

Minutes of the Extraordinary Council Meeting held at the Penwartha Hall on Wednesday, 3rd August 2011 at 7.00 p.m.

PRESENT: Councillors D Ekinsmyth (Chairman), T. Wilkins, (Vice Chairman), R. L. Benney, R.J. Bentley, Ms V.R. Cadby, D.W. Davies, Ms L.M. Dunstan, G.D. Ford, P.T. Holmes, J.V. Mayne, Mrs V. Poole, S.R.S. Szoka, I. Yates

IN ATTENDANCE: Mrs S. Mason (County Executive Officer CALC), Mrs S Morrissey (Admin Assistant)

EOFC11/08/1 CHAIRMAN'S WELCOME & APOLOGIES FOR ABSENCE

The Chairman welcomed all present. Apologies for absence were received from Cllr S. Richardson, Mrs S. Ballinger (Clerk)

EOFC11/08/2 EXCLUDE PRESS AND PUBLIC SO 66

Cllr Ford proposed, seconded by Cllr Dunstan to exclude the press and public under SO 66.

Vote 8 in favour, 4 against, 1 abstention

Resolved to exclude the press and public under SO 66.

EOFC11/08/3 RESOLVE AND AGREE THE ACTIONS NECESSARY TO DEAL WITH A LETTER OF COMPLAINT FROM THE CLERK (MRS S BALLINGER)

a) Letter of complaint

The Chairman read the letter of complaint received from the Clerk, Mrs S Ballinger. Members also had a copy of the Chairman's proposed motion. Cllr Holmes raised a point of order. He asked the Chairman if the meeting could legally continue under SO 36. It was agreed that, as the motion was not an agenda item, the meeting could continue in a legal status. The Chairman's motion was deemed to be in contravention of SO 36 and was withdrawn.

Cllr Mayne raised a point of order asking why Mrs Mason was in attendance. He also asked if there was a conflict of interest when Mrs Mason had offered advice for the previous decision. The Chairman explained that she would be acting as Clerk because Mrs Ballinger was unwell and that she would be advising the Council as to how to deal with the letter of complaint.

Cllr Yates proposed, seconded by Cllr Holmes

Vote 9 In favour Councillors D Ekinsmyth, T. Wilkins, R. L. Benney, R.J. Bentley, D.W. Davies, Ms L.M. Dunstan, G.D. Ford, J.V. Mayne, S.R.S. Szoka

4 Against Councillors Ms V.R. Cadby, P.T. Holmes, Mrs V. Poole, I. Yates

Resolve that members receive the letter from the Clerk and agree to discuss the contents.

b) Discussion of the contents of the letter

Members noted and discussed the Clerk's complaint about the process undertaken by the Council to decide her salary. Discussion arose about how to assess the legality of the process.

Cllr Holmes proposed, seconded by Cllr Ford, unanimously,

Resolve to:

i) receive letter from Clerk and in response set up a Staffing Committee and a process to set salary and scale.

ii) maintain the salary and scale set on 16 June 2011 until a later date.

It was agreed that the terms of reference of the Staffing Committee are to be set at the next Full Council meeting and will include setting salary and scale, employment policies and setting a bullying and harassment policy. The Committee will report to Full Council.

Cllr Mayne proposed, Cllr Holmes seconded, unanimously,

Resolved to :

i) Form a panel of 6 members, 3 drawn from Finance and Resources Committee and 3 other members from Full Council, to meet within 10 days to prepare a summary of the process undertaken by the Council leading to the decision made on June 16th 2011. The panel will be chaired by the Vice Chairman.

ii) To offer the report to the Clerk for comment.

iii) To send the report to CALC for referral to NALC for a legal response on the legality of the process with a copy circulated to every member of the Council.

The panel to consist of Cllrs T Wilkins, R Bentley, S Szoka, from Finance and Resources Committee; Cllrs R Benney, G Ford, I Yates from Full Council.

The Chairman will write to the Clerk explaining the decisions and that the Council would be seeking advice from NALC about the process used to set her salary.

The meeting closed at 8.45pm

Signed:

Dated: