Information on current financial matters including the current balance sheet income and expenditure reports, details of current creditors, earmarked reserves and other supporting information was received and reviewed. (Supporting Paper C to the Agenda)

RESOLVED: To note the financial information presented to the Committee.

R 151. Payments for Approval

The accounts due for payment were examined (Supporting Paper D to the Agenda).

The Chairman advised there was an additional invoice supplied via e-mail which had been approved to come to Committee as this was time sensitive (payment due before 31st March 2022) and the money can be claimed back.

It was noted that the Direct Debits are for information only but that the Opus Direct Debit is of concern; historically this has been in the region of £50,00-£130,00 at peak and in the last couple of months around £180.00 but has increased suddenly to around £450.00.

RESOLVED:

- (i) that the invoices due for payment in the sum of £3,374.28 (Gross) be approved;
- (ii) that the Opus Direct Debit relating to the Town Council's gas usage should be stopped immediately until clarification is sought as to whether or not this is an estimated bill and the detailed reasons as to why this has increased from £150-£180.00 in the last two months and what options we have to minimise the risk to the Town Council; information to be supplied to Committee Members within the next seven days so a decision can be made as to any immediate action required in terms of the supplier.
- (iii) that the additional invoice of £2,580.00 (Gross) from Ken White Signs be approved for payment.

R 152. Laptop Disposals

Consideration was given to the disposal of laptops that are no longer fit for purpose. (Supporting Paper E to the agenda)

RESOLVED that the hard drives of the laptops be professionally wiped and the laptops recycled in the most efficient way with a certificate of disposal supplied; the preferred contractor is Deep Blue Logic.

R 153. Comments and Complaints Log

Consideration was given to the details of any comments and complaints, Freedom of Information Requests or Subject Access Requests received since the last report to Committee (Supporting Paper F to the agenda)

It was noted that the Orchard Way/Langlands Road area re-surfacing works and road closure contract has been delayed since February; information was posted on Devon County Council's website. There was uncertainty as to whether the Town Clerk had received this information but It would be prudent to check any information on a weekly basis to assist the townspeople.

R 154. Date of Meeting to Consider Grants

Consideration was given to setting a meeting date and time to consider completed grant applications (The closing date for the receipt of completed applications is 14th March 2022)

It was suggested that the meeting to consider the grant applications as received (single item agenda) is scheduled for Monday 21st March 2022 at 2 o'clock – at the discretion of the Town Clerk.

R 155. Members Questions

This agenda item is to give Councillors an opportunity to ask questions which are relevant to the work of the Committee.

Note: questions are to be for the purpose for obtaining information and not for debate nor discussion.

There were no members questions.

R 156. Exclusion of the Press and Public

RESOLVED in accordance with the 1960 Public Bodies (Admission to Meetings) Act to exclude the public and press during consideration of:

- Agenda Item 14 Staffing Report on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (personal information).
- Agenda Item 15 Admin Support on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (personal information).
- Agenda Item 16 Staffing Review on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (personal information).
- Agenda No 17 Complaint on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (legal and personal information and items subject to negotiation).
- Agenda Item 18 Christmas Light Invoice on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (personal information).
- Agenda Item 19 Play Area Complaint on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (personal information).
- Agenda Item 20 Staff Grievance on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (personal information).

The reports relating to these items have been withheld from public circulation and deposit.

Staffing Report

R 157. An update report (Supporting Paper G to the agenda, confidential for Councillors on the Committee only) was received which included:

- i) Pay award
- ii) Training
- iii) Annual Leave and Time Off in Lieu
- iv) Confirmation of Appointments
- v) Staff Handbook

RESOLVED

- i) to approve implementation of the NJC pay scales with effect from 1 April 2021;
- ii) any salary arrears (due to the new pay award) for ex-employees who left during 2021-22 should be paid on application, with associated delegation of this to the Town Clerk;
- iii) to confirm the appointment of two part-time Outdoor Team members;
- iv) that the Resources Committee accepts the Recommendation that a consultation process takes place; and to request that the Governance Committee come back to the Resources Committee with the timescale for completing the outstanding Human Resources policies.

R 158. Admin Support

Consideration was given to the recruitment of a temporary Administration Assistant (Supporting Paper H to the agenda, confidential for Councillors on the Committee only)

RESOLVED to approve the recruitment of a temporary Administrative Assistant role with the associated contract being on a fixed term of 6 no. month basis at 20 hours per week; the process for recruitment is delegated to the Town Clerk with the suggestion that consideration is given to with the over-riding aim of obtaining best value for the Town Council.

R 159. Staffing Review

Consideration was given to the next steps for a staffing review (Supporting Paper I to the agenda, confidential for Councillors on the Committee only)

RESOLVED to accept the recommendations in the report regarding functional reporting with the addition of community events as a reporting function.

RESOLVED:

- i) To accept the draft Staffing Review document as a framework;
- ii) To add the next steps into the Committee's Workplans and this becomes an Action Plan for the Town Clerk with the suggestion and guidance that this be a priority.

Administrators Note: Cllr. Snow left the meeting (20:05pm)

R 160. Complaint

Consideration was given to information relating to a complaint regarding the holding and handling of electronic information (Supporting Paper J to the agenda, confidential for Councillors on the Committee only)

RESOLVED to instruct our solicitor to write to the complainant's solicitor and inform them that if we are not provided with further information in support of the complaint (as has been requested on numerous occasions), and at the very least a list of the emails (including date sent, recipient and subject) that the complainant believes have been unlawfully accessed, within the next 14 days, then we will consider the matter closed. The Town Clerk be delegated to accept any suggestions made by the Solicitor in terms of wording.

Christmas Lights Invoice

R 161. Consideration was given to the correspondence regarding the invoice for the Christmas lights, the Town Council's response and resulting action as required. (Supporting Paper K to the agenda, confidential for Councillors on the Committee only)

RESOLVED that the Christmas Lights tender document, together with the associated matrix document (as compiled by Cllr. Connolly) should be forwarded to the contractor and an offer of part-payment (as per the matrix document) made, excluding the £2,000.00 late payment as has been requested by the contractor.

R 162. Play Area Complaint Update

An update on the play area complaint and associated matters was received. (Supporting Paper L to the agenda, confidential for Councillors on the Committee only)

RESOLVED that a recommendation is made to the Community Wellbeing Committee to consider the position with the provision of football goals in Linear Park and to petition Mid-Devon District Council should it determine that goals are required.

Administrators Note: The Meeting Administrator left the meeting 20:25pm due to the matter to be considered and the meeting was adjourned to allow consideration of a report supplied by the Chairman relating to a grievance as raised by an employee of the Town Council (agenda item 20. Staff Grievance)

RESOLVED to adjourn the meeting to allow Committee members time to consider a report as supplied by the Chairman in relation to agenda item 20, Staff Grievance.

Administrators Note: The meeting resumed at 20:50pm.

R 163. Staff Grievance

Consideration was given to this matter; a discussion ensued and it was:

RESOLVED:

- i) The Committee upholds the grievance on the basis that the employee had no control over the appraisal and review process and that the withholding of the pay increment was unfair.
- ii) That the pay increment for the successful completion of the probation period is awarded to the employee and back dated to 19th November 2021.
- iii) That the Committee fully reviews the current appraisal process and puts in place a clear and robust policy for the review of staff performance.
- iv) That pay increments are not linked to completion of probationary periods in future contracts.
- v) That the committee chairman is to write to the employee setting out the decision of the committee and informing them of the right to appeal if they so wish.
- vi) The documents and report relating to this matter are sealed and placed into the employee's personnel file.

A further discussion ensued and it was:

RESOLVED:

- i) The Mayor and Chairman meet with the Town Clerk, in accordance with the Staff Handbook, to establish the facts around the meeting held with the Outdoor Supervisor on 17th September 2021, the paperwork that was produced from this meeting and the subsequent report to the Resources Committee;
- ii) The Chairman and Mayor are to report back their findings to the Committee.

Note:

The Committee wishes to make clear that there was no allegation made against any member of staff

at the Resources Committee meeting held on 10 March 2022, that the Chairman takes responsibility if the minute appears to imply this and apologises if the minute appears to imply this.

The meeting closed at 21:01 hrs

Agreed