



CLOSED SESSION MINUTES

Closed Session Minutes of a meeting of the Staffing and Appeals Sub-Committee held in the Stable Block Meeting Room, Stone House, Corve Street, Ludlow on **Monday 16th July 2012** at **3.00 pm**

SA/21 PRESENT

Chairman: Councillor Smithers

Vice-Chairman: Councillor Perks

Councillors: Aitken, McCormack, Newbold, Phillips, Pound and Wilcox

Also present: Veronica Calderbank, Town Clerk
Gina Wilding, Deputy Clerk
Naomi Brotherton, Admin Assistant

SA/22 APOLOGIES

No apologies were received.

SA/23 DECLARATIONS OF INTEREST

Personal

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|---------------------|----------------|---|
| Councillor Smithers | Lanyon Bowdler | Solicitors used for matters at the Royal British Legion |
| Councillor Phillips | Lanyon Bowdler | Has friends who work there. |

Prejudicial

None declared

SA/24 EXCLUSION OF PRESS AND PUBLIC: PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960

The Chairman moved that the public be excluded from the meeting for the following item(s) of business pursuant to section 1 of the Public Bodies (Admission to Meetings) Act 1960, on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

RESOLVED (unanimous)

That the public be excluded and the meeting continue in closed session.

SA/25 MINUTES

RESOLVED (unanimous)

That the minutes of the Staffing and Appeals Sub-Committee held on the 6th July 2012 be approved as a correct record and signed by the Chairman.

SA/26 TOWN CLERK'S RESIGNATION

The Town Clerk explained to the Sub-Committee that the spreadsheet attachment to the Agenda was following a query regarding her contract at the previous meeting. She stated that there had been allegations that she had drawn up her own contract and this was untrue. She had therefore instructed a member of staff to do a search on her emails for the word 'Contract' and to draw up a summary sheet. Her draft contract she said had been emailed to her private email address by Hannah Coleman and she offered the Sub-Committee a copy of this email.

The Chairman added that a copy of the emails sent to the Town Council address were available for inspection at the meeting.

Councillor Perks raised the query that at the previous meeting Councillor Aitken had said that he had not been involved in drawing up the Town Clerk's contract. Councillor Phillips also raised her concern that when the question was asked Councillor Aitken had been vague over the details but had advised the Sub-Committee that the former Mayor (Martin Taylor-Smith) had signed the contract.

Councillor Aitken confirmed that at the meeting he had stated that it had also been Councillor Newbold and the former Mayor who had been involved in the process. He said that he could not remember what changes were made but that it had been a standard NALC contract which had been modified to suit Ludlow Town Council with discussions taking place with the current Town Clerk. He added that the office would be able to produce all the paperwork showing the NALC draft contract. The Chairman confirmed that the draft contract was in the copy of the emails available for inspection.

Turning to the report attached to the Agenda the Town Clerk explained that SLCC did not provide legal help without a SLA. The Deputy Town Clerk explained that she had contacted Shropshire Council on the advice of a Unitary Councillor but had been told that they could not provide legal assistance for the meeting. On the Monitoring Officer's advice she had contacted Whitchurch Town Council who had provided details of their solicitor (Hibberts) but the Employment Solicitor at Hibberts, was not available due to another commitment and the

short-notice. She also highlighted their costs of £100 per hour for a Shropshire Council Solicitor.

Councillor Perks requested sight of the contract emails which he said he would return to the Full Council meeting that evening and also suggested that Lanyon Bowdler was contacted as they had been consulted historically. The Chairman confirmed that their costs were similar to Hibberts Solicitors.

At this point Councillor Phillips felt it was better if the Town Clerk withdraw from the meeting. Before the Town Clerk left she requested from Members what the Committee required in terms of a report e.g staffing, salaries and recruitment options to be reported to Full Council.

3.25 pm – The Town Clerk left the meeting.

SA/27 PRACTICAL IMPLICATIONS/ADVICE

The Chairman declared that historically the Town Council had been given a lot of advice and asked Members of the Sub-Committee for their comments on practical implications.

Councillor Perks stated that he felt if the discussion was regarding the resignation of the Town Clerk the Deputy Town Clerk should remain in the meeting. However, if the Sub-Committee were discussing filling the position, then the Deputy Town Clerk should leave the meeting. He commented to the Sub-Committee that this would be an opportunity for the Town Council to review what they needed now in a Town Clerk, with the implications of the Localism Bill, changes to Unitary Councils and the roles of the Parish and Town Councils. He added that there would be a transitional period rather than the historical turmoil due to staff employed by the Council.

The Mayor drew the Sub-Committee's attention to the forthcoming elections in 2013 and highlighted preparation for the future Town Council membership, rather than pointing out the rights and wrongs.

Councillor Newbold indicated that as opinions changed he felt that the matter should be taken to Full Council first and then be referred back to the Staffing and Appeals Sub-Committee.

Councillor Phillips advised the Committee that they had a three point approach and rather than reviewing the problems with Town Clerks historically, they were specific problems which no longer applied. She agreed with the Mayor urging the Sub-Committee to look to the future of the Town Council.

Councillor Wilcox pointed out that the mechanics of the current Clerk's departure needed to be right and that it may be helpful going to Full Council for draft ideas, however it would create a lot of work for Full Council.

Councillor Aitken added that when a previous Clerk had resigned Full Council had provided some good ideas. He went on to say that the Sub-Committee and Town Council needed to be mindful of the length of the recruitment process, the changes in the job description which needed to be taken into account as well as considering the process, whether to do this in-house or use an agency. He highlighted that if typically a candidate had to give 3 months notice then it was unlikely to have a new Town Clerk in post before the end of the year.

Councillor McCormack said that she agreed with Councillor Aitken and stated there would be an interim period, time was of the essence if the Town Council wanted to formalise ideas and recruit.

Councillor Phillips warned the Sub-Committee of acting in haste, given that the Town Council had lost the last three Town Clerks. She stated that there was good staff who could keep things 'ticking over' until a new Clerk was recruited.

There was a discussion regarding the possible available pool of candidates given the current climate. The Chairman explained that the Town Council could give a timeline of dates for shortlisting, interview and appointment. He agreed with Councillor Phillips that the Town Council had a good pool of staff pro-tem but added that there needed to be a way forward.

Councillor Perks suggested that a Locum Town Clerk could be used and cited a previous Locum Town Clerk who now worked for Oswestry Town Council.

3.40 pm – The Deputy Town Clerk left the meeting.

SA/28 LOCUM TOWN CLERK

Councillor Wilcox stated that in the interim period if the Town Council did not appoint a Locum Town Clerk the duties would fall to the current Deputy Town Clerk. He stated that a Town Clerk needed legal knowledge and a management technique both of which he felt were a matter of concern.

Councillor Aitken outlined that advice could be sought from the former Locum Town Clerk at Oswestry as well as Bridgnorth Town Council who had recently recruited a new Clerk. He asked whether being a current Town Clerk was a critical requirement as well as having a legal knowledge or having a Cilca certificate. He advised going back to the NALC contract for guidance and a starting point which had been emailed to the Sub-Committee by the Deputy Town Clerk.

Councillor Phillips commented that if she was recruiting she would be looking for a candidate with no less than a first degree, legal knowledge and accountancy experience and that the legal and accountancy knowledge would be a minimum.

Councillor McCormack suggested that all the Sub-Committee had a hard copy of the draft contract from NALC prior to the next meeting for consideration and then it could be discussed paragraph by paragraph. Councillor Phillips reminded the

Sub-Committee that basic legal requirements were needed in employment contracts.

There was a discussion regarding the need for legal advice in respect of pay and responsibilities for the Town Clerk and it was agreed that this would be covered by the Town Clerk's contract.

The Sub-Committee also discussed whether the involvement of current staff at the Staffing and Appeals Sub-Committee would be compromised if they wished to apply for the post or remain impartial. It was agreed by the Sub-Committee that in the circumstances independent legal advice and Committee Services should be sought. It was also agreed that the departure of the current Town Clerk should be discussed at a separate meeting and that the Deputy Town Clerk should be invited to re-join the meeting.

RESOLVED (unanimous)

That a draft copy of the NALC Town Clerk proforma contract be circulated in hard copy to the Staffing & Appeals Sub-Committee members to be discussed at the next meeting.

SA/29 RESOLVED (unanimous)

That the Deputy Town Clerk be invited to re-join the meeting to be involved in the acting points of discussion and the projected handover in the coming weeks.

4.10 pm – The Deputy Town Clerk re-joined the meeting.

SA/30 There was a discussion on recruitment of the new Town Clerk, the need for legal advice and both the Chairman and Councillor Phillips declared personal interests at this point.

Councillor Aitken drew the Sub-Committee's attention to legal advice but stated that any discussions could be difficult with current staff present.

RESOLVED (unanimous)

That the Deputy Town Clerk:-

- i) Contacts Ellis Whittam to establish if their original package, including recruitment is still available;
- ii) Contact Bridgnorth Town Council regarding the recruitment of their recent Town Clerk;
- iii) Contact the former Locum Town Clerk, who now works for Oswestry Town Council for his advice;
- iv) Contact Shropshire Council for their availability/support for future meetings for legal and committee services.
- v) Contact Lanyon Bowdler and Hibberts to establish their availability for future meetings;

SA/31 TOWN CLERK'S REPORT

The Sub-Committee discussed what they required in a report from the current Town Clerk before her departure.

The Deputy Town Clerk confirmed that she was almost up to speed with the major projects and could provide information on the yearly work schedules such as the Calendar of Events which would commence in September for the 2013 calendar.

RESOLVED (unanimous)

That the Town Clerk provides the Town Council with a report to include all the major projects, their current status and the work which needs to be completed. This report is to cover the Market and Market Traders, Staffing and budgets, the Cemetery, Police investigation, damage to the Buttercross and the HLF Bid.

SA/32 TOWN CLERK'S DATE OF LEAVING

There was a discussion over when the current Town Clerk would be leaving, taking into account any outstanding toil or leave still to take.

RESOLVED (unanimous)

That the Mayor and Chairman of the Staffing & Appeals Sub-Committee would meet with the Town Clerk regarding this.

SA/33 DATE OF THE NEXT MEETING

Wednesday 1st August 2012 at 2.00 pm.

The meeting closed at 4.45 pm

Chairman

Date