

### **Minutes of the Personnel Committee**

**held in the Council Chamber, Emersons Green Town Council,**

**1900hrs on Tuesday 11th October 2022.**

- Present:** Councillors Caroline Johnson (Chair), Richard Nichols, and Simon Jones
- Absent:** None.
- In attendance:** Town Clerk, Ian Lyons.
- Apologies:** Councillors Colin Hunt, James Hunt, and Christopher Edwardson.
- Public:** No members of the public were present.
- Notes:** The meeting began at 1925hrs. All resolutions are unanimous unless stated otherwise.

### **INTRODUCTION**

#### **PER\_2022.01 Election.**

**Motion:** It was moved by Cllr Richard Nichols, supported by Cllr Simon Jones, and resolved that:

**Resolved:** Councillor Caroline Johnson be appointed as Chairman of the Personnel Committee for the municipal year.

#### **PER\_2022.02 Welcome and Introductions.**

**Minutes:** Cllr Caroline Johnson (Chair) welcomed everyone present at the meeting and explained the emergency procedures.

#### **PER\_2022.03 Declaration of Interest – Localism Act 2011.**

**Minutes:** Cllr Caroline Johnson (Chair) reminded members of the requirement to declare an interest. The Town Clerk declared an interest in items 10 & 11. It was agreed that Cllr Simon Jones would record the minutes for any period when the Town Clerk was required to leave the room.

#### **PER\_2022.04 Public Participation.**

**Minutes:** No members of the public were present.

## **ADMINISTRATION**

### **PER\_2022.05 Minutes.**

**Motion:** It was moved by Cllr Richard Nichols, supported by Cllr Caroline Johnson, and resolved that:

**Resolved:** The Minutes of the Personnel Committee meeting held on the 25<sup>th</sup> of April, copies having been circulated, be approved as a correct record, and signed by the Chair.

**Minutes:** The minutes were signed by Cllr Caroline Johnson (Chair).

### **PER\_2022.06 Privacy.**

**Motion:** It was moved by Cllr Caroline Johnson, supported by Cllr Richard Nichols, and resolved that:

**Resolved:** The remainder of the meeting be conducted in a private session to the exclusion of the press and public.

### **PER\_2022.07 Outstanding Items.**

**Minutes:** No items were reported.

## **PERSONNEL**

### **PER\_2022.08 Summary of Achievements.**

**Minutes:** The 'Clerk's Special Report' was circulated, presenting a list of achievements since being appointed on the 8<sup>th</sup> of May. After this, on behalf of the Committee, Cllr Caroline Johnson (Chair) thanked the Town Clerk for a job well done.

### **PER\_2022.09 Human Resources and Recruitment.**

**Minutes:** At the invitation of Cllr Caroline Johnson (Chair), the Town Clerk provided the following advice:

To begin with, the Town Clerk explained the background: It was resolved at Full Council that:

"The Town Clerk conducts a study of the human resources available to the Council and makes recommendations to a future meeting of the Personnel Committee." (09/06/22)

## **LEGAL POWER OR DUTY TO ACT**

- Employment Act 2002.
- Employment Relations Act 2004.
- Employment Act 2008.
- The Work & Families Act 2006.
- The Equality Act 2010, s.149 and schedule 19.
- The Human Rights Act 1998, s.6.
- Working Time Regulations 1998.
- Personnel Committee Terms of Reference Function 8, “To advise the Council on the requirements for, and the availability of, human resources necessary for the fulfilment of the Council’s policies.”

## **RECOMMENDATION**

- Review the raw data and case studies.
- Resolve that: “The Personnel Committee recommends that the Council delegates authority to the Town Clerk to commission a professional Human Resource consultation on the staff structure and recruitment required to achieve the ambitions of the draft strategic plan.”
- Resolve that: “The Personnel Committee recommends that the Council begin the recruitment process for additional staff members.”

## **REASONS FOR RECOMMENDATION**

- The raw data is evidence that the Council requires additional staff members to continue providing a professional service that meets the current demand and complies with employment legislation.
- The raw data demonstrates that the current staff members have no capacity to increase workload within the existing contractual hours.
- The Council currently has no redundancy plan for unexpected absences, and it will be impractical to use temporary contractors.
- Demand for Council officer time is likely to increase, with events for example.
- A professional evaluation will provide a second opinion, accurate costs, and realistic timescales for the implementation of a development plan, should the Council adopt the draft strategic plan.
- The Full Council will have the opportunity to make comments and suggestions that influence the outcome of any development plan.

## **FINANCIAL IMPLICATIONS & RISKS**

The Council has commissioned similar consultations that have cost under £4000, excluding VAT. In previous years, 2020/21, the budget for professional and legal expenses was £4,170.

The current budget is just £1042 and has already been exceeded due to the commission of the strategic plan in the previous year at a cost of £3,350. A committed expenditure of £500 is also expected for other consultancy activities, agreed by the Finance Committee on the 26<sup>th</sup> of May.

Nevertheless, the Council currently has a substantial General Contingency, of £175,164, and other earmarked reserves, totalling £755,307. There is also a significant predicted underspend on the annual revenue budget in other cost centres too, over £40,000.

Without a professional plan, it will be difficult to set the budget for 2023. In particular, projections for staff costs, and related expenses, are likely to be inaccurate. The decisions taken now will have such significant financial implications for the future that professional advice is easily justified.

In sum, the Council easily has the resources, both capital and revenue, to commission a HR Consultant and take on additional members of staff, to assist with the current workload. Eventually, if Councillors choose to take this path, the Council can expect a significant improvement in services and a smoother transition during this period of expected growth.

**Motion:** After a short discussion, it was moved by Cllr Simon Jones, supported by Cllr Richard Nichols, and resolved that:

**Resolved:** The Personnel Committee recommends that the Council delegates authority to the Town Clerk to commission a professional Human Resource consultation on the staff structure and recruitment required to achieve the ambitions of the draft strategic plan.

**Minutes:** After further discussion, Councillors agreed that it was not necessary to make further resolutions at this stage. Instead, Councillors expressed a preference to wait until the HR Consultation was complete.

**Action:** Town Clerk to list the recommendation at a future meeting of the Full Council.

#### **PER\_2022.10 Pay and Working Conditions.**

**Minutes:** At the invitation of Cllr Caroline Johnson (Chair), the Town Clerk provided the following advice:

#### **LEGAL POWER OR DUTY TO ACT**

- Local Government Act 1972, s.151.
- Employment Act 2002.
- Employment Relations Act 2004.
- Employment Act 2008.
- The Work & Families Act 2006.
- The Equality Act 2010, s.149 and schedule 19.
- The Human Rights Act 1998, s.6.
- Working Time Regulations 1998.
- EGTC Relocation Expenses Policy 2022.
- EGTC Flexible Working Policy 2020.
- Personnel Committee Terms of Reference Function 8, "To advise the Council on the requirements for, and the availability of, human resources necessary for the fulfilment of the Council's policies."

#### **RECOMMENDATION**

- Review the proposal.
- Resolve that: "The Personnel Committee recommends that the Council increases the Town Clerk's salary to NALC SCP 39 £43,570 (£22.65 per hour) from 1<sup>st</sup> November 2022." <sup>1</sup>
- Resolve that: "The Personnel Committee recommends that the Council increases the Assistant Clerks salary to NALC SCP 24: £29,174 pro-rata (£15.16 per hour) from 1st November 2022."

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<sup>1</sup> Current rate SCP 29 £33486 (£17.40 per hour).

- Resolve that: “The Personnel Committee recommends that the Council increases the Lodging Allowance for relocation expenses to £660 per month with immediate effect”.<sup>2</sup>
- Resolve that: “The Personnel Committee recommends that the Council approves a flexible working routine for the Town Clerk, copies having been circulated, for a trial period of six months.”

## REASONS FOR RECOMMENDATION

- To retain the services of the Town Clerk and RFO.
- To accurately match the Town Clerk’s job evaluation with the NALC pay scales.
- To reflect the ambitions of the Council and the work required to achieve the strategic plan.
- To fully reimburse the Town Clerk for relocation expenses, within the agreed limits.
- To meet the Council’s obligation to consider all reasonable requests for flexible working.

## FINANCIAL IMPLICATIONS & RISKS

The current budget for relocation expenses is £0. However, it was resolved by the Finance Committee that “The Town Clerk create a new budget heading for relocation expenses under cost centre 110 and a budget of £5000 (previously agreed by Full Council 28 April 2022), from the General Contingency, earmarked reserves. This ‘budget’ of £5000 will not be exceeded. Current spending is £3650.84 (£1349.16 remaining).

The current total budget for staff costs, including tax, national insurance, and pension contributions, is £70,170, with current spending at £34,727.40 (1<sup>st</sup> Oct 2022). This proposal will cost approximately £78,195.72 per annum<sup>3</sup>.

This budget is already forecast to be slightly overspent, mainly due to the employment of a locum clerk earlier in the year (£5,143.50), and the payment of relocation expenses.

Of course, if the Council has to repeat this process, then additional recruitment costs will re-occur, and this figure will depend on the length of time taken. A new Clerk may also decide to take a pension, which will cost the Council £9,149.70 at the proposed rate, and further relocation expenses may be applicable.

In any case, the Council currently has a substantial General Contingency, of £175,164, and other earmarked reserves, totalling £755,307. There is also a significantly predicted underspend on the annual revenue budget in other cost centres too, totalling over £40,000.

**Minutes:** After a series of questions from Councillors, the Town Clerk once again declared an interest and withdrew from the meeting. At this point, Councillor Simon Jones assumed the responsibility for recording the minutes.

**Motion:** After a lengthy private discussion, it was moved by Cllr Simon Jones, supported by Cllr Caroline Johnson, and resolved that:

### Resolved:

- The Personnel Committee recommends that the Council increases the Town Clerk’s salary to NALC SCP 39 £43,570 (£22.65 per hour) from 1st November 2022.

<sup>2</sup> Current rate £100 per week (£400 per month).

<sup>3</sup> Figures provided by PATA Payroll 07/10/22.

- The Personnel Committee recommends that the Council increases the Assistant Clerks salary to NALC SCP 23: £28,226 pro-rata (£14.67 per hour) from 1st November 2022.
- “The Personnel Committee recommends that the Council increases the Lodging Allowance for relocation expenses to £660 per month with immediate effect”.<sup>4</sup>
- The Personnel Committee recommends that the Council approves a flexible working routine for the Town Clerk, copies having been circulated, for a trial period of six months.

**Action:** Town Clerk to list the recommendations at a future meeting of the Full Council.

#### **PER\_2022.11 Probationary Period – Town Clerk.**

**Minutes:** In the absence of the Town Clerk, the following written advice was provided in the meeting, at the request of Cllr Caroline Johnson (Chair):

To draft a recommendation for Full Council. Requested by Councillor Caroline Johnson (Chair) 03/10/22.

#### **LEGAL POWER OR DUTY TO ACT**

- EGTC Probation Policy.

#### **RECOMMENDATION**

- Resolve that: “The Personnel Committee recommends the Council recognise the satisfactory completion of the probationary period for the Town Clerk from the 8<sup>th</sup> November 2022.”

#### **REASONS FOR RECOMMENDATION**

- To comply with the EGTC Probation Policy.
- To synchronise with the obligations in the Town Clerk’s contract of employment.

#### **FINANCIAL IMPLICATIONS & RISKS**

The Town Clerk will be required to provide the Council with two months’ notice to terminate the contract of employment, which may allow the Council to recruit an alternative without the inefficiencies of a locum clerk or a disruption to contracted services.

However, the policy and the contract of employment are quite clear about a period of six months, which ends on the 8<sup>th</sup> of November. Legally, a contract of employment cannot be changed without the consent of both parties.

**Motion:** After a short private discussion, it was moved by Cllr Simon Jones, supported by Cllr Caroline Johnson, and resolved that:

**Resolved:** The Personnel Committee recommends the Council recognise the satisfactory completion of the probationary period for the Town Clerk from the 8<sup>th</sup> of November 2022.

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<sup>4</sup> Current rate £100 per week (£400 per month).

**Action:** Town Clerk to list the recommendations at a future meeting of the Full Council.

**PER\_2022.12 Appraisals.**

**Minutes:** At this point, at the invitation of Cllr Caroline Johnson (Chair), the Town Clerk re-joined the meeting, and noted the resolutions taken in the period of absence.

**Motion:** It was moved by Cllr Richard Nichols, supported by Cllr Simon Jones, and resolved that:

**Resolved:** The Personnel Committee nominate Councillor Caroline Johnson (Chair) to conduct the Clerk's performance appraisal.

**PER\_2022.13 Dates and Timings.**

Finally, Cllr Caroline Johnson (Chair) announced that the next meeting of the Finance Committee would be scheduled to take place as necessary, potentially after the conclusion of the HR consultancy.

Cllr Caroline Johnson (Chair) concluded the formal business of the meeting at 2045hrs and announced that an informal 'round-table' discussion would take place afterward.