

# CROXLEY GREEN PARISH COUNCIL

MINUTES OF the 258<sup>th</sup> MONTHLY MEETING OF THE COUNCIL  
HELD IN THE COUNCIL CHAMBER  
ON THURSDAY 30 SEPTEMBER 2010

Present: Cllr Birch in the Chair David Allison – Clerk to the Council

Cllrs Brading, Bains, Bennett, Hollands, Martin, Norman, Saxon, Seeley, Vassiliou and Wynne-Jones

Not Present: Cllr Seabourne

Voting Members: 11

Public: None present

CC817/10 Apologies for Absence

Apologies had been received from Cllrs Brand, Dann, Jefford and Shafe

CC818/10 Declarations of Interest by Members

There were no declarations of interest.

CC819/10 Representations from the Public

There were no members of public present.

CC820/10 Minutes

## **Resolved:**

- that the Minutes of the 257<sup>th</sup> monthly meeting of the Council held on Thursday 29 July 2010 be approved and signed by the Chairman – see Matters Arising CC821/10 below.
- that the Minutes of the Extraordinary meeting of the Council held on Thursday 8 July 2010 be approved and signed by the Chairman

CC821/10 Matters Arising

## Council Meeting

Minute CC803/10 – Peninsular. Whilst the Minutes of the Meeting held on Tuesday 29 July were proposed and seconded and agreed without amendment, a Councillor raised concern regarding the content of Minute CC803/10. The Clerk pointed out that the Minutes had already been approved but read out to Members the content of an email from a Councillor which had also been co-signed by two other Councillors – see attached.

An exchange of views followed between Members and the Clerk regarding legal responsibilities for health & safety. Some Members considered that they had very limited legal responsibilities towards health & safety matters and in the event of an incident could not individually be held liable.

The Clerk referred to a leaflet (INDG417) from the Health & Safety Executive which set out responsibilities for 'Board Members' which by analogy would mean Councillors as they were the members of the corporate body. Some Members disagreed that a 'Board Member' would, by the analogy, mean a Councillor. The Clerk also pointed out that he was professionally obliged to report and document in Minutes where his advise or guidance was ignored. The Clerk added that the Minute in question accurately reported the resolution of Members' discussion on the matter.

The Clerk in recognising that it is not correct procedure nor protocol in having proposals put forward in Matters Arising nevertheless had no choice other than to accept a proposal being put forward.

## Resolved

- that advice be sought from NALC relating to Parish Councillors responsibilities under law for health & safety.

The Clerk in appreciating the views expressed by some Members concerning the Minute in question suggested that the Councillor redrafts the Minute so that it could be reported under this matter arising.

*post meeting note – the revised wording was subsequently put forward as:*

*“The matter was resumed at 8.40pm.*

*Cllrs spent a great deal of time debating whether or not this was a service that the Parish Council needed and whether, for its 4 staff, it was financially viable.*

*A recommended cost of £12000 over a five year period was produced by Peninsula Members considered that some of the services offered by Peninsula may be obtainable from organisations that already support the Parish Council for instance the National Association of Local Councils , Herts Association of Parish and Town Councils, Society of Local Council Clerks and Three Rivers District Council.*

*The Clerk reminded members that they may be liable for potential claims by staff members for any breach of Employment or Health & Safety legislation.*

*Members considered that any liability may not be a personal (vicarious) one.*

*Members were also of the opinion that the Clerk should be allowed to undertake suitable training if his skills and knowledge needed updating*

**Action:** *The Clerk was asked to contact NALC, HAPTC, SLCC and TRDC to see if matters such as Employment law advice, Health & Safety at Work & Risk Assessment advice, Contract & Employee handbook advice could be obtained from these organisations either free of charge or via a ‘buy in’ basis.*

**Resolved:** *That the Parish Council does not enter into a service contract with Peninsula.”*

CC811/10 – Councillor Absence from Meetings. The Clerk apologised that he too should have pointed out under the Minutes of the last meeting that the last attended meeting by Cllr Brand was 29 April 2010 and not 25 March 2010 as reported in the Minutes. Members noted the information.

### Extraordinary Meeting held on 8 July 2010

There were no matters arising.

CC822/10

### Committee Reports

CC822.1/10

### Environment and Amenity Committee held on Tuesday 6 July

#### **Resolved:**

- that the Minutes of the Environment and Amenity Committee held on Tuesday 6 July 2010 be adopted as a report of the meeting.

CC822.2/10

### Any matters arising

There were no matters arising.

- CC822.3/10 Planning and Development Committee held on Wednesday 7 July, 21 July, 4 and 18 August 2010  
**Resolved:**  
that the Minutes of the Planning and Development Committee held on Wednesday 7 July, 21 July and 4 August 2010 be adopted as a report of the meeting.  
Members noted that the Planning and Development meeting scheduled for 18 August 2010 was cancelled.
- CC822.4/10 Any matters arising  
There were no matters arising.
- CC822.5/10 Finance and Administration Committee held Thursday 8 July 2010  
**Resolved:**  
  - that the Minutes of the Finance and Administration Committee held on Thursday 8 July 2010 be adopted as a report of the meeting.
- CC822.6/10 Any matters arising  
FA627/10 Matters Arising - referring to Minute FA621/10 (Monthly Accounts; 4024/101 Insurance, the Clerk was asked whether the schedule to show where monies may potentially be needed from reserves had been completed. The Clerk advised that as the Minute stated that when the schedule is completed it will be circulated to Members.  
FA628/10 Monthly Accounts – referring to account code 107/4200, Chairman's Charity Expenditure, the Clerk was asked whether the remaining cheques had been sent to the charities in question. The Clerk advised that the cheques had been prepared and were awaiting signature.
- CC823/10 Waterways Adopter  
The Chairman introduced this matter and referred to the paper circulated with the Agenda.  
A discussion ensued as to whether if such a scheme was to be progressed that the length of the towing path to be adopted should include all of the towing path in the Parish Council's boundary up to approximately Gade Bank rather than just the section from Lot Mead Lock to Common Moor Lock.  
Resolved  
  - that the Clerk writes to British Waterways to seek further detail for review by the Council at a further meeting and that the correspondence be placed on the 'Councillor Requested Correspondence' schedule.
- CC824/10 Budget 2011/2012  
The Clerk referred Members to briefing papers that were made available at the meeting which sets out the budgetary process for 2011/12. The Clerk requested that any proposals for the budget should be submitted as soon as possible so that the budget detail can be built up and discussed at subsequent Committee and Council meetings.
- CC825/10 Correspondence
- CC825.1/10 Councillor Requested Correspondence  
There was no Councillor requested correspondence to note.

CC825.2/10 Other correspondence

The Chairman introduced this item and the Clerk referred Members to the list which was available at the meeting. The Clerk further detailed several items of correspondence as requested by Cllrs.

CC826/10 Part 2

**Resolved:**

- that having regard to the nature of the business to be transacted the Press and Public be excluded from the next item on the agenda.

CC826.1/10 Employee Contract Termination

The Chairman reminded Members that this discussion on this matter was strictly confidential and the Chairman proceeded to provide Members with a verbal update on the situation.

Members were advised that the matter was in the hands of the Council's solicitors.

CC827/10 Closure

There being no further business the Chairman closed the meeting at 9.36pm.

**From:** Cllr Mark Saxon [mailto:cllrmsaxon@croxleygreen-pc.gov.uk]  
**Sent:** 16 August 2010 22:08  
**To:** Marion Birch; Clerk  
**Subject:** Minute CC 803/10

Mr Clerk,

Please find attached a letter signed by myself, Cllr's Seeley and Hollands concerning your recording of Minute CC803/10. Peninsula.

As you will be able to see from the document, we are not at all convinced that the minute accurately reflected what was discussed during this agenda item and ask that you review the minute accordingly.

Regards

Cllr Mark Saxon.

**Attached letter stated:**

Mr Clerk,

In the words of John McEnroe, you cannot be serious.

We refer to the above minute from the meeting of the 257th monthly meeting of the Council. We are astonished that you have entered a record of the discussion of this agenda item in such terms that barely reflect any of the points raised at the time.

Whilst we accept that the minutes are not a contemporaneous account of the discussion they should at least bear some semblance to what actually took place. We believe your record is a travesty of our discussions that night.

There is no mention of the £12000 that the company would have charged over a 5 year period for our 4 employees. (This was not commercially sensitive and reflected elected Members concerns over the use of public finances in these difficult times)

There is no mention of the questions Members raised concerning the ability of NALC, HAPTC & TRDC to assist the Council in legal compliance with legislation.

There is no mention that we asked you to contact the organisations that we pay subscriptions to in order to find out their ability to assist.

There is no mention of making contact with TRDC / Watford Council HR department to see if we could 'buy in' their services should we need it.

Members did not consider that advice of the type offered by Peninsula could be obtained via TRDC, NALC etc. We asked the question 'if' it could be obtained.

As for the line that 'The Clerk reminded Members that they as well as he would be liable for any potential claims by staff members for any breach of Employment or Health & Safety legislation,' well that is utter speculation on your part and was part of the sales speech made by Mike Woolnough, which was backed up by no evidence whatsoever. He was trying to frighten us into thinking we had no option other than to buy in their service.

As a matter of fact, can you claim definitely that we would be liable?

The minutes of meetings should be a accurate account of what took place irrespective of the viewpoint of either Members or The Clerk.

We really think this minute needs to be rescinded and a more accurate account of the discussion inserted in its place.

In our opinion they should also include an **Actions:** line either after or before the Resolved: line to indicate what actions are going to be taken on that agenda item. The way the minutes seem to be written is that no-one knows who is supposed to be doing what to progress any matters.

Signed

Cllr Mark Saxon  
Cllr Hazel Seeley  
Cllr Jeremy Hollands