

**MINUTES OF THE MEETING OF
 CASTLE BROMWICH PARISH COUNCIL
 HELD IN ARDEN HALL, CASTLE BROMWICH
 ON WEDNESDAY 16TH MARCH 2016
 AT 7.30 PM**

Those present:

Chairman: Cllr Mrs. P Allen

Councillors: Cllr Mrs. A Haywood Cllr E Knibb Cllr J Riordan
 Cllr G High Cllr J MacDonald Cllr K Shaw
 Cllr Miss J Ward

Officer: Mrs. C Tibbles, Clerk to the Council and RFO

Public: 3 members of the public

Prior to the start of the meeting, the Vice-Chairman explained the meeting had been convened to fulfil a statutory responsibility to elect a new chairman and to establish correct procedural process for the council. The meeting was not being held to discuss the specific details of the issues awaiting formal resolution. Members were advised to be aware of the need to respect confidentiality of information previously known to them in order to allow the council to maintain the independence of other members to be elected to hold a hearing.

1. Resignation of Chairman.

Members received the resignation from Cllr M Hayes as Chairman of the Council and parish councillor for the Timberley Ward. A request was made for the letter of resignation to be read but after consulting with the Clerk, it was **AGREED** that that this be deferred to the next meeting, subject to legal advice being sought to ensure no breach of the Data Protection Act and the interim measure taken of the letter being passed to members for them to read individually. It was clarified that there was no reason given in the letter for the resignation.

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2. Election of Chairman.

Cllr Knibb **PROPOSED** Cllr Mrs Allen be elected as Chairman, **SECONDED** by Cllr Shaw. Cllr Mrs. Haywood **PROPOSED** Cllr Riordan as she felt it prudent to have a new Chairman to avoid being without a Vice-Chairman. Cllr Riordan declined the nomination. Following a vote, **IT WAS RESOLVED** that Cllr Mrs. Allen be elected as the Chairman for the remainder of the Civic Year until the AGM was held in May 2016.

3. To receive the Declaration of Acceptance of Office of the Chairman.

The declaration of Acceptance of Office was signed by the Chairman, witnessed by the Proper Officer and duly received by the members.

4. Apologies.

Cllr M Rashid and Cllr A Terry were absent. Cllr Shaw was concerned about apologies not being received and the Clerk offered to contact members to remind them of the duty to supply this information, especially when vacancies affected the quorum at meetings.

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5. Declarations of pecuniary or conflict of interests.

None declared.

6. Dispensations.

None requested.

7. Questions from the Public.

Under Standing Order 3(d), the Chairman temporarily suspended standing orders at 7.45 pm for this item to invite questions from members of the public. On behalf of a hire group, the council was asked if a letter had been sent to confirm the withdrawal of notice

to terminate the provision of on-site storage. It was noted that this had not yet been written and Cllr Shaw suggested that their President be asked to pass assurance from this meeting that the council decision had been confirmed at the last meeting and the notice withdrawn. The Chairman asked that this written confirmation be done the next day.

A member of the public from the Bradford ward referred to the planning application for Lark Meadow (outside the parish) and the information he had gleaned that Solihull MBC had given outline conditional approval for the development which prevented the Planning Committee from later refusing the application due to legal implications. He was concerned about pieces of green land being used by the Borough Council for housing and he worried for future implications for Castle Bromwich. He urged members to be alert and be mindful of the historical origins of this land. Standing Orders were then resumed at 7.50 pm.

8. Questions from Councillors.

Cllr Shaw asked why several resignations had resigned. A member suggested the next item may provide information.

9. Resignations.

Members noted the resignations received from Cllr I Hiley and Cllr J Horne-MacDonald as parish councillors for the Beechcroft and Timberley Wards. A request was made for the letters of resignation to be read and in accordance with the earlier decision under Item 1, it was **AGREED** that this be deferred to the next meeting, subject to legal advice being sought. The letters were passed to members for them to read individually. The Clerk was asked to send a letter of thanks to members for their service and contribution to the Council.

10. Code of Conduct.

Members discussed the advice of the Monitoring Officer regarding two complaints from members of the council regarding conduct. Views were expressed on the tensions formed as a result of issues not being addressed; what a council should do if the Code of Conduct was ignored by a member, whether a scrutiny committee was needed to help the parish council get back on track with where it needed to be, whether measures could be put in place to restore the council's integrity and respect, lack of sanctions following the reduction of the Standards Committee powers (which remained for civil or criminal offences), whether national discussions would result in sanctions in future years, regret that the Code of Conduct could be deemed a waste of time if not enforceable. No decision was made on conciliation.

11. Complaints Policy.

A decision was deferred until after consideration of Item 13.

12. Staff Panel Request.

At the meeting held on 29th February, the Panel had concluded that the council needed to obtain independent professional support to help it address the longstanding issues. A member of the Staff Panel said the advisor would need to be impartial and believed that neither WALC nor the SLCC suggestions would be impartial as both organisations existed to serve the needs of the Council and the Clerk respectively. The Clerk said that she had no recollection of the Panel instruction specifying impartiality. It was clarified that the lengthy resolution had been carefully worded by members, read back to Panel members before being voted for unanimously. Members debated the dire need to sort out the serious problems being faced balanced with the financial cost to parishioners of paying for specialist help to do so, the suggestion that if members felt there was conflict with impartiality then it could vote to accept the suggestion of WALC, whether the alternative suggestions for advice would actually be impartial as they had already been approached by the council regarding mediating the issues, the crippling effect on the

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functioning of the council, the detrimental physical effect on the people and councillors involved (past and present), the independent advice previously considered and declined by the council in September, the exhaustion of strategies for the Panel and the council which had failed to resolve this internally. A decision was deferred until after consideration of Item 13.

13. Consideration of Advice.

Members considered the information circulated prior to the meeting and noted the advice and suggestions from WALC, SLCC and the withdrawal of the option to get free hearings undertaken for the council by ACAS. Following discussion of the need to move forward for the sake of parishioners and duty to everyone involved, hindrance of indecision, acceptance of mistakes made, failure to follow the council grievance policy by holding a hearing, the consequences of the increasing role that the Panel was taking upon itself. At the request of a Panel member for clarification, the Panel Chair confirmed that 3 formal staff grievances existed from January and February. The Clerk confirmed she only had knowledge of one staff grievance in February and one complaint by two councillors, which was the basis of the information supplied in her confidential report to councillors to explain why professional advice was urgently required. The Staff Panel was obliged, in accordance with the Discipline & Grievance Policy, to hold a hearing within 10 days of receipt of a grievance and she urged that prompt action must be taken. A member criticized the failure of the council in its statutory role as an employer. A member suggested a way forward in principle as the full facts had not been clearly known until the earlier disclosure and that seemed now to be a clear priority. Members were urged to elect 3 members to form a new Grievance Panel, to review the grievances and complaint to establish what specific matters had to be resolved and then for the council to agree who should be commissioned to provide the independent and impartial advice. Members of the public from the Bradford and Whateley wards requested permission to speak and the Chairman sought the permission of members, which was given at 9.03 pm. To break the deadlock it was suggested the council establish what future was actually wanted by staff and by councillors, if the council was to continue and function then agree to find one or more advisers and the parties involved select and agree to be bound by the outcomes, which should be formalized in a handbook that must be obeyed. Strong criticism was made of the council, its own functioning and its management of Arden Hall and services, which he felt were not currently serving the interests of parishioners and it was suggested everyone resign. Two members countered this suggestion by questioning the value of the Borough Council structure, operations and congestion in Castle Bromwich after the latest traffic management scheme. A member added that the parish council operated as a democracy and had heard some valid views but it was necessary to move on from this position. A vote was not taken at this stage and at 9.10 pm public discussion was concluded.

14. Election of Interim Grievance Panel and/or Complaints Committee.

Following the earlier considerations and debate, **ON THE PROPOSITION** of the Chairman, **SECONDED** by Cllr Miss Ward, **IT WAS UNANIMOUSLY RESOLVED** that in light of the resignations and the prior involvement by many of the remaining members, the restrictions on who was available to serve, that the best candidates to establish an Interim Grievance Panel would be Cllrs Mrs. Haywood, High and Shaw. The Staff Panel and the Clerk would arrange for the confidential paperwork to be available to the Grievance Panel who would meet on Tuesday 22nd March at 9 am to assess the facts and prepare a report of recommendation/advice that the council needed to seek. This should be urgently considered by the council on 30th March. The Clerk would book the meeting room for the Grievance Panel.

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15. Appointment of Independent Professional Adviser.

ON THE PROPOSITION of Cllr Miss Ward, **SECONDED** by Cllr Shaw, **IT WAS UNANIMOUSLY RESOLVED** that the council agree in principle to appoint an independent and impartial adviser to aid the council in resolving the 3 formal grievances and the complaint; and that the Grievance Panel clarify the scope of the investigation and review that the adviser would be asked to fulfil when the council considered their report at the next meeting.

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