
MEETING OF PERSONNEL COMMITTEE

HELD ON 14th SEPTEMBER 2021 AT 6PM AT THE STEYNING CENTRE

Present: Cllrs Young, Norcross, Hanson, Ian Alexander, Bell and Northam

Also Present: Deputy Clerk Hazel Roxby

Members of the Public: 2 including Cllr Goldsmith

Meeting commenced: 6pm

MINUTES (Non- Confidential)

Pe/21/08 APOLOGIES FOR ABSENCE

8.1 There were apologies for absence from Councillor Lloyd

Pe/21/09 DECLARATIONS OF INTEREST

9.1 There were no declarations of interest from councillors.

Pe/21/10 QUESTIONS FROM THE FLOOR

10.1 Trevor Cree requested that 6.1 and 6.2 be heard in public

10.2 Cllr Goldsmith asked a question to the Personnel Committee as a member of the public. He asked why items 6.1 and 6.2 on the agenda were being discussed in confidential session. He stated that: 'item 6.1, I would imagine it concerns the recent issue of faulty equipment in Steyning's play areas. I fully support the 'whistleblowing' that has taken place and which has 'spurred' the Council to carry out remedial works, removing the dangerous items and 'taping' up other equipment to stop them being used as they were potentially dangerous to children. The report from the consultants who carried out the surveys of the play areas was not confidential and should have been uploaded to SPC's website when it was received in June or immediately after the 9th July's Communities meeting. Also, last year's 2020 report has not been uploaded.

10.3 Cllr Young responded that it had been felt that the items being discussed were controversial and should be discussed in confidential. However, it would be up to the committee to vote or not for the confidential session.

Pe/21/11 MINUTES OF PREVIOUS MEETING

11.1 Cllr Young **proposed, seconded** by Cllr Norcross that the Personnel Committee non confidential minutes from 9th June 2021 be accepted as a true and fair record. **Agreed**.

Pe/21/12 CONFIDENTIAL SESSION

Cllr Ian Alexander proposed, seconded by Cllr Bell that 6.1 be discussed in public session and move to confidential for item 6.2. **Agreed** 5 for with 1 abstention.

Pe/21/13 TO DISCUSS AND AGREE

13.1 To review the recent issue with the insurance Company and whether there were any breaches of SPC policies; whether there was any 'leak' of non-public documents; agree what actions if any should be taken.

Cllr discussed the action and made the following comments.

- Cllrs Campbell's email to the insurers, although not a direct breach of policy, it was written giving the impression to be on behalf of the council which it was not.
- the insurance company responded as they did because the email was written in very emotive language, referred to the support of three other, unnamed, councillors and refers to independent legal advice having been obtained. This all gave much greater weight to this issue than it would have done had it been from another person.
- The allegation that the Clerk and the Council had been negligent was a major factor in the response they gave.
- The legal advice alleged to in Cllr Campbell's letter has still not been disclosed to councillors.
- The letter he wrote indicated that the Clerk was incompetent which deterred the insurers from contacting him.
- The Committee had read the inspection report and had fully discussed it at the July Community committee meeting from which Cllr Campbell was absent.
- Remedial work to deal with the moderate items was already in place before Cllr Campbell wrote the letter and would have been reported back to the next meeting as is the usual practice.
- It is disappointing and inappropriate for a councillor to send the inspection report to a face-book pseudonym to publish instead of going through the proper course of action and requesting the Clerk to publish it on the website.
- It was noted that the Clerk had offered to walk round all the play areas with Cllr Campbell to look at the items causing his concern, but this offer was refused.
- The Clerk as the Proper Officer had given advice which Cllr Campbell chose to ignore which is very disappointing.

13.1.1 Following a lengthy discussion, the committee made the following statement of opinion of the committee.

Cllr Young **proposed, seconded** by Cllr Ian Alexander that the following statement is put forward to be read at Full Council. **Agreed.**

"The Committee upholds the right of individual councillors to escalate serious matters of concern to appropriate bodies. However, in this instance the committee feels this approach to outside bodies was worded to carry more weight than would normally arise from a single person's representation.

Additional weight was afforded by:

- Reference of support from 4 councillors
- An individual's interpretation of the risk assessment
- And the reference to legal advice."

Cllr Young **proposed, seconded** by Cllr Norcross

To resolve, under the Public Bodies (Admissions to Meetings) Act 1960, in accordance with Standing Orders 3d to exclude the press and public on the grounds that the confidential matters to be discussed under item 13.2 may involve disclosure of personal or privileged information which would be inappropriate to put in the public domain. Agreed.

13.2 To review the criticisms of the Council made by a Cllr and agree any action to be taken.

Having obtained the legal advice that was agreed to request at the previous Personnel meeting of July 9th 2021

Cllrs discussed the advice and any action required to stop the continuous flow of critical and demanding emails and requests for action by certain Cllrs.

Cllr Northam **proposed, seconded** by Cllr Norcross that the Personnel Committee has received the following legal advice and recommend this to Full Council to be used and referred to. **Agreed.**

'The procedure that you have outlined (of filtering excessive and critical emails which do not adhere to the email policy via the Council Chair) is standard practice and is not unlawful.

A Parish Council is under no obligation to reply to any correspondence (unlike a District Council who are subject to the jurisdiction of the Local Government Ombudsman)

Parish Councillors have no greater rights regarding correspondence than a member of the public in this respect.

Many Councils limit the time during which a Member can speak and endeavour to ensure that those speaking stick to the subject. Whilst this gives rise to complaints that it is undemocratic, this is a specious argument as such behaviour prevents the other business of the Council taking place. To enforce such rules requires very strong chairmanship and an acceptance that there will be criticism of the Chair in social media etc. The Chair must also be able to count on the support of the other Councillors.

The Council as a whole has to protect the Clerk and the staff from unfair criticism as otherwise the Council could be held liable in an employment tribunal for a failure to do so. Some Councils resolve that any criticism of the Clerk or staff must be made to the Personnel Committee in the first instance and not in public meetings. If such a discussion starts a Councillor, not the Chairman, proposes that the discussion moves on.

In the absence of a strong Code of Conduct, which is unlikely to return, the possibilities of effective action are limited. What sanctions there are however do recognise that a Council has to function as a democratic body and cannot be prevented from doing so by a small number of people or Councillors'.

Pe/21/07 DATE OF NEXT FULL COUNCIL MEETING: Monday 20th September 2021 at 7.30pm

The Chairman closed the meeting at 7.25pm

Signed

Chairman