

## HEREFORD CITY COUNCIL

### GOVERNANCE AND PROCEDURES COMMITTEE 18<sup>th</sup> December 2018

#### MINUTES OF MEETING

**Present** Councillors Michael (Vice Chair and Chairing the meeting), Wilcox, Stevens and Hey

**In attendance** Steve Kerry Town Clerk

At the start of the meeting Cllr Michael confirmed that the Chair, Councillor Lloyd-Hayes, was recovering from her recent illness and the members all wished her well. Having reminded members of the fire evacuation procedures Cllr Michael confirmed that as recording of meetings is on the agenda for a decision this meeting is not being recorded.

#### **GP2018/19.68 APOLOGIES FOR ABSENCE**

Apologies were recorded from Councillors Lloyd-Hayes, Tawn, Bushkes and Chappell

#### **GP2018/19.69 SUBSTITUTIONS**

None

#### **GP2018/19.70 DECLARATIONS OF INTEREST**

No interests were declared

#### **GP2018/19.71 MINUTES OF PREVIOUS MEETINGS**

It was noted that Councillor Wilcox's departure from the meeting had been earlier than recorded in the draft minutes. It was noted that he had left before the conclusion of the item on data protection policy and it was agreed to amend the minutes accordingly.

Subject to that amendment it was proposed by Councillor Wilcox, seconded by Councillor Hey and unanimously

**RESOLVED That the minutes of the meeting of 27<sup>th</sup> November 2018 as amended be accepted as an accurate record and be signed accordingly by the Vice Chair of the Committee.**

#### **GP2018/19.72 FLEXIBLE WORKING POLICY**

The Clerk introduced a further report addressing the issue of how a build up of time off in lieu (TOIL) above the previously agreed limit of 21 hours could be managed. He indicated that this was especially likely in May in respect of himself and the Deputy Town Clerk because of the concentration of time sensitive work related to Mayor making, Annual Parish Awards, another Council Meeting and this year the need to provide early and sufficient training for new members.

Members noted with concern that it was being suggested that the difficulties with managing a build up of TOIL were likely to continue if this proposed policy was agreed and contrasted the Council's approach to this matter with developing practice elsewhere in local government, other areas of the public sector and in the private sector.

As the discussion was moving towards a reappraisal of the decision to approve the policy as reported at the last meeting, the Clerk advised that if members wished to do that they would need to move a suspension of standing orders to allow for a possible rescinding of their earlier decision within less than six months. This was within their lawful powers to do, but must be proposed, seconded and voted upon before any resolutions to alter what had been previously agreed could be confirmed.

It was proposed by Councillor Wilcox, seconded by Councillor Hey and unanimously

**RESOLVED To suspend Standing Order 7a to permit reversal or revision of a decision taken at the last meeting.**

Members then discussed the role of senior staff, notably the Clerk and Deputy Clerk and the need for them to work hours as required within the overall constraints of employment law to meet the exigencies of the service. The Clerk advised that as he had a personal interest in this matter, his capacity to give advice on implementation of such a measure was limited. He recommended that members, if they wish to pursue this option, should authorise him to commission independent human resources advice to specifically to confirm whether a formal process of changing contracts of employment would be necessary, whether such a change could create an entitlement to invoke an option to take severance, and what, if any, additional remuneration would be reasonable to offer in compensation for extinguishing the right to accumulate hours and TOIL as the current contracts stated. The advice should cover the appropriate consultation and negotiation with affected staff.

It was then proposed by Councillor Stevens, seconded by Councillor Michael and unanimously

**RESOLVED**

**That the Clerk and Deputy Clerk should be considered to be remunerated within their salary for the hours necessary to perform the duties of their posts as a matter of principle and that the Clerk be instructed to obtain external human resources advice to enable Councillors to negotiate and implement this change to conditions of service in a legal and fair manner.**

**That the Clerk and Deputy Clerk should not therefore in future be generally eligible to accumulate hours and take time off in lieu in respect of work done during the normal working days of the week.**

#### **GP2018/19.73 BANK HOLIDAYS PROCEDURE FOR PART TIME STAFF**

The Clerk introduced his proposal that bank holidays should be applied for part time staff according to when they work in their standard week. In such a case a member of staff who normally worked Monday, Tuesday and Wednesday for example would receive bank holidays on Mondays. A member of staff working in the second half of the week would benefit from Good Friday. Christmas and Boxing Day move through the week according to when the 25<sup>th</sup> and 26<sup>th</sup> of December fall. In answer to a question it was confirmed that this was the current practice of the Council and so no-one would be disadvantaged in terms of what happens now if this because a

formal policy. It could however make the situation clear to all staff as they start their employment, and each part time employee would be required to agree with the Clerk, subject to a proper cover through the week, a standard working pattern on specific days.

There were other options in involving calculating hours and annualising an additional leave entitlement to be taken on bank holidays when the office was closed but applied more flexibly for part time staff who had “missed” the bank holiday as it was not one of their working days, but these were complicated and in addressing one perceived unfairness tended to create another one.

It was proposed by Councillor Hey, seconded by Councillor Stevens and unanimously

**RESOLVED That the Committee accepts Option A in the report and that therefore –**

**All part time staff agree a regular pattern of work that meets the Council’s service requirements within their contracted work time.**

**The Committee confirms current practice that bank holidays are taken by part-time staff who would normally have been at work on the days when bank holidays fall.**

**That this policy be issued to staff and placed in the policy folder.**

#### **GP2018/19.74 PARENTAL AND OTHER CHILD OR DEPENDENT CARE POLICY**

The Clerk introduced the report and explained that while it is impossible predict every possible circumstance that could give rise to a request for special or compassionate leave, as part of updating and extending the suite of staffing policies in line with recent Committee instructions, he had prepared a policy to cover the more predictable occurrences. The policy addressed normal working arrangements and the achievement of work life balance for those with younger children, short term adjustments for example to support a family member taking some respite from a caring role which could require an adjustment to hours or working days, paternity, fostering or adoption leave and a balanced and reasonable approach to assisting staff with managing personal emergencies.

Members commented that the report gave a reasonable power to grant up to three days special leave in the case of death of a close family member, but also accepted that differing circumstances would require less close relationships to be considered where there was a particular need. In general, the Committee would receive sympathetically requests for special leave in areas of genuine need and consider each case presented on its merits.

It was proposed by Councillor Stevens, seconded by Councillor Michael and unanimously

**RESOLVED**

**That the Committee endorses the policy, it is issued to staff and placed on the policy file.**

**That the Committee reviews the policy after six months and invites comments from staff at that time. Thereafter the policy is reviewed once in every four years.**

**GP2018/19.75 ESTABLISHMENT – TO CONSIDER ONGOING ADMINISTRATIVE SUPPORT REQUIREMENTS**

The Clerk introduced his report and explained that recent staff departures has meant that the part time Administration, Finance and Information Officer had been appointed as Mayr’s Secretary, leaving the general office short of 18 hours a week of administrative assistant time. At the same time, members had instructed that TOIL be controlled and in respect of two officers modified that at this meeting to eliminate it as a standard working practice. To enable this to happen it was essential that the level of administrative support in the office was maintained.

Members noted the need to maintain a reasonable level of administrative support and commented that it would assist with workload management if calls for Herefordshire Council could be screened out in some way. The Clerk will look into the means by which a pre-answer message could be inserted reminding people to ring Herefordshire for reporting highway defects, missed bins and other common matters which are dealt with or redirected by staff to the detriment of their City Council duties. It was noted that despite this it was likely, especially when the queues to the Herefordshire system build up that people will ring “the other Council number” in the hope of bypassing the bottleneck.

In answer to a question it was confirmed that while some estimate can be made of the quantity of data to be reviewed and probably deleted to comply with GDPR requirements, until that work starts it is very difficult to predict how long the project would take. On balance it would probably be best to get an agency member of staff employed month by month to ensure the task was completed as expeditiously and economically as possible, and that the additional up to 20 hours a week could either be the subject of a new recruitment for a part-time staff member, an additional to the hours of existing part-time staff or a combination of both. Members intention was to provide the Clerk with the resources to arrange administrative support in the most effective way possible.

It was proposed by Councillor Michael, seconded by Councillor Stevens and unanimously

**RESOLVED**

**That the Clerk be authorised to either extend the hours of part-time staff or recruit a new part-time staff member to provide up to 20 hours a week of administrative support within the Council’s office.**

**That the data and archive weeding exercise required to continue to move towards full compliance with the GDPR be addressed by employing a full time agency worker on a month to month basis and thereafter to ensure ongoing compliance to consider increasing the hours of an existing part time staff member to carry out a regular trawl for outdated material to be removed.**

## **GP2018/19.76 RECORDING OF MEETINGS**

The Clerk reminded the Committee that several meetings of committees had been recorded recently using the laptop, and that the voice recording was useful in checking information for the minutes. However, at some meetings no statement had been made about what would happen to the recording after the minutes were agreed. On taking advice from clerks to other parishes it was clear that in some cases the recordings are maintained as an archive in perpetuity, in others they are used to assist in minute taking and then deleted when the minutes are approved at the next meeting. Retaining the recordings meant that they were susceptible to Freedom of Information Act enquiries and could be called up as evidence if a council decision was subject to judicial review or other challenge. Whilst, provided the minutes were accurate, this would not necessarily undermine the Council's case, it could be onerous to have to produce on demand a verbatim recording of meetings months or even years after the event. There was no legal requirement to retain a verbatim record, minutes should hold sufficient information to enable someone not at the meeting to know what was discussed, what points were considered relevant and what final decisions were made. This was supported by having most items made subject to written reports which were retained with the minutes, and like the minutes were in the public domain unless explicitly ruled to be confidential.

To achieve clarity and consistency of practice between committees it was necessary for the committee to take a policy position on whether recordings were for retention in perpetuity or solely for supporting the generation of accurate minutes.

In answer to a question was noted that if a matter was very contentious, for example of a code of conduct complaint had arisen as a result of something said, or purported to have been said, at a meeting, it might be in the Council's interest to retain the recording beyond the time necessary for taking minutes to have clear evidence of exactly what had occurred. Members agreed to consider a position whereby a member could request, and the committee or council could agree, to a particular recording, or part of it, being retained if the policy was otherwise to hold recordings only for as long as needed to verify minutes.

It was proposed by Councillor Hey, seconded by Councillor Wilcox and unanimously

### **RESOLVED**

**That the practice of recording meetings be formally endorsed.**

**That recording should be retained until the minutes of the meeting have been reported to Council and approved, or approved as amended, at the subsequent meeting of Council or the Committee.**

**That where a member specifically requests that the recording should be retained beyond that period to enable an ongoing issue, complaint or dispute to be investigated and resolved, the Council or Committee will consider that and decide on the merits of the issue, and, if agreed, shall set another date for the deletion of the recording.**

## **GP2018/19.77 FEEDBACK FROM APPRAISALS**

The Clerk reported that apart, from his own, the appraisals for staff have now been completed. A number of suggestions had been put forward from staff for consideration by members either now or at a later date.

Staff involved had considered the idea put forward by the TIC of using the exhibition room downstairs as a hub for tourist and council information as take up by museums and collections had been rather poor. Members felt this was a useful development that would come within the remit of Community Development Committee to progress as the Committee which takes the main role in developing tourism and the TIC relationship.

The Deputy Clerk had reported difficulty in finding the time complete CiLCA accreditation which is a requirement of her job and had suggested going on a focussed set of training opportunities run by SLCC at Chepstow in January, February, March and April 2019. The Clerk asked member to note that HALC had cancelled some training venues which would have covered this and with the Council's withdrawal from membership in April 2019 it was important to confirm that training support would still be provided through the other recognised route which is SLCC.

The Deputy Clerk also proposed that the Council should pursue accreditation as a quality council and that as part of this consideration should be given to expanding the Council's knowledge base by supporting her to continue after CiLCA to pursue the degree in local council administration. Members asked for more information about this before a decision is made and the Clerk will provide this in due course.

**It was proposed by Councillor Stevens, seconded by Councillor Michael and**

**RESOLVED**

**That the Committee thanks staff for their suggestions and endorses the proposals that the exhibition space on the ground floor of the town hall is developed under the direction of Community Development Committee as a tourism and general information hub.**

**The Committee also confirms ongoing support for the Deputy Town Clerk to seek CiLCA accreditation and that the training opportunity offered through SLCC is timely and appropriate to that end.**

## **GP2018/19.78 EXCLUSION OF THE PRESS AND PUBLIC**

As the next item was to consider minutes of confidential business, and that this consideration could lead to the discussion of personal information concerning individual members of staff, it was proposed by Councillor Michael, seconded by Councillor Hey and

**RESOLVED That the press and public be excluded under the terms of the Public Bodies (Admission to Meetings) Act 1960 s1(2) to enable confidential business to be dealt with.**

**GP2018/19.79 MINUTES OF CONFIDENTIAL ITEMS DISCUSSED AT THE MEETING OF 27<sup>TH</sup> NOVEMBER 2018**

It was noted that these confidential minutes cover two items. One had been debated in open committee and then a further discussion had been under confidential arrangements, the second had been a confidential item throughout. The minute numbers of the confidential minutes related to the same numbering system in the public minutes for clarity.

It was proposed by Councillor Hey, seconded by Councillor Stevens and

**RESOLVED That the minutes of the confidential business at the meeting of 27<sup>th</sup> November be agreed as an accurate record and accordingly that they be signed by the Vice Chair of the Committee.**

**GP2018/19.80 READMISSION OF THE PRESS AND PUBLIC**

Confidential business having been concluded, it was proposed by Councillor Wilcox, seconded by Councillor Michael and unanimously

**RESOLVED That the press and public be readmitted.**

**GP2018/19.81 ITEMS FOR FUTURE MEETINGS**

It was noted that the focus of the next meeting would be largely on civic matters and it was anticipated would be attended by the Deputy Town Clerk who leads on these matters rather than the Clerk. The disciplinary code would be discussed with Unison and the Clerk by the members deputed to lead on this and it was anticipated that an agreed report and joint recommendation could be brought to Committee which would not require prolonged debate.

Items noted were –

Disciplinary code

Civic list – to review invitations to civic events and consider any alterations

Progression of the link with Jaworzno

Freedom of entry – to consider a proposal for Armed Forces Day 2019

Councillor Training following forthcoming elections

Remembrance Sunday – to consider approving LED screens for future years

Consultation response and final decision on interim staffing policies

Consideration of arrangements for appointing the Junior Mayor (requested by the Mayor and reported to the Committee)

**GP2018/19.81 DATE OF NEXT MEETING**

Tuesday 5<sup>th</sup> February 2018

There being no further business the meeting closed at 7.30 pm