

MINUTES OF THE MEETING OF ST IVES TOWN COUNCIL HELD IN THE GUILDHALL, ST IVES ON THURSDAY 2 MAY 2019 AT 7.00 PM

PRESENT

Chairman – Councillor S Tanner (Mayor)

COUNCILLORS

Andrewes T
Arthur K
Glanville R

Griffin J
Henry R
Lait R

Messenger K
Mitchell A
Tanner J

OFFICERS

Town Clerk
Facilities Manager
Support Services Manager

APOLOGIES FOR ABSENCE – Councillors P Burton, J Symons, T Harris, C Nicholls, R Tulley, T Williams.

172. CHAIRMAN’S ANNOUNCEMENTS

The Mayor advised Councillors that an attendance register was being introduced and would be circulated at the beginning of future meetings.

173 DECLARATION OF MEMBER/OFFICER INTERESTS

None

174 REQUESTS FOR DISPENSATION

None

175. MINUTES

Minute 153 Cornwall Councillor Taylor’s report. Councillor Glanville wished the minutes to record his specific comments in relation to planning matters. He commented that planning cases at Little Hendra and Poltreen Close, Carbis Bay were as important as the Gilbert and Goode scheme in Lelant.

RESOLVED – that, the Chairman signs as a true and correct record the Minutes of the Meeting of the Council held on 18 April 2019, subject to the agreed amendment.

176. CREATION OF A STAFFING COMMITTEE

A report was tabled by the Town Clerk at the meeting which set out the need for the council to ensure that it is compliant with legislation and its duties as an employer. The Staffing Panel had recommended a prompt review of policies and working practices for staffing, health and safety matters.

The Chairman of the Staffing Panel introduced the report. He advised that in accordance with a previous decision of the Council, a staffing panel had already been established and had already been required to consider some matters with support from external advisers who had recommended that a Staffing Committee be appointed, with terms of reference having been provided by Cornwall Association of Local Councils (CALC). It was noted that the town council had recently already agreed the need for a Staffing Committee.

In order to create the Staffing Committee with the proposed responsibilities, it would be necessary to change the scheme of delegation for both Finance & General Purposes and Facilities Committees. In addition to creating the Staffing Committee and approving the terms of reference, the report proposed the introduction of a new model appraisal system for staff.

In response to a number of questions from Councillors, the following points were clarified:

- Membership of the new committee would be limited to 5 voting members in total with no ex officio members.
- Members would have the opportunity to nominate themselves to all committees in the next week, before committees were appointed at the annual meeting of the council.
- The Staffing Committee would be very different in nature from the other Council committees. It would likely be dealing with matters relating to individual staff members and so required a high degree of confidentiality. For this reason, Councillors wishing to serve on the committee would be asked to make a long-term commitment and would be required to undertake relevant training to support them in their role.
- All councillors would be able to attend the committee, although non-committee members would be required to leave for items when the press and public were excluded from the meeting. Confidential reports to Staffing Committee would only be circulated to Staffing Committee members.
- Given the role of the committee to oversee grievance and disciplinary matters, the council would not need to re-appoint the grievance and disciplinary panels at the annual council meeting.
- Officers were asked whether Standing Orders also needed amendment, if they referred to the Mayor and Deputy Mayor being ex officio members on all committees.
- The Staffing Panel had requested that these reports be brought to Council at this time, given the opportunity to address governance issues promptly and to establish committee arrangements before appointments to committees at Annual Council.
- The Staffing Committee would be responsible for overseeing the staff appraisal process, carried out by line managers.

A procedural motion - that the second part of the report *Amendments to the Scheme of Delegation to reflect changes in responsibilities of existing committees* - be considered at the end of the meeting as it related to an item later on in the agenda, was carried.

RESOLVED – that

- 1) The Council approves the creation of a Staffing Committee and adopts the Staffing Committee terms of reference as set out at Appendix A to the report, to be included in the Council's Scheme of Delegation with immediate effect;
- 2) a revised appraisal system be approved, based on the model attached at Appendix B to the report, and on the basis that senior officers will be appraised by their line manager plus the relevant committee chairman.

177. **REVIEW OF STAFFING POLICIES AND PROCEDURES**

The Chairman of the Staffing Panel introduced this report (which also now incorporated item 2 on the agenda - delegation to the Staffing Committee to carry out a review of staffing policies and procedures). He stated that staffing and HR policies needed to be reviewed and updated. The Staffing Panel were keen for this work to be carried out promptly. Carrying out this work through employment consultants would ensure it was completed quickly and bring in valuable expertise.

In response to questions, it was clarified that responsibility for commissioning a review of policies and procedures from external consultants would be delegated to the Staffing Committee and the responsibility for adopting the new policies and procedures would remain with Council.

RESOLVED -

- i) To delegate to the Staffing Committee to carry out a review of staffing policies and procedures for recommendation to Council; and
- ii) That a general reserve allocation of up to £3,000 be agreed, for the commissioning of consultancy services to bring in new staffing policies and procedures.

178. **CREATION OF A WORKING GROUP**

A member of the Staffing Panel commented that it had identified health and safety as an important concern. The Council had a corporate duty to identify and manage risks for Council staff and so there was a need to review health and safety policies and procedures and record keeping. The Staffing Panel recommended that this work be carried out as soon as possible.

The panel's concern was that the existing scheme of delegation didn't make clear where accountability lies. This, and other governance issues, needed to be resolved. It was proposed that a short-term working group be established to consider policies and procedures and would make recommendations to the Finance & General Purposes Committee on the potential scope of a health and safety governance review. Any councillor would be able to put themselves forward to join the working group.

Members commented that legislation and technical rules surrounding health and safety were just as complex as employment law. It was therefore proposed that, as for the Staffing Committee, members of the Finance & General Purposes

Committee and Health and Safety working group would be required to receive health and safety training to support them in their role.

RESOLVED – that a health and safety working group be appointed, to be tasked to start work with immediate effect to take an overview of existing and potential health and safety policies, procedures and working practices, and to recommend to the Finance & General Purposes Committee the form of review to be undertaken.

179. REVIEW OF HEALTH AND SAFETY POLICIES AND PROCEDURES

The Chairman of the Staffing Panel explained that, as for the review of staffing policies, Cornwall Association of Local Councils have advised the Council to carry out an independent review of health and safety policies. The Staffing Panel have recommended that an external audit and review is commissioned by the Finance & General Purposes Committee, to be funded from reserves.

In response to a query about the budget, the Town Clerk confirmed that the estimated cost for consultancy services for health and safety was based on a quotation for previous work and it was anticipated that the cost was likely to be higher than for the staffing policies review.

RESOLVED – that an external audit and review of health and safety policies, procedures and working practices be commissioned by the Finance & General Purposes Committee, funded from reserves up to a maximum cost of £4,000.

180. AMENDMENTS TO THE SCHEME OF DELEGATION TO REFLECT CHANGES IN RESPONSIBILITIES OF COMMITTEES

The Chairman of the Staffing Panel explained that there needed to be changes to the council's Scheme of Delegation, in order to implement the resolutions made in earlier reports. Paragraphs (t), (u) and (v) would be taken out from the Finance & General Purposes Committee terms of reference, and health and safety responsibilities, as set out at paragraph 2.7 of the report would come into the remit of Finance & General Purposes Committee from the Facilities Committee.

A member of the Staffing Panel commented that the report also recommended dealing with two other matters at the same time. One was reverting to the practice of having set numbers of councillors on committees. The other was a review of the complaints procedure.

There was noted to be a benefit in having committees where councillors could specialise and concentrate their expertise. A limit of 8 members, plus 2 *ex-officio* (Mayor and Deputy) (voting) members (except Planning Committee) was proposed. The Planning Committee would remain as currently constituted and the new Staffing Committee would have 5 voting members (with no *ex-officio* members).

Members had a number of queries in relation to the proposed changes to the complaints procedure.

It was RESOLVED at this point to adjourn the meeting briefly, to enable reference to the council's complaints policy document.

RESOLVED – that the adjourned meeting be reconvened.

Proposed amendments in the scheme of delegation relating to complaints were debated. The following points were made:

- The Council should be committed to open government and it was important that all Councillors were aware of complaints against the council
- Councillors needed to be made aware of any matters or complaints which might give rise to legal action in which they are potentially liable.
- If complaints were considered by the Staffing Committee and matters were confidential, how would other councillors be aware of such matters? Code of Conduct complaints against councillors were made public and reported upon, even if later they were unfounded.

The Town Clerk advised that there were necessarily different complaints processes for staff as employees, and for Councillors, as holders of public office.

The current approach to complaints was debated. Members considered the merits of complaints being heard by full committee or a panel or to change the current system entirely and have complaints considered by full council. It was clarified that, under the proposed amendments to the Scheme of Delegation, Finance & General Purposes Committee would have responsibility for overseeing complaints against the Council. They would investigate the substance of the complaint (which might be vexatious or unfounded) and determine whether it could be resolved informally or whether it was necessary to appoint a complaints panel. Because complaints would be considered by the Finance & General Purposes Committee, details would be circulated to all councillors by default with the committee papers.

If there was a complaint or grievance against an individual member of staff, this would be dealt with under the council's disciplinary or grievance processes.

RESOLVED – that proposed amendments to the Scheme of Delegation as set out in paragraphs 2.6 to 2.9 of the report be approved and adopted with immediate effect

Meeting closed at 8.29 pm

Chairman