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Bletchley and Fenny Stratford Town Council

There will be a meeting of the Human Resources Sub Committee on Tuesday, 13th August, 2019 at Town Council Office, Bletchley Library, Bletchley, MK2 2RA commencing at 6.30 pm to transact the items of business set out in the agenda below.

Delia Shephard

Delia Shephard
Clerk to the Council
06/08/2019

AGENDA

1. To elect a Chairman for the Committee
2. To note Members' apologies for absence
3. To note Members' declarations of interest in matters on the agenda
(Under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, made under s30 (3) of the Localism Act, Members are required to declare any disclosable pecuniary interests which they may have in any of the items under consideration at this meeting)
4. To approve the minutes of the last meeting of the sub-committee (Pages 1 - 4)
5. *To receive a confidential report on progress with implementation of changes to the Town Council's employee structure (Pages 5 - 8)
6. *To receive a confidential report from the Clerk and discuss any issues arising concerning overall management of the staff team and the Town Council's work in general (Pages 9 - 10)

Members of the public and representatives of the media are welcome to attend but are warned that items marked with an asterisk () may involve discussion of confidential information and the council may resolve to exclude members of the public and press if this is deemed to be in the public interest*

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Bletchley and Fenny Stratford Town Council

Minutes of a meeting of the Human Resources Sub-committee of the Council held at 76-78 Queensway, Bletchley commencing at 6.30 pm on Tuesday 12 February 2019

Present: Cllrs Ed Hume, Ethaniel Kelly-Wilson and Angela Kennedy (Chair)

Absent: Cllr Richard Graham,

In attendance: Delia Shephard, Town Clerk

Min ref

HRSC/2018 /19-05 Apologies for absence had been received from Cllr Graham.

HRSC/2018 /19-06 *(Under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, made under s30 (3) of the Localism Act, members were required to declare any disclosable pecuniary interests which they may have in any of the items under consideration at this meeting)*
No declarations were made.

HRSC/2018 /19-07 It was **RESOLVED** to approve the minutes of the meeting held on 30 August 2018 as an accurate record of proceedings.

HRSC/2018 /19-08 It was **RESOLVED** that members of the public be excluded from the meeting during the consideration of the following items of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted

HRSC/2018 /19-09 Members noted a report from the clerk which highlighted the importance of a good working relationship between the clerk and the chair and recognised that the chair would inevitably have more contact with the clerk and the staff team (through delegated decision making, meeting preparation and conduct of meetings, civic and other duties etc) than any other councillor and this was recognised by BFSTC by the inclusion of the chair in the HR Sub-committee. Members discussed the fact that the chair was currently excluded from making proposals during debate and voting in decision-making by the HR Committee and would be excluded entirely from such meetings if a resolution to exclude the public and press should be made. This was not considered a practical situation.
It was **RESOLVED to recommend** to full council on 5 March 2019 that the scheme of delegations should be amended with immediate effect to ensure that if the Chair of Council was not already an elected member of the HR Committee then she/he should be an ex officio member of that committee. Discussion about the size of the HR Committee began and was deferred for further consideration under items 6 and 7 on the agenda.

HRSC/2018 /19-10 Concern was expressed that this piece of work was now four months overdue and reasons for this delay were considered. It was **RESOLVED** that all councillors involved in undertaking the clerk's performance appraisal should have relevant formal training. It was agreed that the appraisal would be undertaken on Wednesday 20 February 2019 by Cllrs Kennedy and Kelly-Wilson.

HRSC/2018 /19-11 The chair of the HR Committee gave a summary report on the process followed to deal with a recent matter concerning a former member of staff. This issue had involved an investigation facilitated by a third party HR consultant. The clerk also gave feedback on the process which had been followed. The Chair of the HR confirmed that recommendations would be made to the HR Committee as a consequence of the investigation and the outcome of the investigation was not discussed. It was agreed that it would be beneficial to consider whether the employment handbook should be amended to provide information about investigation processes. HR support services for the council were discussed and the clerk noted that BMKALC has recently entered into a partnership with an HR provider which could be used for local investigations. It was **RESOLVED** that a draft process for procuring local HR support



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would be prepared with a list of potential providers including the option offered by BMKALC.

Discussion followed on the competencies within the councillor body for dealing with HR issues, the size of the HR committee, issues of confidentiality, the responsibilities of the council as an employer and the appropriate boundaries in the councillor/officer relationship and issues which had arisen from inappropriate boundaries.

It was **RESOLVED to recommend** to the HR Committee and subsequently to full council that a requirement membership of the HR Committee should be that members should be able to demonstrate relevant competency and/or have specialist training in the work of the committee. This recommendation was made in order to protect members, be fair to employees and also to mitigate potential financial risk to the council.

HRSC/2018
/19-12

The sub-committee then discussed a written report from the clerk on the council's statutory responsibilities as an employer which noted that the council had a duty of care towards employees so it must take steps to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees. (The HASAW Act 1972). Notwithstanding the recent Ledbury case (Harvey v Ledbury Town Council 2018); case law (Moores v Bude Stratton Town Council 2000) had established the principle of employers' vicariously liability in the local council sector. This meant that the council as a corporate body could be legally liable for the actions of its individual members in the employment relationship.

Members also noted that a recent report from the Committee for Standards in Public Life (January 2019) on ethical standards in local government including the local council sector had concluded that some changes to the provisions of the Localism Act 2011 were necessary to improve the standards arrangements and also included best practice recommendations which could be adopted immediately and these could be considered in the near future.

Meanwhile, the clerk's report included the following proposals for preventative protective measures to mitigate financial risk to BFSTC:

- 1 Member/Officer Protocol document should be revisited and presented in simpler language to include illustrative list of unacceptable behaviours
- 2 Dignity at Work policy could be revisited
- 3 Induction of new members should include training on conduct and relationships with staff
- 4 Council should adopt a statement of training intent and make clear that it expects all members to attend training and that the council will publish its member training records
- 5 Council should prepare a list of relevant, proportionate and temporary reactive protective measures which are not punitive and still enable a councillor to carry out their role but which can be deployed on a temporary basis to protect staff if complaints were made about a councillor which necessitate investigations etc

and these were discussed in varying detail. A new, simpler draft version of the Member/Officer protocol was discussed and it was **RESOLVED** to recommend the new protocol to full council on 5 March 2019 with one addition ie to include the current practice that members should make appointments if they wanted to meet with officers. It was also agreed that a list of positive behaviours to be encouraged by the council would be prepared. It was **RESOLVED to recommend** to full council that code of conduct training be purchased and delivered locally for the benefit of all members of the council.

HRSC/2018
/19-13

A list of the clerk's work priorities had been circulated in advance of the meeting and a report on the clerk's current work was given orally and questions answered. It was agreed that



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improvements to the IT should be prioritised above all other business so as to permit agile working from all sites as soon as possible. The current meeting schedule was discussed and the clerk suggested consideration of a 6 week cycle rather than a monthly cycle as at present but members preferred the clarity of a monthly meeting cycle and noted that several extraordinary council meetings had been held during the past year. It was suggested that the August Full Council meeting could be restricted to planning and urgent business only.

The meeting was closed at 8.24 pm.

Chairman.....

9 April 2019

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