

LYDNEY TOWN COUNCIL

FINANCE AND SCRUTINY COMMITTEE MEETING – 2014/02/24 – 16

MINUTES OF THE FINANCE AND SCRUTINY COMMITTEE MEETING held in the Council Chamber, Claremont House, Lydney on Monday 24 February 2014 at 8.43pm.

PRESENT: Cllrs B Pearman (Chairman), B Berryman, D Biddle, C Harris, C Matthews, W Osborne and B Thomas

Cllr R Bonser

One member of the public

Mrs J Smailes – Chief Executive Officer (CEO)/RFO

Miss C Wheeler – Executive Officer (EO)

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**

No apologies for absence were received.

2. **DECLARATIONS OF INTEREST**

Cllr D Biddle – Victoria Centre

3. **MINUTES OF PREVIOUS MEETING**

The minutes of the Finance and Scrutiny Committee meeting held on 9 December 2013 were confirmed as a true record. **Proposed by Cllr Berryman, seconded by Cllr Harris.** Vote carried.

4. **OPEN FORUM**

No requests to speak were received from members of the public.

5. **FINANCE/AUDIT**

End of Financial Year Audit

Members noted that Wildin & Co would conduct the Council's Independent Internal Audit for End of 2013-2014 Financial Year.

EU VAT Rules for Public Sector Financial Briefing Sheet (F01-13)

Prior to the meeting Members were provided with a copy of the above briefing sheet which had been produced by the National Association of Local Councils (NALC). Noted.

Members also noted that the Auditor for Bathurst Park and Recreation Trust had recently advocated in future the Trust advertise on all literature relating to the Trust's fireworks display, that the income would be used to support the Trust's work and further advised that if addressed as stated the income would not result in VAT being payable. Noted.

Repeal of s.150 (5) of the Local Government Act 1972 (F01-14)

Members were provided with a copy of NALC briefing note on the above topic. Noted. It was hoped that the repeal would facilitate the move to payment of employee's salaries by electronic means (BACS).

LYDNEY TOWN COUNCIL

FINANCE AND SCRUTINY COMMITTEE MEETING – 2014/02/24 – 17

VAT Consultation (February 2014 LAIS1364)

Members were provided with a copy of the above briefing note which had been issued by the Gloucestershire Association of Parish and Town Councils. Noted.

6. GRANTS

Forest of Dean Children's Opportunity Centre

Prior to the meeting Members were provided with a copy of the completed application form which had been received from the organisation. After a short discussion on the application it was **proposed by Cllr Pearman** that a grant of £289.62 be awarded in order to allow specialist equipment to be purchased for use during weekly Fit Kids activity sessions. Vote carried.

Action by – the CEO

Victoria Centre

Cllr Biddle declared an interest in this matter and excused himself from the Chamber. Prior to the meeting Members were reminded that a recommendation had been made at the December meeting (the Committee were unable to address as by Cllr Biddle's Declaration of Interest the Committee was no longer quorate at that time) that a grant of £400 would be awarded to the organisation. It was **proposed by Cllr Pearman** that a grant of £400 would be awarded. Vote carried.

Action by – the CEO

Cllr Biddle returned to the Chamber at this point.

Lydney Town Hall Trust Management Committee

Prior to the meeting Trustees were provided with a copy of the further letter which had been sent to the Trust Secretary outlining the information which the Trust had yet to provide to facilitate the release of the additional grant. *[It was noted that both the CEO and the Finance and Scrutiny Committee Chairman had explained the Council's financial requirement in order to release funds to the LTHTMC representative, Cllr Bonser, following the Full Council meeting on 10 February 2014].* Furthermore, the letter advised of the requirement to provide said information to the Council's CEO by 17 March 2014 in order to enable the release of the additional match funding grant and permit the Council to achieve its End of Year target dates.

Members were advised that the LTHTMC Trust Chairman had met with the CEO earlier in the day to explain minutes of the last Trust meeting were currently being typed up, which would reflect LTHTMC's agreement to fund half of the cost of the work from its General Reserves. Members noted that the Council's payment would be released once a copy of the aforementioned minutes had been received however, it was noted that if this failed to happen prior to Year End any such grant would have to be re-applied for afresh.

County Air Ambulance Trust

Prior to the meeting Members were provided with a copy of the letter which had been received from the organisation. During discussion Cllr Matthews advocated that the Committee should divide the remaining Free Grant resource between two organisations, suggesting The Victoria Centre and the Forest Food Bank. However, Members were reminded that the Committee was not obliged to expend its Free Grant resource. *[Forest Food Bank; non-agenda item].* Furthermore, that the Council had agreed to operate a formal grant process, with Lydney Recreation Trust and Bathurst Park and Recreation Trust being the only organisations who were not required to complete a formal grant application. Members were advised that if they



LYDNEY TOWN COUNCIL

FINANCE AND SCRUTINY COMMITTEE MEETING – 2014/02/24 – 18

therefore wished to consider providing a donation to an organisation Council/Committee consideration should be given to transferring a sum of money to the Civic Budget, with the responsibility then resting with the Mayor as to which organisation was awarded a civic donation. *[Non-agenda item]*.

Cllr Matthews proposed that the sum of £350 be awarded to the County Air Ambulance Trust, with the remaining funding then transferred to the Civic Budget to be used as a donation to an organisation. **The motion was not seconded.**

After a short discussion **Cllr Osborne proposed** that the sum of £500 be awarded to the County Air Ambulance Trust, with £100 transferred to the Civic Budget to be used as a donation to an organisation. **Seconded by Cllr Harris.** Unanimous.

Action by – the Secretary

7. COUNCILLORS CODE OF CONDUCT

Members were asked to consider seeking guidance/advice from Hedley's Solicitors as to how the Council's Standards Policy could be strengthened to allow the Council to impose sanctions.

Cllr Matthews spoke strongly against the issue, highlighting that a northern Council had recently imposed sanctions unlawfully against a Councillor which had resulted in a payment being made to the affected Councillor and also a Judicial Review. Cllr Matthews advocated that the Council adopt a democratic approach and she spoke passionately on her responsibility to pose questions on issues as she saw fit. Members were reminded that they had all been appointed to represent the electorate of Lydney and needed to be mindful of the need to protect the public purse and indeed to respect the Town Council's current Code of Conduct.

Members were apprised of the process for a Code of Conduct complaint (e.g. complaint referred to Forest of Dean District Council (FODDC); FODDC consider complaint and if it determines Councillor has breached the Code, refer complaint back to Town Council). Attention was drawn to the fact that the Council's Code did not then provide for sanctions to be imposed and Members were merely being asked if they wished to seek advice from Hedley's Solicitors regarding strengthening the Town Council's Code and possible permitted sanctions.

Cllr Osborne questioned if the Council possessed a limitless supply of funds in order to continue to seek legal advice from Hedley's Solicitors? **Noted.**

Whilst, Cllr Osborne supported action being taken against Councillors who were found to have breached the Code, he spoke in support of Members being permitted to voice their opinions freely. Furthermore, Cllr Osborne felt that if the decision was taken to proceed the Council's budget would need to be increased by £12-14,000 for election costs. Cllr Berryman spoke in support of retaining the current Town Council's Code and advocated the ability for Councillors to express their opinions, within reason, having due respect to the Code, fellow Members and Officers. Accordingly, it was **proposed by Cllr Berryman, seconded by Cllr Osborne**, that Lydney Town Council's Code of Conduct would remain unchanged. Vote carried.

LYDNEY TOWN COUNCIL

FINANCE AND SCRUTINY COMMITTEE MEETING – 2014/02/24 – 19

8. TRAINING COMMITMENT 2014/15

Mr J Young

Prior to the meeting Members were provided with details of the fee sheet in respect of a Master of Horticulture (RHS) qualification which Mr Young had expressed an interest in undertaking at a cost of £1,080 for the first year's study. However, as the agenda item had included a typing mistake referencing NVQ training and not a Masters of Horticulture, Cllrs Matthews and Osborne felt that no discussion could take place on the matter.

Action: Item deferred for consideration at next Finance and Scrutiny Meeting

Cllr Osborne then advocated the introduction of a commitment which would enable the Council to be repaid specific costs, should an employee resign shortly after attending training for which the Council had covered said cost.

First Aid

Members were asked to approve the attendance of four members of staff on First Aid at Work training, at a cost of £200 per person. Cllr Matthews felt the cost of the course to be too high and during discussion advocated that staff attend a one day first aid course. Members were advised that employees were quite happy not to undertake said training if that were the decision of Councillors, however, they were reminded of the need to ensure that the Council fulfilled its legal obligation in respect to workplace Health and Safety to that of "protecting" its employees; it was noted that the Council would also leave itself open to legal challenge if there were an accident on site and no first aider had been trained/duly appointed.

It was **proposed by Cllr Osborne** that the Council would offer training only 1 x member of Ground staff and 1 x member of Office staff in First Aid at Work, with an offer of 50% course fee being made to the tenant of the Pavilion provided that they would act as a first aid facility for the Park. **Seconded by Cllr Matthews.** Unanimous.

Action by – the CEO

Office Applications (2 x Excel, 2 x Publisher)

Members were asked to consider sending two members of staff on an Excel training course and two members of staff on a Publisher training course, the costs of which were unknown.

During discussion Cllr Matthews advocated that the staff undertake the European Computer Driving Licence in their own time for one evening a week for 12 months, which she stated could be undertaken free of charge. However, Cllr Thomas spoke against Cllr Matthews's suggestion; the CEO also advised that employees should not have to attend workplace study courses in their own time and that Contracts of Employment clearly provided for training/study time. After a short discussion it was **proposed by Cllr Pearman** that the Council would expend a maximum of £400 on said training. Vote carried.

Action by – the CEO

Horticultural Show Attendance

Members were requested to consider approving the attendance of members of the Ground Staff to horticultural shows in 2014 in order to provide for additional ideas/vision within the team, the cost of which was not known as was dependent upon the show.

LYDNEY TOWN COUNCIL

FINANCE AND SCRUTINY COMMITTEE MEETING – 2014/02/24 – 20

It was noted that Ground Staff had been permitted to attend such shows during 2013, which had proved to be beneficial. **Cllr Matthews proposed** that Ground Staff be permitted to attend horticultural shows each in 2014. Responding to a question which had been raised by Cllr Osborne, the CEO advised that historically the Council had covered the cost of the admission ticket and travel expenses. **Cllr Harris then agreed to second** the proposal. Unanimous.

Action by – the CEO

SLCC Conference/GAPTC

Members noted that the CEO and EO would be attending the SLCC Regional Conference in 2014 (as previously approved), at a cost of £65.00 each, plus GAPTC networking.

9. MEETING DATES

It was noted that the next meeting would take place on 22 April 2014.

Cllr Osborne excused himself from the meeting at this point.

EXCLUSION OF THE PUBLIC & PRESS

Page 21- 22 (Inclusive) - CLOSED SESSION

Standing orders suspended in order that the Council may continue in “closed session” under the provisions of The Public (Admission to Meetings Act 1960) as the business to be discussed is considered to be of a confidential nature

10. STAFFING PROVISION

Council resolved to:

- Advertise a full-time “Leading Hand” Ground Staff position.

LYDNEY TOWN COUNCIL

FINANCE AND SCRUTINY COMMITTEE MEETING – 2014/02/24 – 21

CONFIDENTIAL

Standing orders suspended in order that the Council may continue in "closed session" under the provisions of The Public (Admission to Meetings Act 1960) as the business to be discussed is considered to be of a confidential nature).

10. STAFFING PROVISION

Cllr Berryman left the chamber prior to the commencement of the discussion.

Members were asked to consider the following recommendations as made by the Personnel Committee:-

- a) consider/approve the retention of a part-time member of staff (on a permanent contract of 10-15 hours per week) in order to assist with Council duties and Bathurst Park Gate Keeper duties, with consideration given to recharging 14 hours per week to said Trust from 1 April 2014 in order to cover the Gate Keeper role.
- b) consider/approve the necessity to advertise for a full-time Grounds Person (Leading Hand post)

Responding to a question which had been raised by Cllr Matthews, the CEO advised that the suggested re-charge to the Trust had not been discussed with the Trust Chairman (i.e. Cllr Matthews) prior as the employee who currently undertook the role had been employed on a temporary basis by the Town Council; part of said role being to open and secure the Park. Members were reminded of the need to also discuss the necessity of a Leading Hand role and were reminded of the additional tasks which the Council had expressed an interest in undertaking, which would increase the workload for Ground Staff (e.g. Millennium Wood).

Cllr Matthews proposed that the Council would not recruit another member of staff as it did not possess sufficient budgetary provision and she felt that the Council already possessed sufficient numbers of Ground Staff. The motion was not seconded.

Members were reminded that they had yet to replace a full-time member of Ground Staff who had left the Council's employ in 2013 and were advised that none of the existing members of staff wished to act as a Leading Hand in the absence of the Head Groundsman. Whilst Cllr Matthews expressed a desire to retain the particular part-time member of staff, she felt that the Council did not need to engage additional staff and she commented that Ground Staff were spending all their time in the Cemetery whilst she was receiving lots of complaints regarding Bathurst Park and had advised complainants to contact the Town Council's office.

Cllr Pearman reminded Members that the discussion needed to centre on the recruitment of an additional member of staff and that the Council would be obliged to advertise the position. Cllr Pearman spoke on the refusal of existing staff to assume a Leading Hand role in the absence of the Head Groundsman and stressed the difficulties which were experienced when the Head Groundsman was off work. Furthermore, Cllr Pearman advised that the Council's 2014-15 budget had incorporated the recruitment of a full-time member of staff to undertake Leading Hand duties. Responding to a question which had been raised by Cllr Matthews, the CEO provided an explanation as to the hourly rate which would be afforded to the Leading Hand; outlined the enhancement which would be awarded after six months satisfactory service; detailed the enhancement which would also be awarded to the Leading Hand to recognise the additional responsibilities which would include undertaking when the Head Groundsman was on holiday, which would be paid in two tranches.

LYDNEY TOWN COUNCIL

FINANCE AND SCRUTINY COMMITTEE MEETING – 2014/02/24 – 22

During discussion Members were reminded that the member of Ground Staff currently employed on a part-time basis had been employed on a temporary contract, which would terminate at the end of the Financial Year (31 March 2014) and that the employee concerned would need to formally apply for any positions offered by the Council. Cllr Matthews spoke in favour of retaining said particular member of staff as she felt them to be an asset to the Council. Accordingly, Cllr Matthews questioned where the funding for the position could be taken from the Trust's budget. Members were advised that the Trust would need to fund the position from its General Reserves or seek from the Council as "in kind"; the employee would also be able to apply for the full-time role offered by the Council. Cllr Matthews suggested that the Council should seek to retain the current part-time employee, with the Leading Hand role then offered on a part-time basis. However, Cllr Harris felt that individuals would not be interested in supervisory roles and furthermore the calibre of applicants required would not be willing to undertake such a role on a part-time basis.

Responding to a comment made by Cllr Biddle, Members were advised that staff were employed by the Council, not the Trust; that the Council had previously agreed the necessity to secure a Ground Staff Leading Hand role; that the only way to retain a part-time Ground Staff role was to re-charge an element of staffing costs to the Bathurst Park and Recreation Trust, or for the Council to gift "in kind". However, if the decision was taken to only recruit a full-time member of staff then no further discussion was necessary.

A short further discussion took place, during which Members were reminded that as part of the recruitment process the Council could state that the full-time member of staff would be offered suitable training to ensure that they attained the sector specific qualifications required by the Council. At this point it was **proposed by Cllr Biddle, seconded by Cllr Harris**, that the Council would advertise a full-time position which would include the requirement to undertake gate duties for Bathurst Park and Recreation Trust. Vote carried.

Cllr Berryman returned to the Chamber at this point.


Cleaning of Council Office

Members were advised of the need to engage a Cleaner on a part-time basis for 1½-2 hours per week in order to clean the Council Office, as the role would no longer be covered off by office staff, who had undertaken the role on a temporary basis. However, as the matter was not an agenda item Members refused to discuss the matter.

Action: Deferred to the Personnel Committee

Meeting closed at 10.02 pm

Chairman



Date

