

**Main issues arising: Member's interests; Previous minutes; Outcome of a complaint; Recording of Council meetings; Resource and staffing**

MINUTES OF THE MANAGEMENT AND ESTABLISHMENT COMMITTEE MEETING HELD AT 8.00PM ON TUESDAY 23<sup>RD</sup> SEPTEMBER 2014 IN THE COUNCIL CHAMBER, CIVIC HALL, POYNTON.

PRESENT

Chairman: Cllr P Hoyland

Cllrs L Clarke, Mrs J Saunders, G Smith

Attending under SO 54: Cllr Beanland, substituting for Cllr C Gorst, and Cllr G King, substituting for Cllr A Smith

Attending under SO 56: Cllrs G Bartos and B Lewis

**PART A**

105. Apologies for absence

Cllrs: C Gorst and A Smith

106. Declarations of Disclosable Pecuniary or Other Interests

Cllr Beanland reminded Members of a previously declared interest regarding his wife's employment by the Town Council, and stated that he will leave the meeting for the resource and staffing update (Part B, agenda item 111).

Cllr Hoyland declared a non-pecuniary interest in agenda item 108, since he was the subject of the complaint, and an alternative Chairman will be needed for this item. Cllr Lewis declared a similar interest in the same agenda item, given that he had made the complaint.

107. Minutes of the previous meeting held on 30<sup>th</sup> July 2014

Cllr Lewis said that there did not appear to be any mention of Cllr Murray's outburst in the minutes. He said if this is the attitude of this Committee then it seems rather pointless to bring anything before it. Cllr Lewis added that it means that everything must then go either to the Conservative Council group or straight to Cheshire East again, for a breach of Town Council rules.

Cllr Hoyland said that in his opinion the minutes should record the business of the Committee. If there are issues between two Councillors/individuals then that is a matter for them to deal with outside the Committee. There are processes and procedures to deal with complaints. Cllr Hoyland pointed out that at two recent Town Council meetings Cllr Lewis had made inappropriate

comments. Cllr Hoyland said that in his personal opinion recording such comments in the minutes is not helpful, and there are perfectly good processes in place to deal with this. The emphasis should be on recording the proper business of the Committee.

Cllr Lewis said that if the Chairman cannot control a meeting they should step down.

**RESOLVED: That the minutes of the Management and Establishment Committee meeting held on 30<sup>th</sup> July 2014 are approved as an accurate record and signed by the Chairman (NC)**

#### 108. Outcome of a Complaint

Cllr Hoyland proposed that Cllr Mrs Saunders be appointed as Chairman for this item.

**RESOLVED: That Cllr Mrs Saunders take the Chair (NC)**

Cllr Mrs Saunders proposed that the outcome of a complaint raised by Cllr Lewis against Cllr Hoyland in December 2013, and investigated by Cllrs C Gorst and A Smith, is received.

Cllr Lewis stated that this was not actually a complaint against Cllr Hoyland as such. Cllr Lewis said the complaint had to be against Cllr Hoyland's name. He explained that the point at issue was that as Cllr Gorst and Cllr A Smith had agreed with Cllr Lewis at the time, there is nothing in the Town Council's Standing Orders to stop any Councillor talking on any subject with other groups. Cllr Lewis said he was sorry to bring Cllr Hoyland into the matter but this was the only way to have the matter considered.

**RESOLVED: That the the outcome of a complaint raised by Cllr Lewis against Cllr Hoyland in December 2013 is noted (5 – 1abs)**

#### 109. Update on the recording of Council meetings

The Clerk explained that when this matter first arose at the last M&E Committee meeting he was tasked to research the issue. This was then pre-empted by legislation circulated to Members at this meeting - the fact is there is nothing to stop recordings of council meetings. The Clerk added that the difficulty arises with confidential or sensitive items dealt with under Part B - how would Members know that part of the meeting is not being recorded unless the question was asked and the response taken at face value.

Cllr Bartos said it was surprising that the previous decision about recording meetings was taken without any research whatsoever as we now know that there is no such ban on recording, as advised by the Head of Governance and Democratic Services at Cheshire East. There is nothing in Standing Orders either.

Cllr Hoyland noted Cllr Bartos' reference to the document concerned from Brian Reed at Cheshire East, and pointed out that the regulations permitting recordings were not made until the 5<sup>th</sup> August 2014, and came into effect the following day. The previous M&E resolution, about not recording meetings, had been voted on in April 2014.

Cllr Hoyland reminded Members that the item on the agenda is a discussion about the recording of meetings, and it particularly relates to the document produced by Brain Reed. He did not think it was appropriate therefore to have a re-run of a hearing that took place at CE that has been dealt with, and the outcome presented to the Town Council.

Cllr Bartos said he expected an apology from Cllr Mrs Sewart for the comments made in the previous minutes. Cllr Mrs Saunders said she was not present at the last meeting and did not see the benefit of going through a re-run of any complaints. She added that, as the minutes state, Cllr Mrs Sewart suggested that the Clerk checks the legal position on the recording of meetings. This has been overtaken by the August 2014 regulation.

Cllr Hoyland suggested that if an individual Councillor has issues with another individual then they should take it up with them. Cllr Hoyland felt that there was a general consensus at the last meeting in that it did not feel honest to be recorded without Members being made aware.

Cllr Lewis said that Cllr Bartos's complaint was about being called deceitful, as recorded in the previous minutes. Cllr Lewis said that the word deceitful should be omitted from the minutes, and an apology made to Cllr Bartos.

The Chairman and the Clerk clarified that there is no reference in the record to any particular Councillor being deceitful. Cllr Clarke suggested that if Cllr Bartos feels that the personal remark made by Cllr Mrs Sewart, who is not in attendance today, is unfair to him then he should take it up in the first place with her - this would be the best approach. Cllr Clarke noted for example that whenever he calls a bank there is a message that informs you that calls are being recorded. He said that at the last meeting he along with a few other Councillors felt that they needed more information which they now have, bearing in mind that there has been a change in the regulations to which Mr Reed of CE refers. Cllr Clarke said it was not necessary to re-run the previous meeting and that from his recollection, Cllr Mrs Sewart had been speaking in general terms and not about any individual.

Cllr Mrs Saunders strongly suggested that if Cllr Bartos feels he has an issue then he should speak with Cllr Mrs Sewart, adding that in her view it was inappropriate to talk about other Councillors when they are not present. The Clerk clarified that he went on leave for a fortnight just two days after the previous M&E meeting of 30<sup>th</sup> July, and he did not therefore have the opportunity to undertake any research. When he returned the new regulation had already taken effect.

Cllr Clarke said that the information from Brian Reed should be mentioned in the Standing Orders, and suggested the Clerk finds out whether any other Councils have done this, and see if their wording could be adapted.

Cllr Clarke proposed that the correspondence from Brian Reed be received, that the Town Council note the recent change to the regulations in this matter, and refer this to the Standing Orders Working Group for proposing any necessary amendments to the Town Council's Standing Orders.

Cllr Hoyland suggested that Chairmen at the start of any meetings ask if any recordings are being made. Cllr Lewis noted that there is nothing in the law to prohibit recording of meetings, and asked why this was being included in the Standing Orders.

Cllr King said that if recordings of meetings are being made then the Town Council should make their own, to ensure a secure copy.

Following discussion Cllr Clarke said that there should be a Standing Order to address this matter. Cllr Mrs Saunders said that when a Councillor joins the Town Council there is an expectation that they abide by the Standing Orders. She strongly suggested that if the Standing Orders state that Part B sessions are not to be recorded then Councillors who do not abide by them should reconsider their position on the Council.

**RESOLVED: That the correspondence from Brian Reed dated 18<sup>th</sup> August 2014 is received; that the matter is referred to the Standing Orders Working Group for consideration and possible amendments to the Town Council's Standing Orders; that the Clerk consults with CE and other local councils on appropriate policies and wording for such changes to Standing Orders; that the Clerk explores potential methods and costs involved in keeping official recordings of Town Council meetings; and that Chairmen be advised to ask at the start of a meeting if anyone is recording or intending to make a recording, as courtesy to those present (NC)**

110. Action taken under SO51(a)

**RESOLVED: That action taken under SO 51(a) regarding a civic presentation to Dr John Coley at the Town Council meeting of 15<sup>th</sup> September 2014 is noted (NC)**

(Cllr Beanland left the meeting for the Part B of the meeting)

PART B has been removed from the public record on the basis that it deals with staffing matters (Town Council Standing Order 71(b)(i) refers)

The meeting concluded at 8.45pm