

HALE PARISH COUNCIL

MINUTES of the **EXTRA ORDINARY PARISH COUNCIL MEETING** scheduled to commence at 19:30hrs on Monday 12 August 2019 at **HALE VILLAGE HALL, HIGH STREET, HALE VILLAGE, L24 4AE** but delayed until 8.00 pm to give members an **opportunity to study confidential documentation relating therto**

Present: Cllrs Trevaskis, Williams, Spargo, Wright, Healey, Hunter, Cleary, Mitchell and Kierman

There were 2 members of the public present.

Meeting opened at 20:00hrs.

1. To receive Apologies

Apologies were received from Cllr Anderson.

3. To receive Declarations of Interest

Declarations were received from Cllr Cleary.

3. Resolve to exclude the public and press under the Public Bodies (admission to Meetings Act) 1960 on the grounds of the confidential nature of the business to be transacted.

The Council resolved to exclude the public and press.

3. To consider the documentation (for confidential reasons to be supplied to members before the meeting commences) and consider what course of action is appropriate concerning the Village Hall Manager's recent probationary appraisal.

Prior to the meeting members were given documentation including job description, first probationary appraisal report, performance management plan for extended probationary period, second probationary appraisal report, time-sheets, and details of a grievance raised. The documentation detailed a request from the Village Hall Manager that the Council meet as quickly as possible.

Cllr Cleary confirmed he was representing the employee in his capacity as a union representative and provided a statement before discussion commenced. The Council resolved to allow Cllr Cleary to remain in the meeting, but that as a declaration was registered he would not be allowed to participate in any further discussion on the issue.

The Chairman advised that as there had been a grievance received in the last twenty-four hours, there had been communication with ACAS and it had been advised that

there was no specific legal framework to suggest the meeting could not proceed. The Chairman stated it was made clear to ACAS that this meeting was purely to consider the probationary period of the employee and not a disciplinary procedure. Due to the nature of the meeting and the number of outcomes that could well transpire; ACAS suggested that the Council may be minded to proceed with their Grievance and Disciplinary Code of Best Practice. This code outlines that in overlapping grievance and disciplinary cases, the latter may be temporarily suspended whilst the former is dealt with, and where the two grievance and disciplinary cases are related, it may be appropriate to deal with both concurrently. A copy of the code was presented to all members for clarification. The Chairman stated ACAS advised it may not be appropriate for the Council to make a decision on any appraisal without also considering the grievance and as such both could be dealt with concurrently at the meeting.

Cllr Mitchell advised that what was happening was not lawful and proposed that the meeting should be postponed due to insufficient time to digest all the information presented, the fact that there was not a full council, there was no independent note-taker, members had not declared an interest.

The Chairman asked Cllr Mitchell to clarify what specifically was not lawful about the meeting proceeding and Cllr Mitchell was unable to clarify. The Chairman clarified that members were advised they could take as much time as they wished to digest all information, the council was quorate, an independent note-taker was not legally required, and there was nothing for members of the Village Hall Committee to declare.

Cllr Cleary stated the advice from ACAS was not true and exited the meeting at 20:36hrs.

The proposal made by Cllr Mitchell was seconded by Cllr Hunter. Cllr Mitchell requested a named vote. The motion was voted in favour by Cllr Mitchell, Hunter and Healey. The motion was voted against by Cllrs Wright, Spargo, Williams, Trevaskis and Kierman.

Members then considered, page-by-page, all documentation received and discussed at length the issues raised about the capability of the Village Hall Manager to undertake the role against the tasks detailed in the job description and performance management plan.

The meeting was adjourned at 22:12hrs for a toilet break. The meeting reconvened at 22:16hrs.

The Council then considered whether or not to accept the documentation as sufficient to confirm the appointment in accordance with the contract. The Council were reminded the meeting was specifically in relation to the probationary period and as such there were three possible outcomes the Council could consider – approval of the probationary period and confirmation of appointment, OR refusal to accept probationary period had been satisfactory and agree to an extension to the extended probationary period, OR refusal to accept probationary period had been satisfactory and agree to not pass the probationary period which would result in the Council not confirming the appointment and the dismissal of the employee.

Cllr Mitchell requested a named vote.

Only one member (Cllr Healey) voted in favour of outcome one as listed above to approve the probationary period and confirm the appointment.

Three members (Cllr Mitchell, Hunter and Kierman) voted in favour of outcome two as listed above, to not approve the probationary period had been completed satisfactorily, and extend the probationary period by a further month.

Four members (Cllr Wright, Williams, Trevaskis and Spargo) voted in favour of outcome three as listed above, to not approve the probationary period had been completed satisfactorily, and agree to not pass the probationary period, therefore not confirming the appointment and dismissing the employee.

It was therefore resolved by Hale Parish Council to not approve that the probationary period had been completed satisfactorily and dismiss the employee.

Members expressed how much help had been extended to the employee and it was noted that the decision was a difficult one and the Council had appointed the employee in good faith with the hope of success.

The meeting closed at 23:29hrs.