

BERKHAMSTED TOWN COUNCIL

Minutes of a Meeting of

BERKHAMSTED TOWN COUNCIL

Held in the Council Chamber, Civic Centre, Berkhamsted on

Monday 16 March 2020 at 7.00 pm

PRESENT:

Councillors G Stevens – Town Mayor
G Corry – Deputy Town Mayor
A Armytage (Cllr Armytage left the meeting at 7.45 pm)
S Cloughton
P de Hoest
P Fisher (Cllr Fisher left the meeting at 8.30 pm)
R Freedman
M Hardinge
J Jones
T Porter
N Taylor
P White

OTHERS PRESENT:

Mrs J Mason, Town Clerk

There were no members of the public present

OPENING MATTERS

The Town Mayor advised that very sadly former Town Mayor Peter Such had died recently. As a member of Berkhamsted First he had joined the Council in 1995 and he was Town Mayor from 1996 -1998. As a mark of respect and in Peter's memory, the Town Council stood to observe a minutes silence.

FC 20/20 To receive Apologies for Absence

Apologies for absence were received from Cllr W Conian, Cllr N Woolner and Cllr A Peeler.

The Town Mayor welcomed Cllr Armytage.

FC 21/20 To receive declarations of interest regarding items on the agenda

There were no declarations of interest.

FC 22/20 Minutes of the last meeting

The minutes of the Full Council meeting held on 13 January 2020 which had been previously circulated were received and adopted.

FC 23/20 Public Participation

To **suspend standing orders** to allow any members of the public present to speak

There were no members of the public present.

FC 24/20 Town Mayor's Communications

Deferred to the 30 March meeting of Full Council

STANDING AND OTHER COMMITTEES

Deferred to the 30 March meeting of Full Council

REVIEW OF POLICIES

FC 25/20 Review of Standing Orders

(i) It was **noted** that Standing Orders were last reviewed at Full Council on 18 March 2019. The National Association of Local Councils has not issued any further model standing orders since August 2018. The Town Clerk has reviewed the Town Council's current standing orders and suggested some changes which were clearly shown in the draft referred to in (ii) below. Proposed changes were shown in *this script* and included the amendments to Standing Order 21 "Relations with press and media" agreed at the Finance and Policy Committee meeting held on 23 September 2019. The new Social Media Policy referred to at that meeting is covered under item FC 25/20 below.

(ii) The Standing Orders as proposed in the attached document were **received, reviewed and discussed** in detail. During discussion various **amendments and actions were agreed**. These are set out below:

Meetings Generally - Standing Order 1!. This refers to reporting of meetings, which includes filming, photographing and audio recordings. The Town Clerk had suggested a number of additional protocols numbered iv – ix. Cllr de Hoest commented that people have a statutory right to record and are not obliged to tell anyone they are so doing. Cllr P White proposed that sub paragraphs numbered iv, v, viii and ix be removed as these contained spurious and illegal guidance. Other differing views were expressed. Cllr Freedman said the suggestion that a notice be placed in the chamber advising that recording could be taking place would be useful. Cllr Stevens acknowledged that recording could take place but hoped that the courtesy of advising people could be agreed. Cllr J Jones referred to GDPR issues which could be problematic. Referring to items (iii) and (iv) below, Cllr Stevens advised Councillors that the Town Clerk was investigating this aspect but had

received no definitive advice as yet. Additionally, her research showed a variety of different practices across the sector. The Council discussed whether to retain standing orders without the amendments to the above or, alternatively, whether to defer a resolution to a future meeting once the outcome of the Clerk's research into GDPR obligations and responsibility was concluded and reported upon. Following a vote, 4 councillors **voted to defer** the resolution of any revisions to SO 11 and 2 voted against. The remainder abstained. Possible revisions will **therefore be discussed** at a future meeting once the Town Clerk has concluded her research. **Action Town Clerk**

Committees, sub-committees and working groups – Standing Order 2 vi and vii – Cllr P de Hoest recommended that deleted vi should be reinstated with slightly amended wording so that the council could retain the option to appoint the chairs of Committees. This was **agreed**.

Ordinary Council Meetings - Standing Order 3g – **Agreed** that g can be deleted as advice is repeated in h.

Rules of Debate – Standing order 5a – Cllr P White moved that this new wording be removed as it was dangerous, repeated the intention of Standing Order 26 and could be used to mitigate bad chairing. Following a vote **the motion failed** and the wording in this new section (5a) will be retained.

Rules of Debate – Standing order 5g – **Agreed** to insert “as amended” between “original motion” and “becomes”.

Rules of Debate – Standing Order 5h – Cllr S Claughton suggested that the word “oral” should be used instead of “verbal”.

Rules of Debate – Standing Order 5k – The reference to 5k, in the text, should be removed. **Agreed**.

Rules of Debate – Standing Order 5p – Cllr P de Hoest stated that this SO was unduly restrictive. Cllr G Stevens advised that depending on the mood of a meeting and the style of chairing, such restrictions were sometimes necessary.

Handling Confidential Information – Standing Order 11 It was agreed that the following wording proposed by Cllr S Claughton should replace the previous wording:

- a. *The agenda, any papers that support the agenda and the minutes of the meeting that are made available to the public shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest;*
- b. *Such information may be included in confidential documents circulated to councillors and council officers only;*
- c. *Councillors and staff shall not disclose confidential information or sensitive information which for special reasons would not be in the public interest.*

Draft Minutes – Standing Order 12 e – Cllr Stevens advised that the minutes, once signed, stood as the official and legal record of the meeting. Cllr P White referred to legal challenges against minutes. Cllr S Claughton proposed the insertion of words to reflect the status of the signed minutes. **Agreed.**

Financial controls and procedures – Standing Order 18c – At Cllr de Hoest's suggestion it **was agreed** that the Town Clerk should include a cross reference to this SO in the Financial Regulations.

Gender neutrality – in making the above amendments and the final proof reading the document will be made gender neutral. **Action Town Clerk**

Part II Chairing Meetings – The Town Clerk advised that she had revised this section extensively over recent years and asked if the Council wished to retain the document as it was not a formal requirement that such information be included. Councillors **agreed** that the part II document provided a useful narrative and should be retained.

- (iii) As referred to under (ii) above, it was **noted** that with regard to standing order 11 the Town Clerk is in correspondence with HAPTC, NALC and others and is awaiting a definitive answer regarding GDPR obligations of respective parties.
- (iv) It was **noted** that on receipt of such advice the Town Clerk will review the standing order and propose any appropriate changes to a future meeting. (See also decision under (ii) above Meetings Generally – Standing Order 11.)

FC 26/20 Working Group Terms of Reference

- (i) Bus Working Group Terms of Reference

Following a discussion about the detail of the terms of reference and a wish expressed that these should be edited and broadened, it was **agreed** that revised wording should be presented to the next T & E Committee. Evaluation processes and clarification of the status of the footnote would be considered. In the meantime, all interested councillors should meet as soon as possible to **discuss and agree** proposed wording for consideration at T & E.

Action Cllr W Conian, Bus Working Group and others.

It was also **agreed** that Cllr de Hoest would e-mail comments in the morning for others to respond. **Action Cllr P de Hoest**

- (ii) Parking Forum Revised Terms of Reference

To **receive, review and adopt** the revised terms of reference (attached to agenda)

Note: These were proposed by the Parking Forum in November for approval by the T & E Committee, but are being put to Full Council for the convenience of timing.

Following a discussion the revised terms of reference **were adopted subject to additional wording** being included to reference the Town Council's declared Climate Emergency to ensure that appropriate considerations are taken into account in recommendations coming forward from the Parking Forum.

FC 27/20 Social Media Policy

Subject to the amendments listed below the **Council received, reviewed and adopted** the Social Media Policy attached to the agenda. (This will form appendix 5 to Standing Orders.):

- Correction of 2020 to 2019 in text;
- Para 4 – refer to public message boards;
- Para 5 vii – Permissions – Following a discussion it was **agreed** that the following wording be included “Only publish photographs that you have the right to publish and take the best possible and reasonable efforts to seek permissions of those being photographed”.

FC 28/20 Protocol for the Operation of Working Groups

The protocol attached to the agenda was **received, reviewed and adopted**. This would form appendix 6 to Standing Orders. The following points were also **agreed**:

The use of an electronic shared diary will be trialled using Outlook. The Town Clerk will discuss further with Cllr N Taylor. **Action Town Clerk/Cllr N Taylor**

Regarding the attached Working Groups Consent to Share form, it was **agreed** that this would be amended to refer to “this” information specifically.

FC 29/20 Appointment of Town Clerk

- (i) At Full Council on 2 September 2019 it was resolved that all arrangements necessary to advertise for, interview and appoint to the position of Town Clerk and Responsible Finance Officer, should be undertaken by the Support Services Group. Following recent interviews, the post has been offered to and accepted by the successful candidate;
- (ii) In light of the above the Council **Ratified** the appointment of Mr Tony Noakes as Town Clerk & Responsible Financial Officer from 1 April 2020 on a salary scale of LC3 Below Substantive, point 34, subject to review as set out in his contract of employment. Satisfactory references have been received. Mr Noakes first working day will be Thursday 2 April 2020.
- (iii) It was **noted** that a programme of induction training is being prepared by the current Town Clerk, whose last day of employment will be on 31 May 2020. Regular reviews will take place during a six month probationary period.

- (iv) It was **noted** that Support Services Group proposed that Cllr G Stevens will act as Mr Noakes' line manager. A discussion followed during which it was clarified that the Town Mayor was not always but generally the Clerk's line manager. The legal standing of the role of Town Mayor was also considered together with the fact that the next Town Mayor would not be known until after the Annual Meeting of the Council in May.

Two motions were then put forward. First, Cllr R Freedman proposed and Cllr P de Hoest seconded that Cllr G Stevens should be the Town Clerk's line manager for a term no longer than 12 months when the situation would be reviewed. The second motion suggested that Cllr Stevens be line manager until the Annual Meeting in 2021 (or as otherwise agreed before then). Following a vote six councillors voted for the first motion which was carried.

FC 30/20 To **RESOLVE** that under Section 1 of the Public Bodies (Admission to Meetings) Act 1960 the public and press be excluded for the remainder of the meeting, because it is likely that publicity would prejudice the public interest by reason of the confidential nature of the business or for other special reasons stated in the resolution, arising from the nature of the business or proceedings.

FC 31/20 Risk Register and Assessment March 2020

- (i) It was **noted** that the Town Council's Risk Register is prepared in accordance with guidance set out in section 5 of the Joint Panel on Accountability and Governance's (JPAG) document entitled "Governance and Accountability for Smaller Authorities in England – A Practitioners' Guide to Proper Practice";
- (ii) The Council **reviewed, approved and adopted** the updated Risk Register and Assessment sent under separate cover to Councillors. This was subject to the inclusion of the words "Robust budgeting process and contingency" in the mitigation column of the first section under Financial Planning (Budget insufficient to meet Council priorities). A section relating to the current coronavirus epidemic will also be included.

Action Town Clerk

FC 32/20 Support Services Group Meeting 14 February 2020

The Council **received** a report from the above meeting made by Cllr G Stevens. The Finance and Allotment Officer recruitment is being processed by Cobham consulting and it is hoped that members of Support Services will be able to interview during the week commencing 20 April. The current Town Clerk's last day of employment will be 31 May 2020. The Deputy Town Clerk's remuneration was also discussed (FC 33/20 below refers)

FC 33/20 Deputy Town Clerk

It was **Resolved** that Mrs J Harley, Deputy Town Clerk, be advanced to spot salary point 29 of the scale range LC2, on the basis agreed in the notes of the above meeting as reported by Cllr Stevens. This increase will be with effect from 1 January 2020.

FC 34/20 Close of meeting

The meeting closed at 9 pm.

Signed.....

Date.....