

**WHITEHAVEN TOWN COUNCIL**

**MINUTES OF EXTRAORDINARY MEETING HELD ON WEDNESDAY 13<sup>TH</sup> APRIL  
2016**

**Present:** Councillors Michael Guest (Chairman); Ray Gill (Deputy Chairman); Carla Arrighi; Darren Elliot; Jeanette Forster; John Kane; Jayne Lainé; Gavin McKew; Brian O’Kane; Graham Roberts; and Norman Williams.

**Officers:** Clinton Boyce, Legal Services Manager, Copeland Borough Council (acting clerk for the meeting).

**268/16      Minutes of the Meeting held on the 31<sup>st</sup> March 2016**

It was moved, seconded and

**RESOLVED** – That approval of the minutes of the meeting held on the 31<sup>st</sup> March 2016 be deferred to the next ordinary meeting of Council scheduled for the 28<sup>th</sup> April 2016.

**269/16      Declarations of Interest in Agenda Items**

Councillors Michael Guest, Ray Gill, Carla Arrighi, Jeanette Forster, John Kane, Brian O’Kane and Graham Roberts declared an interest in agenda items due to being members of Copeland Borough Council.

**270/16      Public Participation**

Two questions from a member of the public were asked:

- (a)    Could the 6 month rule be clarified?
- (b)    Could he be assured that all members are aware of the full details relating to the clerk’s employment?

The acting clerk provided an explanation of question (a); the Chairmen confirmed question (b).

**271/16      Exclusion of Press and Public**

Consideration was given to whether the press and public should be excluded from consideration of those items numbered 6 – 9 on the agenda. Legal advice was provided on the nature of the business to be discussed and that this would include considering in detail an employee’s proposed contract including salary, hours, pensions, leave and sickness arrangements, personal details and working time issues.



Key contract details, including salary would be made available to the public. There was a need to balance the privacy of employees and data protection and confidence issues against the public interest in being transparent.

Following a request for a recorded vote it was

**RESOLVED** – that the press and public be excluded from the meeting for the following items of business, in accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, on the ground that publicity of the business to be transacted would be prejudicial to the public interest by reason of the confidential nature of that business.

(For the resolution: Councillors Michael Guest; Ray Gill; Carla Arrighi; Darren Elliot; John Kane; Jayne Lainé; Gavin McKew; Graham Roberts; and Norman Williams; Against the resolution: Councillors Jeanette Forster and Brian O’Kane).

272/16 **Arrangement of the Agenda**

It was proposed, seconded and

**RESOLVED** – that items 6, 7 and 8 as shown on the Agenda be dealt with in reverse order.

273/16 **Review of pension scheme for Clerk/Responsible Financial Officer**

As part of the recruitment of the Clerk/Responsible Financial Officer, it was agreed that a pension would be provided. The proposed contract stated that ‘The Council is a member of the Local Government Pension Scheme OR is a member of the Government’s NEST scheme’.

Whilst the Staffing Committee had done some work on this matter the Committee felt that it did not, at the present time, have information which was sufficiently detailed to allow Committee Members to decide which of those two schemes was to be preferred both for the Council and the employee, and possible future additional employees. It was also not clear what resolutions would be required by a scheme provider to enable the Council to join a scheme.

The Staffing Committee had agreed to consider the matter further and then make an appropriate recommendation to Council.

**RESOLVED** that the current position be noted and the matter be deferred until a recommendation was received from the Staffing Committee.

**Review of Contract for the Clerk/Responsible Financial Officer**

Consideration was given to a recommendation from the Staffing Committee that the draft contract proposed for the Clerk/Responsible Financial Officer ('the Clerk') be accepted with two amendments. With the permission of the Chairman of the Staffing Committee the acting clerk took members through the details of the proposed contract highlighting non-material changes that were considered necessary to the draft contract which had been issued to candidates as part of the recruitment process.

Following detailed consideration of the matter it was:

**RESOLVED** that:

- (a) the draft contract, as circulated and considered by members at the meeting, be approved, subject to the following amendments:
  - (i) paragraph 9.2 relating to future review of salary as part of any periodic employee appraisals/review of employee terms and conditions being deleted;
  - (ii) the wording 'Hours agreed shall be notified to the Staffing Committee monthly' being added to paragraph 12.1 which dealt with hours of work and required flexibility with such hours;
- (b) the Chairman of the Council be authorised to sign the contract on behalf of the Council;
- (c) any requests for consent under paragraph 7 of the contract (declaration of other employment) be dealt with by full Council; and
- (d) arising from consideration of paragraphs 8 and 12 it was acknowledged that the Clerk may have difficulty (due to being the Council's only employee and having to facilitate a number of evening meetings) in maintaining a full time presence in the Council's office and it was agreed that members and the public should be notified of when the offices will be open.

**Staffing Committee Terms of Reference**

It was noted that the Staffing Committee had deferred consideration of this item until their next meeting on the 28<sup>th</sup> April 2016.

**RESOLVED** – that this item be deferred until the next meeting of Council.

276/16

**Review of Working Time Regulations 1998 waiver**

Members were advised of the issues arising from the Working Time Regulation 1998 and the advice received from the Cumbria Association of Local Councils that a waiver in accordance with regulations 4 and 5 should be obtained. After considering the legal issues arising from such waiver it was

**RESOLVED** – that the proposed waiver, in letter form, as submitted to the meeting, be approved and the Chairman authorised to sign the letter on behalf of the Council.

277/16

**Admission of Press and Public**

**RESOLVED** – that the press and public be admitted and that the decisions made in private be confirmed in public. The Chairman advised members of the public of the decisions made under the previous items considered in private.

278/16

**Appointment of Recruitment Agency and Co-option of Recruitment Specialist**

Members were advised that the Staffing Committee had agreed to defer consideration of this matter due to further information being needed. In particular it was felt that draft job descriptions and person specifications for each role were required and that thought needed to be given on how best to proceed with this recruitment. With regard to recruitment agencies the Committee asked for prices be received from three different agencies and details of the work that they could undertake for the Council.

Members thought that the Cumbria/National Association of Local Councils might also be able to provide support.

After consideration of the matter it was

**RESOLVED** – that the matter be deferred to enable the Staffing Committee to do further work on this matter, as soon as possible, and to provide a detailed report to Council on options to move the recruitment forward.

279/16

**Implementation by Staffing Committee of resolved decisions**

**RESOLVED** – that any resolved decision set out above be implemented by the Staffing Committee unless otherwise stated.

The meeting closed at 8.45pm.

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Chairman

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a dotted line.