

MUCH WENLOCK TOWN COUNCIL
Minutes of an
EXTRAORDINARY TOWN COUNCIL MEETING
held at The Guildhall, Much Wenlock
6.30 pm on Thursday 6th April 2017

PRESENT:

Cllr. Herbert Harper (Mayor), Cllr. Robin Bennett, Cllr. Graham Edgcumbe- Venning, Cllr. Mary Hill, Cllr. Yvonne Holyoak , Cllr Paul Laming, Cllr Mike Grace, Cllr David Turner and Cllr. Milner Whiteman OBE.

CLERK: Karen Roper

There were no prayers.

1) MAYOR'S WELCOME

The Mayor welcomed everyone and said this meeting would be recorded and Karen Roper, Clerk to Wellington Town Council would take the notes.

2) APOLOGIES FOR ABSENCE

No apologies had been received.

3) DISCLOSURE OF PECUNIARY INTERESTS

Members were reminded that they are required to leave the room during the discussion and voting on matters in which they have a disclosable pecuniary interest, whether or not the interest is entered in the register of members' interests maintained by the Monitoring Officer.

4) VOTE OF CLOSURE OF THE MEETING

It was PROPOSED by Councillor Milner Whiteman OBE, seconded by Councillor Graham Edgcumbe- Venning, and RESOLVED that due to the confidential nature of the business to be transacted the public and press should not be present in accordance with Section 1(2) of the PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960.,

5) STAFFING

The Council were asked to consider matters deferred from the Extraordinary Town Council meeting held on 13th March 2017, following the receipt of further advice from Ellis Whittam, NALC and Shropshire Council.

6) INTRODUCTION BY THE MAYOR

Mayor Welcomed everyone to the meeting and confirmed the minutes of the meeting held on 13th March were in the main pack.

He explained that at the Extraordinary meeting of 13th March 2017, members discussed the report from Helen Pyle of Ellis Whittam. No decisions were taken as matters were deferred to obtain further advice from NALC, Ellis Whittam and the Monitoring Officer on the appropriate way forward.

The Mayor explained that further advice had been now been received and that all Councillors have obligations as employers and through English tort law which governs civil responsibilities that people have to one another. Tonight, at this meeting he did not wish to look at the findings of the report merely to ask that the Council acts to demonstrate its Duty of Care towards employees.

The Mayor said that actions and incidents have occurred over a period of time that cannot be allowed to continue and should never have taken place. Much Wenlock Town Council as a Corporate Body have a duty of care to its staff and must take immediate action to protect staff from any further such actions and incidents.

Cllr Bennett said the open published minutes did not record the resolutions made at the meeting of 13th March 2017. The Mayor said the Clerks' Confidential Notes had not been issued to members to preserve confidentiality. The Confidential Notes were read out to members and recorded the resolutions previously made by Cllr Bennett. Cllr Bennett asked for a copy of the notes, the Clerk said that Councillors have a duty to maintain confidentiality and the Confidential Notes would be made available to members if requested. The Mayor expressed his concern at having confidential information in the public arena.

The Mayor went on to explain that there is an issue is around what is a grievance and what is a complaint. The Monitoring Officer did not consider it was in the public interest to spend public money to investigate a matter that had already been investigated by the Town Council. However all of the parties that gave advice agreed that the Town Council needs to take actions it feels necessary, in line with Common Law which takes precedence over procedural matters to protect its employees and to ensure its duty of care is demonstrated.

Additional advice received was that Town/Parish Councils make appointments to their committees at their full Council meetings and can make changes at meetings of their full Council meetings as they see fit. Therefore Much Wenlock Town Council can select / deselect membership of its committees in accordance with its internal procedures.

Cllr Graham Edgecome Venning, as the Chair of the Discipline and Grievance Panel said his previous background as an employer had helped him in the decision to propose the following actions in line with his duty of care both legally and morally towards employees of Much Wenlock Town Council.

The following proposals therefore seek to carry out actions which protect Employees and demonstrate that the Corporate Body is acting to ensure its Duty of Care responsibilities are met.

Proposal 1

Cllr Graham Edgecumbe Venning, as the Chair of the Discipline and Grievance Panel proposed that Councillor David Turner be removed from the Personnel Committee and the Finance Committee of the Much Wenlock Town Council for a period of 12 calendar months from this date and during that period he will be required to undertake appropriate training in relation to his interactions with employees of the Much Wenlock Town Council

The proposal was seconded by Cllr Milner Whiteman OBE

The Mayor said that now that Councillors involved know what is being proposed perhaps they should consider leaving the room? None did.

Cllr Holyoak asked what the allegations were.

Cllr Turner asked how he has broken the Code of Conduct.

The Mayor said this is purely about our duty of care as employers.

Cllr Holyoak asked how she had not shown a duty of care towards employees and she did not understand as she had not had papers to look at.

The Mayor said this is purely about demonstrating a duty of care and we are not dealing with any allegations tonight.

Cllr Turner said on the basis of lengthy advice read out by the Mayor members were being expected to form a view without papers. He felt that Councillors have a right to know what the issues are about.

The Mayor said the issues were discussed at the last meeting, he would not go over them again and tonight is about the Councils' Duty of Care to our employee.

Cllr Bennett felt he did not understand how the Discipline and Grievance panel has the power to take sanctions against fellow Councillors. He commented that he did not have any information and he cannot vote on any proposal about a penalty or sanction without information. No way can he support this without information.

Cllr Turner said he received a letter in February and he had asked repeatedly what the issue is about. He asked for the proposal to be repeated.

Cllr Edgecumbe Venning repeated the proposal and members requested votes were recorded.

Cllr Whiteman OBE said the proposal was not taking away anyone's democratic rights this is merely an internal process.

Cllrs Edgecome-Venning, Hill, Whiteman and Harper voted for (4)

Clls Bennett, Grace, Holyoak & Turner voted against (4)

Cllr Laming did not vote on the proposal as he felt he did not have enough information.

The Mayor used his casting vote to take forward the proposal – it was therefore carried.

Proposal 2

Cllr Graham Edgecumbe Venning, as the Chair of the Discipline and Grievance Panel proposed that Councillor Michael Grace be removed from the Personnel Committee and the Finance Committee of the Much Wenlock Town Council for a period of 12 calendar months from this date and during that period he must undertake appropriate training in the Code of Conduct

The proposal was seconded by Cllr Milner Whiteman OBE

Cllr Grace said he had questions before a vote is taken. He asked repeatedly on what basis is the proposal put and he asked for advice from the Clerk. She said her understanding was that a process has been gone through and the report had identified problems. The recommendations being put tonight had come from NALC, members are therefore being asked to demonstrate the Council's duty of care. Cllr Grace asked on what basis? he said has a letter from the Council which exonerates him from any wrong doing. The Mayor said the decision is about the whole picture and about a duty of care towards employees.

Cllr Grace said 'you can't accuse someone, clear them of the problem then say I will make a sanction, how can you do that? You have already established and written to me there was no problem in my case. In what respect have I not carried out my duty of care? On what evidence are you acting on? Unless you are prepared to tell me this is a kangaroo court.'

The Mayor said this is the membership of the corporate body of Much Wenlock Town Council who had been advised to look at the duty of care owed to our employees.

Cllr Grace asked, 'acting on what evidence? The Town Council is taking sanctions against me on something I have already been cleared of where is the information?'

The Mayor said Cllr Grace had had his 3 minutes and put the proposal to the vote.

Cllr Holyoak asked how this could happen?

Cllrs Edgecome-Venning, Hill, Whiteman, and Harper (4) voted for

Cllr Bennett, Grace, Laming, Holyoak and Turner against (5). The proposal was lost

Cllr Grace said to the Mayor *'it's the most outrageous situation and you should be ashamed of yourself.'*

The Mayor said the advice has been given by NALC, Ellis Whittam and the Monitoring Officer.

Proposal 3

Cllr Graham Edgecumbe Venning, as the Chair of the Discipline and Grievance Panel proposed that Councillor Yvonne Holyoak be removed from the Personnel Committee and the Finance Committee of the Much Wenlock Town Council for a period of 12 calendar months from this date and during that period she must undertake appropriate training in the Code of Conduct.

The proposal was seconded by Cllr Milner Whiteman OBE

Cllrs Edgecumbe-Venning, Hill, Whiteman, and Harper (4) voted for

Cllr Bennett, Grace, Laming, Holyoak and Turner against (5). The proposal was lost

Cllr Grace asked that there was strong objections to the proceedings and asked for the following comments to be minuted.

Lack of information

Lack of evidence and

Lack of clarity

The meeting closed at 7.00pm Karen Roper was thanked for her attendance.

Mayor.....Date.....