

LYDNEY TOWN COUNCIL

FULL COUNCIL MEETING – 2019/07/15 – 42

MINUTES OF THE EXTRA ORDINARY LYDNEY TOWN COUNCIL MEETING held in the Council Chamber, Claremont House, Lydney on Monday 15 July 2019 at 7.00 pm.

PRESENT: Cllrs B Pearman (Chairman), Z Arnold, J Carr, A Harley, C Harris, W Leach, T Legge, A Preest and C Vaughan

Mrs J Smailes – Chief Executive Officer (CEO)

Miss C Wheeler – Executive Officer (EO)

Mrs C Whittington – Finance Assistant

Cllr Pearman informed all present that no practice fire evacuation had been scheduled for the duration of the meeting. All attendees were then informed of the locations of the nearest fire exits.

1. **APOLOGIES**

Apologies for absence were received and noted from Cllrs L Arnold, Holmes, Kemsley and Tremlett.

2. **DECLARATIONS OF INTEREST**

None.

3. **COMMUNICATIONS**

- a) Members noted that since the last meeting a Member (Cllr H Ives) had tendered his resignation from the Council.
- b) Members were advised by the CEO that the Bathurst Park Event Overview would have ordinarily been an agenda item for the next meeting of the Bathurst Park and Recreation Trust, however, due to the circumstances regarding an e-mail from a Councillor that questioned the CEO's requirement to make all Councillors/Trustees aware of events the matter would be discussed at tonight's meeting at the request of the Mayor who had convened the Extra Ordinary meeting.

At this point Cllr Z Arnold called a Point of Order stating that the person providing the report to Council was part of the circumstances and therefore was not able to provide the event overview. Cllr Pearman advised Members that the CEO was an impartial Officer of the Council and did not have to declare an interest in items on the Agenda. The CEO then proceeded to provide a verbal report to Council.

The CEO advised that Council Officers had not attended the 2019 event, but had attended in 2018 to advise/lend assistance/organisational advice; that whilst many positive comments had been received on Facebook following the recent 2019 event; that there were a number of issues which had been discovered after the event which Members needed to discuss and be made aware of; Members were informed that prior to the event the Event Lead (who had subsequently resigned from the Council) had been provided with a folder containing telephone numbers for contacts, site plans, risk assessments, code numbers, marshal/volunteer attendance sheet, Trustee information relating to insurance and licence information etc. The CEO enquired if those Members who had attended the event to act as marshals had been given a pre-event brief; been given the code to the AED; been provided with the "incident" code word by the Event Lead to which Cllr Legge advised that he personally had



LYDNEY TOWN COUNCIL

FULL COUNCIL MEETING – 2019/07/15 – 43

received a brief but none of the aforementioned information relating to AED code etc. Cllr Leach, who had organised a Fun Run on behalf of another organisation at the event advised that whilst he had not been provided with the AED code by the Event Lead, the organisation had provided their own First Aid facilities which did not include an AED unit, however he was confident that this was sufficient.

The CEO advised that whilst Marshals had been issued with “walkie talkies” she had been informed that difficulties had been experienced when trying to contact the Event Lead; Cllr Vaughan advised that she had not been advised of the “incident” code word; there were issues when the Event Lead’s “walkie talkie” had been switched off.

Members were advised that four days after the event the CEO had been informed that a probable Reportable Incident had occurred during the event which she had not been informed of prior to receiving the information from the medics in attendance on the day by way of an event “wash up” report; the CEO felt that the Event Lead should have been aware of the incident at the time of the event. Cllr Vaughan advised that the incident had been reported to herself; that she had received an update from a family member of the person involved after the event; that the incident had occurred outside of the Park but the First Aid contractor employed for the event had been involved in providing treatment. The CEO advised that she awaited a further update from the First Aid Contractor. The CEO felt that the incident could be deemed as a “reportable incident” under RIDDOR to the Health and Safety Executive however awaited confirmation; that it should have been the Event Lead in such an instance that completed/submitted RIDDOR. Members were also advised that the Robert Hitchins Limited Memorial Cup, purchased especially to highlight the significant funding they had provided for the event, had been left in the Pavilion Changing Room; that a bouquet which had been arranged as a “thank you” to a Working Party member had been left in the workshop and then presented two days later to the Pavilion Tenant. Whilst she accepted that Members would feel that they were on a “learning curve” the CEO stressed the need for Event Leads to realise that they were accountable on the day and reiterated the responsibility such a role entailed; that although they were volunteers they must fully realise their responsibilities.

At this point Cllr Z Arnold expressed a belief that the CEO was finding any reason to criticise the Event Lead which he felt to be “repetitive”. Cllr Legge acknowledged the risk that despite having a great plan there was a chance that issues would be experienced, and he agreed with the CEO that an Event Lead was accountable for an event. Cllr Harley felt that the Working Party should have held a de-brief meeting and provided a report to the Bathurst Park and Recreation Trust and she felt that the contents of an e-mail exchange between Cllr Z Arnold/the CEO/Councillors should not have been made public. Cllr Leach voiced agreement with the comments made by Cllrs Legge and Harley and felt that any such review should be conducted in a positive manner. The CEO advised Members that the e-mail exchange had not been in the public domain and that she had a duty to make all Trustees (Councillors) aware of their corporate responsibilities/potential legal challenge they would face if things went wrong.

During discussion the CEO advised that whilst she had attempted to discuss the issues with the Event Lead they had not replied. The CEO stressed that after the



LYDNEY TOWN COUNCIL

FULL COUNCIL MEETING – 2019/07/15 – 44

Event Lead had resigned from the Council she had not copied them into any further e-mails, however, a Member of the Council had. Cllr Carr felt that the e-mails from the CEO showed a lack of respect towards the Event Lead; had been vitriolic; felt that the Event Lead was owed an apology from the CEO; expressed a desire for the Event Lead to come back to the Council; expressed responsibility as she had not personally attended the event. Responding to a question posed by the CEO in relation to why she felt the e-mail vitriolic; Cllr Carr stated she felt the CEO had overused exclamation marks and question marks.

The CEO reiterated that she had a duty to protect the Council and advise them on legal matters; that Cllr Ives had attempted to resign on three previous occasions; following the Ordinary Elections (after the Annual Council meeting when he had not been supported by Members/received sufficient votes to become Deputy Mayor; after informing a fellow Councillor that he had not received a Summons to a legally convened Personnel Committee meeting which was proved as incorrect an for which he apologised, after declining a request to attend and sign cheques to suppliers when his responsibilities as Amenities Committee Chairman had been outlined). Cllr Leach voiced agreement with Cllr Carr that the e-mail from the CEO had been aggressive and he stated that it was not the first time he had cause to complain over the CEO's approach re. communications¹. Cllr Leach felt that if the CEO could not see her approach as aggressive, the Personnel Committee should look at providing suitable training to the CEO and he felt that the Event Lead was owed an apology.

Cllr Legge felt that his fellow Members were being too sensitive; that the CEO was a full-time employee of the Council and produced excellent work; that he understood the CEO's frustrations when she was attempting to correct the mistakes which had occurred; felt that it would have been better to resolve issues face-to-face rather than via e-mail. Whilst he agreed that the e-mails had not been overly friendly in tone, he had not found them to be abusive.

Cllr Pearman stated that blame was not being apportioned to anyone and he felt that the event had been enjoyable for those who had attended. Furthermore, he felt that if a greater level of Trustee (Councillor) attendance had occurred at the July Full Council meeting it would have provided for any issues known at the time to be resolved verbally. Cllr Harley felt the Council needed to find a better way of improving its communication. Cllr Leach stated that he had commended the work of the CEO on many occasions but stressed the need for her to improve her communication technique.

Responding to a question raised by Cllr Preest, the CEO reminded Members that she had not become aware of the issues which had been experienced at the event until after the July Full Council meeting, and had not been aware of the medical incident which had occurred until 11 July.

Cllr Legge felt that the Council was starting to do great work and achieve great things when it was outward looking, however, relations started to deteriorate when

The following minutes negate the statements made

¹ Ref minutes: Full Council 2019/02/20 - 114

LYDNEY TOWN COUNCIL

FULL COUNCIL MEETING – 2019/07/15 – 45

Members focused internally; namely on administrative issues which are the responsibility of the CEO.

Regarding improved communication processes, the Mayor suggested that other than day-to-day communication from the office, all communication could be routed via himself. However, the CEO reminded Members that she was an impartial Officer of the Council; had worked for the Council for 10 years; had received excellent appraisals/PDP's and subsequent incremental rises during this time. The CEO advised that the Council's administration was proven and she did not therefore see why she should change her approach; that Council would need to invoke disciplinary action against her if certain Members had an issue with how she performed her role for such had been discounted by Members once already². Cllr Leach called for a meeting to take place in the absence of the CEO to discuss such; the CEO reminded Members that they would need to follow the Council's Disciplinary Procedure if they wished to evoke a disciplinary and outline the reasons.

- c) Cllr Pearman read out Cllr Z Arnold's e-mail to the CEO in which he personally attacked the CEO and stated that previous Members had resigned due to their poor relationship with the "office"³. Cllr Z Arnold was asked to explain how his e-mail could be deemed conducive. Cllr Z Arnold felt that he had made himself clear in his e-mail and that whilst he perhaps should not have used some of the words, he did mean them. Cllr Z Arnold was asked to provide the name of the Councillor who he stated had left the Chamber in tears; Cllr Z Arnold advised that this had been Valerie Hobman⁴.

Cllr Z Arnold stated that it was not just Lydney Town Council where problems had been experienced with the CEO; that he had spoken to other Councillors at Councils where the CEO had been employed, and he stated that the issue with the CEO was "repetitive". Cllr Pearman felt Cllr Z Arnold's comments to the CEO to be defamatory and disrespectful beyond words.

The CEO reminded Cllr Z Arnold that he was her employer; that prior to his election he had spoken in the Council Chamber on the poor working relationship he believed existed between B & M and its employees⁵, she questioned what he was now doing given his "Duty of Care"

Cllr Z Arnold sought redress stating that his second e-mail was due to the fact that in November 2018 he had attended a meeting of Lydney Recreation Trust after which he said he had been compared by the CEO to the murderer of Jo Cox MP⁶.

At this point (7.36 pm) all Town Council Officers left the meeting.

The following minutes negate the statements made

² Ref minutes: Full Council 2019/02/20 – 114/Full Council 2019/04/08 - 135

³ Ref minutes: Full Council 2019/02/20 - 119

⁴ Ref minutes: Full Council 2013/12/02 – (Sainsburys). Note: V Hobman remained a member of Lydney Town Council

⁵ Ref minutes: Full Council 2019/01/14 - 88

⁶ Please see Press Statement/related Press Cutting:- https://www.lydneytowncouncil.co.uk/?page_id=131

LYDNEY TOWN COUNCIL

FULL COUNCIL MEETING – 2019/07/15 – 46

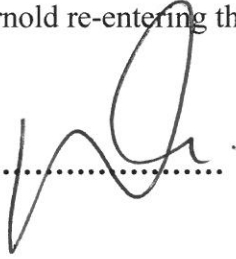
The Chairman informed Members that in the absence of a minute taker he would assume the role.

Cllr Arnold continued to disrupt the meeting; a heated discussion took place across the table, particularly with Cllr Harley. Cllr Arnold revisited the subject of the CEO's previous employment and her reasons for leaving and the reference to the late Jo Cox MP. Cllr Arnold disagreed that these matters had been dealt with, rose from his chair and headed for the door, shouted that he resigned and would be in touch with the Chair later.

The Chair, seeing no prospect of any proposals/resolutions coming forward, closed the meeting at 7.45 pm.

Cllr Arnold re-entering the chamber.

Chairman



Date 09/09/19