



BUCKINGHAM TOWN COUNCIL

TOWN COUNCIL OFFICES, CORNWALLS MEADOW,
BUCKINGHAM. MK18 1RP

Telephone/Fax: (01280) 816 426

Email: office@buckingham-tc.gov.uk
www.buckingham-tc.gov.uk

Town Clerk: Mr C. P. Wayman

Tuesday, 15 May 2018

Councillor,

You are summoned to an Extra-ordinary meeting of the Full Council of Buckingham Town Council to be held on **Monday 21st May 2018 at 6pm** in in the Town Council Chamber, Cornwall's Meadow, Buckingham.

Mr C. P. Wayman
Town Clerk

Please note that the Extra-ordinary Full Council meeting will be preceded by Public Session lasting for a maximum of 15 minutes, in accordance with Standing Order 3.f.

AGENDA

1. Apologies for Absence

Members are asked to receive apologies from members.

2. Declarations of Interest

To receive declarations of any personal or prejudicial interest under consideration on this agenda in accordance with the Localism Act 2011 Sections 26-34 & Schedule 4.

3. Recruitment of Town Clerk

To receive a report from the Deputy Town Clerk

BTC/01/18

3.1 To review and agree the Job Description and Person Specification for the Town Clerk post

Appendix A-B

3.2 To agree a panel of Councillors to conduct the Recruitment of a new Town Clerk

4. Maternity Cover

To agree to recruit a fixed term Maternity Cover

5. Review of Policy for Confidential Staffing Matters

To receive a report from the Deputy Town Clerk

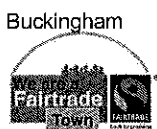
BTC/02/18

5.1. To review and agree the policy for management of confidential staffing matters

6. Staffing Committee

Following discussion under item 5, to agree to set up the appropriate confidential committee / process to discuss a staffing matter

To: All Councillors



Twinned with Mouvaux, France

Members are reminded to declare any prejudicial interest as soon as it becomes apparent

BUCKINGHAM TOWN COUNCIL**FULL COUNCIL****MONDAY 21st MAY 2018****Contact Officer: Claire Childs****Background**

Following the resignation of the current town clerk, it is necessary to start recruitment for a new Town Clerk.

Information

Attached are the Job Description and Person Specification for the Town Clerk role, for approval by Council. It is anticipated that these documents will be put into an Application Pack, which will provide some additional information about the town, the council, and the terms and conditions of the post.

The terms and condition for this post are in accordance with the National Joint Council for Local Government Services. Buckingham Town Council specific terms are:

- Salary Scale LC4 (SCP 52-55) £48,138 - £51,832 per annum depending on experience and qualifications
- 37 Hours per week, evening and weekend work required, for which time off in lieu will be granted
- The post is subject to a probationary period of 26 weeks
- The post is subject to a satisfactory DBS check
- Membership of the Local Government Pension Scheme, based on a Career Average Revalued Earnings (CARE) basis

A shortlisting and interview panel should be nominated. The current recruitment policy indicates that this should be made up of between 3 and 5 councillors.

The interview should comprise formal competency based questions, a presentation, and an inbox-style exercise. The Deputy Town Clerk will assist the shortlisting and interview panel with formation of these.

Some suggested dates are:

- Job Description / Person Spec Approval – Monday 21st May
- Advert / Application Pack Release – Tuesday 22nd May
- Closing Date for Applications – Thursday 7th June at 12 noon
- Shortlisting – Friday 8th June
- Applicant Notification – Monday 11th June
- Interviews to be held – Wednesday 20th June

Recommendation

That the Job Description and Person Specification are reviewed and agreed.

That a shortlisting and interview panel is convened. This is recommended to be comprised from the Mayor, the Deputy Mayor and Chair of Resources, as the Town Clerk's designated line manager.



Job Description

Post Title: Town Clerk
Accountable to: Chair of Resources Committee

Job Purpose:

- Undertake the duties of the Proper Officer and Responsible Financial Officer of Buckingham Town Council and act in accordance with the statutory duty to carry out all the functions, and, in particular, to serve or issue all notifications required by law of a local authority's Proper Officer
- Take full responsibility for ensuring that the instructions of the Town Council in connection with its function as a Local Authority are carried out
- Advise the Town Council on Standing Orders and policies to be followed, in respect of the Authority's activities and, in particular, to produce all the information required for making effective decisions
- Be accountable to Buckingham Town Council, for effective management of all its resources
- To ensure an effective organisational structure is developed and implemented to meet the needs of the town council whilst balancing the need for financial efficiencies
- Overall responsibility for all the financial records of the Council and administration of its finances
- Overall responsibility for ensuring compliance with current Health and Safety regulations
- Overall responsibility for Planning and legal implications arising from Planning applications
- Overall responsibility for Cemetery Management and ensuring the council meets the statutory requirements for the safe custody of all documents, deeds, records and burial registers

1. General Duties

- Develop proposals for the long-term strategic vision for Buckingham, taking into account developments in local government policy
- Prepare, in consultation with appropriate members, agendas for meetings of the Town Council and its committees, attend such meetings and prepare minutes for approval
- Manage, monitor and control town council facilities, service agreements and any partnerships entered into by them
- Act as Council's lead officer for future major projects
- Liaise and represent the council with the public, other public bodies and organisations including attending meetings with key stakeholders and positively promoting the council within the local community
- Identify relevant sector-related information and distribute to Councillors
- Receive and deal appropriately with correspondence and documents on behalf of the Council
- Study reports and other data on matters relating to the business of the Council, and discuss matters with specialists where required



- Draw up, both on their own initiative and as a result of suggestions by Councillors, proposals for consideration by the Council and advise on feasibility, practicability and likely impact/effects of specific courses of action
- Prepare, in consultation with the Chairman, press releases about the activities of or decisions of the Council
- Attend relevant training courses to maintain continuous professional development
- Attend the Conferences of the Association of Local Councils, Society of Local Council Clerks, and other relevant bodies
- Act as a representative of the Town Council at meetings as required

2. People Management

- Have overall responsibility for the work of BTC staff ensuring that all requirements of employment legislation are adhered to and to be responsible for all aspects of the management and employment of staff
- Undertake direct line management of specified staff members in keeping with the policies of the Town Council
- Undertake all necessary activities in connection with the management of salaries and conditions of employment

3. Financial / Physical Resources

- Act as Responsible Financial Officer for the Council in respect of expenditure, income and fixed assets
- Overall responsibility for the preparation of the annual budget including precept, and the submission of annual accounts in accordance with financial regulations
- Have delegated responsibility for expenditure in emergency situations up to a designated amount
- Take responsibility for annual monitoring and balancing of the Council's accounts and preparation of records for audit purposes and VAT, and ensuring these provide value for money

4. Policy

- Ensure that legal, statutory and other provisions governing or affecting the running of the Council are observed, and ensure that Council members have an up to date understanding of their statutory and other responsibilities
- Responsible for Buckingham's Neighbourhood Development Plan (NDP) and continuously monitor developer adherence to the Buckingham NDP
- Ensure that the Council's obligations to insure are properly met
- Monitor the implemented policies of the Town Council to ensure they are achieving the desired result and, where appropriate, suggest modifications



Person Specification

Post Title: Town Clerk

Accountable to: Chair of the Resources Committee

CRITERIA	ESSENTIAL	DESIRABLE	HOW IDENTIFIED
EXPERIENCE	<ul style="list-style-type: none"> • Experience as Clerk or Deputy Clerk or have significant equivalent experience in a management role • Experience of public or private sector employment in finance, HR or administration departments • Experience of, budget planning, keeping accounts and generating financial reports and statutory reports, including year-end and audit • Experience of Health & Safety at Work and risk assessments 	<ul style="list-style-type: none"> • Experience of using a computerised finance package in a local authority context • Experience of HR procedures and record keeping • Experience of event management / traffic marshalling • Experience of Cemetery Management • Project Management qualification or equivalent experience 	<p>Application form</p> <p>Interview</p>
QUALIFICATIONS / TRAINING	<ul style="list-style-type: none"> • Certificate in Local Council Administration or willingness and ability to achieve the status of Qualified Clerk within 12 months of appointment, or hold relevant professional qualification 	<ul style="list-style-type: none"> • Educated to degree level in relevant discipline 	<p>Application form</p> <p>Interview</p>
SKILLS & KNOWLEDGE	<ul style="list-style-type: none"> • Extensive knowledge of current local government and planning laws, administration and procedures • Understanding of the significance of Neighbourhood Development and Local 	<ul style="list-style-type: none"> • Electronic diary management systems • Minute taking • Record keeping • Knowledge of managing and updating websites 	<p>Application form</p>



	<p>Plans</p> <ul style="list-style-type: none"> IT skills and proficient in the use of Microsoft Office software, internet and social media 		
PRACTICAL & INTELLECTUAL SKILLS	<ul style="list-style-type: none"> Good communication skills, both written and verbal Excellent planning and organisational skills, and able to prioritise workload Ability to lead a team, work autonomously and harmoniously with staff and public 		<p>Application form</p> <p>Interview</p>
DISPOSITION/ ATTITUDE	<ul style="list-style-type: none"> Able to work under pressure Able to maintain confidentiality Able to anticipate problems and solve them 		<p>Application form</p> <p>Interview</p>
SPECIAL REQUIREMENTS	<ul style="list-style-type: none"> Willingness to attend evening meetings and to work at the weekend and bank holidays when required 	<ul style="list-style-type: none"> Driving licence 	<p>Application form</p>

BUCKINGHAM TOWN COUNCIL**FULL COUNCIL****MONDAY 21st MAY 2018****Contact Officer: Claire Childs****Background**

It was proposed and the motion carried at the Resources meeting (minute no: 944/17) on 16th April 2018, "to agree to disband the Personnel Subcommittee and remit all personnel disciplinary matters to the Full Council following Council's agreement of the amended policies and procedures".

Full Council amended the Terms of Reference for the Resources Committee on 8th May 2018. The Terms of Reference, following this meeting, state that:

Personnel

- 10.12) to monitor all matters affecting the promotion, discipline and salary and conditions of service of all staff and officer holders of the Council (unless stated elsewhere)
- 10.13) to meet as required to discuss and investigate any personnel requirements
- 10.14) to oversee Officer and Member training
- 10.15) to meet as required by the Council for staff reviews
- 10.16) to review and agree the policies and procedures

The Terms of Reference therefore state that Resources Committee owns the policies and procedures for all personnel (HR) matters. The instruction to remit 'all personnel disciplinary matters' to full council therefore interprets as the implementation of that policy.

The Discipline (Misconduct) policy does not sit in isolation, and other policies, such as the Capability (Work Performance) Policy and Sickness Absence Management policy refer and make reference to the Personnel Subcommittee, and may be used in related matters.

Following the motion, it was suggested that, when required, a disciplinary item would be added to the Full Council agenda to request the convening of some kind of ad hoc confidential process to receive information about individual matters, as and when required. However as detailed below, advice received suggests that such an approach is not recommended.

SLCC and NALC Guidance

The SLCC advises that the clerk is employed by the council (at BTC with line management designated to the Chair of Resources) and all other staff although employed by the council, answer to the clerk who is their line manager and is responsible for their performance.

NALC guidance says "Where a council is dealing with disputes (e.g. grievance and disciplinary matters), it is essential that they are dealt with by a committee with appropriate terms of reference" and "If a council does not delegate all management of its employees to the clerk, the personnel committee should still take responsibility for the remaining duties (e.g. the powers to suspend or dismiss an employee)".

Potential Issues

The newly appointed HR & Employment Law Advisors, who will review all current policies, have confirmed that there are a number of potential issues resulting from the motion carried to disband the Personnel Subcommittee and remit matters to Full Council:

- Placing an agenda item on a public council meeting (even to request that a confidential meeting is to be convened) regarding an employees conduct or work performance, or related matters, could be a potential breach of confidentiality and data protection (*current Personnel Subcommittee agendas usually state 'to discuss a staffing matter'*)
- It may be possible for others, including other employees and members of the public, to identify individuals involved
- It identifies to other employees and members of the public that there are cases of capability / misconduct / sickness absence at the council, that should remain private and confidential as part of employee rights
- Breaches of the soon to be in force GDPR (General Data Protection Regulations) can incur fines of up to £20 million Euros.
- Selecting one policy, from a suite of HR policies, to be monitored in isolation could result in a lack on consistency in relation to the implementation of all policies
- Items discussed at Full Council mean that all councillors would be made aware of matters, leaving no independent members to hear appeals / carry out reviews should the need arise, and provides private and confidential employment details to a large number of people
- It has not been determined, should confidential ad hoc groups of some description be convened (as would still be required), how Councillors will be selected for the groups each time, whether the same Councillors would be selected regularly and how this may impact on consistency of approach / training / conflicts of interest / etc.
- Should a breach of confidentiality, data protection or employment rights occur, the council could be exposed to claims, fines, reputational damage
- Should further action be taken / required in relation to an employment matter, costs to the council could be extremely high as a result of the amount of people that are involved in hearing / advising / monitoring cases such as this (i.e. for them being called as witnesses to court)

Recommendation

That a formal committee (possibly called Staffing Committee) be created that reports to Full Council, and is convened as and when necessary.

That the Staffing Committee:

- adopts clear and specific Terms of Reference in relation to HR and Employment Matters
- sets out clear delegated responsibilities
- remits any appeals arising from disciplinary or grievance matters to full council, if dealt with by the staffing committee at first instance