

MINUTES OF THE MANAGEMENT AND ESTABLISHMENT MEETING  
HELD AT 8.00PM ON TUESDAY 17<sup>TH</sup> DECEMBER 2013 AT THE CIVIC  
HALL, POYNTON.

PRESENT

Chairman: Cllr P Hoyland

Cllrs C Gorst, Mrs J Saunders and G Smith

Cllr M Beanland was attending under SO 54 as substitute for Cllr A Smith while Cllr H Murray was substituting for Cllr L A Clarke, also under SO 54

Mrs S Horsman attended under SO 56

**PART A**

63. Apologies for absence

Received from Cllrs L A Clarke and A Smith

64. Declarations of Disclosable Pecuniary or Other Interests

Cllr Beanland disclosed an interest in the item concerning Civic Hall opening times during Christmas and New Year, and left during discussion of this issue.

65. Minutes of the previous M&E meeting

**RESOLVED: That the minutes of the M&E meeting held on 5<sup>th</sup> November 2013 are approved as an accurate record and signed by the Chairman (NC)**

66. Town Council's Standing Orders

The meeting reviewed the latest revisions to the Town Council's Standing Orders, as previously recommended by M&E to the Town Council, but deferred from the resumed Town Council meeting of 2<sup>nd</sup> December 2013. At that meeting Cllr Clarke gave two reasons for these to be deferred. First because Cllr Mrs Sewart, Chairman of the Standing Orders Working Group was not present then and the second because CE had raised doubts about the Town Council Standing Orders and suggested they be reviewed. There was however a resolution carried later at that meeting that no further action be taken in terms of those recommendations.

The Clerk raised an addition revision to the Standing Orders as requested by Cllr A Smith on how members are appointed to Committees. Following discussion it was agreed that it was in Members' interests to be present when such appointments are made.

Cllr Mrs Sewart will be requested to review the Standing Orders before the next Town Council meeting. The responsibility to review Standing Orders lies with the M&E Committee. The recommendations from the Working Group had been debated at the last M&E meeting and having reviewed the Standing Orders again it was proposed that these are resubmitted to the next Town Council meeting.

**RESOLVED: That the Standing Orders are resubmitted to the next full Town Council meeting following further review by Cllr Mrs Sewart (NC)**

#### 67. New Disciplinary/ Dismissal and Grievance Procedures for Civic Hall staff

The Committee Members considered the proposed new Disciplinary/ Dismissal and Grievance Procedures for Civic Hall staff. This is part of a first phase of introducing such procedures by our newly appointed HR consultants. These follow best practice.

##### Disciplinary/Dismissal Procedure

###### Disciplinary Action

p.7, sub-paragraph f): the second bullet regarding demotion cannot realistically be applied to the Town Council structure.

###### Investigation

p.3. Is there any provision for the suspension of an individual whilst there is an investigation? The Clerk quoted from a section which confirms there is provision included in the Procedure. Following further discussion it was agreed that an amendment was needed at the end of the second paragraph of the section dealing with Investigation to include, "This would be a neutral act". This amendment will be verified with the HR consultants, Wirehouse.

Members asked who would conduct any investigation, and it was agreed that the process is for M&E or a panel of M&E to appoint the investigator/s. The investigator/s could also co-opt other member/s, such as a specialist.

The investigation panel can also choose to appoint an officer. The panel report a final recommendation and take this back to the M&E Committee. The M&E Committee make the final decision. If a member of staff is not satisfied with the decision an appeals process is required.

It was requested that the last paragraph in the Investigation section be removed.

The Appeals Panel

The members are appointed by the M&E committee but should be different from the Investigation Panel.

The Clerk will contact the HR consultants to include additional wording as discussed and include these revisions to the Disciplinary Procedure to ensure it is robust.

**RESOLVED: That the Disciplinary/Dismissal Procedure will include additional wording as discussed, subject to consultation with the HR consultants (NC)**

Grievance Procedure

The Clerk highlighted his suggested amendments to the text.

Cllr Murray raised his concern of the lack of sanctions and protection for staff in the Grievance Procedure.

The paragraphs should be numbered.

**RESOLVED: That the Grievance Procedure is approved subject to the suggested amendments and periodic review (NC)**

**RESOLVED: That the Clerk refers these comments and suggestions to the HR Consultants Wirehouse for their comments and advice before reporting back to this Committee (NC)**

68. Christmas and New Year opening hours for the Civic Hall

The Committee noted action taken under SO 51 to approve the Christmas and New Year opening hours for the Civic Hall. Following consideration of the lunchtime closing of the Civic Hall on Monday 23<sup>rd</sup> December 2013 from noon to 2pm it was agreed that this closure could be extended to 3pm.

**RESOLVED: That the action taken under SO 51 is noted; that the Civic Hall closure on Monday 23<sup>rd</sup> December 2013 be extended from 2pm to 3pm (NC)**

69. Any Other Business

**RESOLVED: That within the terms of SO 19 d) an item of 'Other Business', namely the invitation to CE Leader Cllr M Jones to attend an informal briefing on Monday evening 13<sup>th</sup> January 2014, can be included in this meeting as a matter of urgency (5 - 1 abs)**

Having made this request under SO 19d), Cllr Hoyland made it clear that he would abstain on that and on any other resolutions passed regarding the issues debated.

Cllr Hoyland explained the reasons for bringing this matter to the attention of the meeting. The first is to seek support from the Committee for the Clerk to refer any communication from Cllr Lewis regarding the Leader of CE Council's attendance at an informal briefing on 13<sup>th</sup> January 2014 to Cllr Hoyland.

Cllr Hoyland said he had received an e-mail from Cllr Lewis. From discussions it had transpired that Cllr Lewis is upset that Cllr Hoyland had intervened and changed the meeting from it being in public by order of the Mayor to being an informal briefing. Cllr Hoyland said he was not aware that Cllr Lewis or any other Councillors were initially involved. Cllr Hoyland had checked with the Mayor who explained that this was a matter just between himself and the CE Leader, Cllr M Jones.

Cllr Hoyland informed the meeting that Cllr Lewis has made a complaint against him on this issue.

**RESOLVED: That the complaint made against Cllr Hoyland by Cllr Lewis is included in a future M&E Committee meeting (5 - 1 abs)**

Cllr Gorst requested the sequence of events regarding the invitation to Cllr Jones. Cllr Hoyland provided the e-mail trail to assist. Cllr Hoyland explained that the Mayor had independently invited Cllr Jones and his team to the Town Council meeting of 13<sup>th</sup> January 2013. Cllr Hoyland had tried to contact the Mayor. As Chairman of M&E Cllr Hoyland felt duty bound to discuss the matter with the Mayor and discuss that perhaps the Mayor does not have the authority to issue the invite. The last invite to Cllr Jones was clearly decided by the Town Council, and was subject to a vote. Cllr Hoyland alerted the Mayor to the decision and how it was taken the first time.

The Mayor's motivation for the invite to Cllr Jones was to deal with the PVRs snagging issues and he saw this as a positive step to address this matter. Cllr Hoyland felt that his discussion with the Mayor was worthwhile, and although there were disagreements they had reached a compromise. This was to invite Cllr Jones to an informal briefing which would be a productive meeting. The Mayor agreed with this was sensible. The discussion between Cllr Hoyland and the Mayor took place just before the Mayor was due to fly on holiday the next morning so Cllr Hoyland agreed to send an e-mail to all Councillors concerning the agreement reached between Cllr Hoyland and the Mayor. With the Mayor's agreement Cllr Hoyland spoke to Cllr Jones. Cllr Jones was also in agreement with the compromise. Cllr Hoyland quoted the confirmation e-mail that he had sent to both Cllr Jones and the Mayor.

Cllr Gorst commented that the Mayor does not have the right to invite the leader Cllr Jones without consultation with the Clerk, and without stating reasons for the invitation.

Regarding the invitation to Cllr Jones the Committee agreed that Cllr Hoyland acted as a broker and negotiated an efficient and appropriate format for discussions with the CE Leader.

**RESOLVED:** That, as discussed by Cllr Hoyland on 4<sup>th</sup>/5<sup>th</sup> December 2013 with the Mayor and Cllr Jones, the M&E Committee endorses the decision to hold an informal briefing with Cllr Jones and appropriate officers from CE from 7pm to 7.45pm on 13<sup>th</sup> January 2014; that the Clerk makes known this resolution to all other Councillors (5 - 1 abs)

**PART B removed from the public record - The public and media were excluded from this part of the agenda on the grounds of the Town Council's Standing Order 71(b)(i) ("information relating to a particular employee of the Council")**

The meeting concluded at 9.25 pm