**Cawood Parish Council - Extraordinary Meeting**

Held at the Old Boys’ School on Monday July 22nd 2019 at 7:30pm

Present Cllr Dennon (Chairman), Cllr Wharmby (Vice Chairman), Cllr Shepherd, Cllr Lloyd, Cllr Miles - Dickinson, Cllr Elcock, Cllr Cowling, Cllr Hepworth, Cllr Luker

1. **No apologies for absence were received.**
2. **Resolved to exclude members of the press and public due to the nature of the business to be transacted in the rest of the meeting by virtue of the Public Bodies (Admissions to Meetings) Act, 1960.**
3. **Employment Matters:** Cllr Dennon confirmed she had met with YLCA on 24th June and a follow up email had been provided by them to help shape and inform this extraordinary meeting.

**The Clerk**

**3.1. To agree a contract Statement of Particulars for the Clerk to which NJC terms and conditions apply.**

Cawood Parish Council does not have a copy of the Clerk’s contract of employment (statement of particulars) although at some point there was one. The date of issue is unknown but the Clerk has been employed as such for 28 years. The Clerk also does not have a copy. Lost when the Clerk’s computer broke or has been misplaced?

YLCA have advised to use a model statement of particulars – NALC approved contract for all Parish Council employees. This was resolved.

Cllrs went through NALC’s model statement of particulars and it was resolved to have a 2019 date of issue, when it is actually given to the Clerk.

It was resolved to ask the Clerk regarding the date her continuous service began.

It was resolved to remove references to “probationary period” - sections 4, 4.1 and 21.1.

It was resolved to remove section 8.1, “working from the Council’s premises.”

It was resolved to remove section 9.2 “you have been appointed to a single salary point and the Council will review your salary annually on the anniversary of your appointment.”

It was resolved to pay the Clerk on the date of the monthly Parish Council meetings.

It was resolved to provide a copy of the Council’s expenses policy.

It was resolved to use section 14.1 for employees who are paid at or below salary point 28.

It was resolved to provide a copy of the Council’s sickness absence policy.

It was resolved to use section 20.1 “in respect of this post, the council does not contribute to a pension scheme (for posts which fall below the scope of the Pensions Act).

It was resolved to provide a copy of the Council’s grievance and disciplinary procedures.

It was resolved to provide a copy of the Council’s Health and Safety Policy.

It was resolved to provide a copy of the Council’s Equal Opportunities Policy.

Discussion took place regarding the provision of the above policies, some of which could be obtained via Legal Topic Notes.

Discussion took place regarding what insurance the Parish Council had with regard to employees. It was identified that Employers Liability and Fidelity Guarantee were both compulsory. “Employers’ Liability (Compulsory Insurance) Regs. 1998 covers the council against any injury or illness sustained by employees, councillors and volunteers whilst undertaking council business” – The Good Councillor’s Guide to Finance and Transparency. “Fidelity Guarantee Insurance, Local Gov. Act 1972, covers the council against fraud or dishonesty by any official of the council including loss of property” – The Good Councillor’s Guide to Finance and Transparency. If the Parish Council does not currently have both of these it was resolved to obtain them as soon as possible.

It was resolved to ask the Clerk to provide the Parish Council with evidence of the correct home insurance as stated within section 11.2 to cover that her home is her main place of work and that in the course of her employment members of the public may attend at her home.

It was resolved to ask the Clerk to provide copies of any further qualifications stated within section 9.3 as this may have a bearing on her salary.

**3.1.1. To use the National Agreement profiles agreed in 2005 by NALC and the Society of Clerks and a job description to determine a best fit scale and spinal column points appropriate to our Parish Council Clerk’s job.**

Councillors studied NALC’s and the Society of Local Council Clerks National Agreement on Salaries and Conditions of Service of Local Council Clerks in England and Wales 2004.

It was resolved that LC1 - 4 related to Profiles 1 - 4.

It was resolved that Profile 1 best applied to the Clerk.

It was resolved to adopt the specimen job description for a Clerk to the Council – unchanged.

**3.1.2. To equate the current salary of the Clerk with the nearest substantive SCP to ensure assimilation is not detrimental to the Clerk and to determine pay progression.**

The following was discussed: YLCA stated “it is likely that the best fit for the role of Clerk / Responsible Financial Officer to Cawood Parish Council, maybe LC1 substantive SCP 12. As this equates to a decrease in pay, we consider that it would be prudent for the council to pinpoint the pay scale within the revised contract as LC1 above substantive, SCP 14. This denotes a slight increase in hourly rate…”

It was resolved to adopt LC1 new SCP 15. LC1 (13 -17) (above substantive range).

It was resolved to adopt 9.2 of NALC’s model statement of particulars which states “subject to satisfactory performance, you will progress automatically through the range ( ) in salary scale ( ) by annual increments until you reach the maximum salary in the range. Your first increment will be payable on 1st April 2020 and thereafter on the 1st April each year until you reach the maximum of the scale. The Council may withhold an increment if it is considered that performance fell below the level expected, following an annual appraisal, or award an additional increment for exemplary performance if it chooses to do so”

The salary maximum is new SCP 17.

**3.1.3. To agree to adopt a Sickness and Absence Policy to be determined.**

Resolved to adopt a Sickness and Absence Policy, which is to be determined.

Cllr Dennon to seek advice from YLCA.

**3.1.4. To agree a Grievance and Disciplinary procedure as determined by NALC, using Legal Topic note 22 for guidance.**

Resolved to adopt a Grievance and Disciplinary procedure as determined by NALC, using Legal Topic note 22 for guidance.

**3.1.5. To consider appointing a staffing committee and to agree a designated Line Manager to liaise, appraise and ensure duty of care with the Clerk whereby Committee actions and role of Line Manager to be determined following further advice.**

It was advised within the Good Councillors Guide to being a Good Employer that this function can’t be delegated to an individual councillor and that full Council is ineffective and cumbersome. Instead the guide proposes delegating this function to a staffing committee with the recommended number of councillors within this committee being 3, including one being the designated Line Manager.

“S.M.A.R.T.” objectives were discussed with regard to the Clerk’s appraisal which provide a written record of objectives for the year. A half yearly and annual appraisal were discussed. Training and development opportunities would also form part of the appraisal.

Resolved to use a staffing committee.

Volunteers were sought for the staffing committee. Cllr Wharmby, Cllr Cowling and Cllr Hepworth volunteered. This was resolved with either Cllr Cowling or Cllr Hepworth acting as Line Manager.

It was resolved that Cllr Dennon would seek YLCA’s advice on the terms of reference for a staffing committee and role of Line Manager.

It was resolved to buy copies of the Good Councillors Guide to being a Good Employer.

**3.1.6. To consider offering CPD as best practice for which the Clerk would be paid additionally for 10 hours. To build on “Working for Your Council”, 2009, the ILCA online course is recommended by YLCA.**

Councillors were advised the Clerk had obtained the “Working for Your Council” qualification in 2009 which had now been superseded by an Introduction to Local Council Administration (ILCA) Level 2 online course, studied in your own time, consisting of 5 modules, which can be obtained over a few days, with access to the online course being given for 12 months at a cost of £99 plus VAT.

Cllr Lloyd emailed ILCA to ascertain the average time taken to complete the online course and it was resolved that the Clerk would be offered this continuous professional development opportunity and should the Clerk wish to undertake the course, payment would be capped at the average number of hours taken to complete it, as advised by ILCA.

It was felt the course would enable the Clerk to refresh her skills, enable her to advise on policies etc. and that she may benefit from the networking opportunities where ideas, questions, experiences could be shared.

**3.2. Expenses:**

**3.2.1. To consider working at home expenses with regard to heating, lighting and internet access wholly, exclusively and necessarily incurred in the performance of duties of employment at £4 per week which would be tax free.**

It was resolved to pay up to £4 per week to the Clerk as a tax free allowance to cover home expenses with regard to heating, lighting and internet access wholly, exclusively and necessarily incurred in the performance of duties of employment.

**3.2.2. To review the annual mileage allowance currently being paid to ensure compliance with HMRC so that re-imbursement of actual mileage (business use) undertaken is paid.**

It was resolved to stop the current annual mileage allowance and instead pay the National Joint Council for Local Government Services car allowance rate for approved mileage expenses incurred in the performance of Council business. It was discussed that YLCA advised “any claim for expenses must be made by the clerk to the council, details of mileage undertaken and all receipts etc. should be provided to the council as evidence of additional expenditure.”

Cllr Dennon had been advised by YLCA that business mileage at 0.45p applied to the Clerk. Cllr Dennon to request written confirmation of the correct rate from YLCA.

It was resolved that the Council needed to be “smarter” with regard to mileage expenses, for example using online means rather than travelling to Selby District Council and asking the Handyman to use a Parish Council debit card to pay for purchases negating the need for cash reimbursements.

**3.2.3. To consider offering one additional hour a month paid employment to the Clerk to ensure the Clerk is not financially disadvantaged by the new expenses system.**

Resolved that the Clerk’s hours are to remain unchanged. An additional hour of paid employment is not necessary as the Clerk is not going to be financially disadvantaged.

**The Handyman**

**3.3. To agree a NALC approved Statement of Particulars contract for the Handyman with NJC terms and conditions agreed specific to a job description determined by the original employment letter.**

Resolved to use NALC’s Model Statement of Particulars taking out sections that would be relevant only to the Clerk.

Resolved annual leave entitlement to commence from the date of signing the statement of particulars, as advised by YLCA.

**3.3.1. To determine the nearest SCP on NALC approved pay scales for the Handyman and to determine pay progression.**

The Handyman is currently paid the national minimum wage. Resolved to adopt new SCP 1 for this role.

Resolved that the staffing committee would seek the formula for calculating annual leave entitlement. Believed to be 16%.

It was resolved to adopt 9.2 of NALC’s model statement of particulars which states “subject to satisfactory performance, you will progress automatically through the range ( ) in salary scale ( ) by annual increments until you reach the maximum salary in the range. Your first increment will be payable on 1st April 2020 and thereafter on the 1st April each year until you reach the maximum of the scale. The Council may withhold an increment if it is considered that performance fell below the level expected, following an annual appraisal, or award an additional increment for exemplary performance if it chooses to do so”

The salary maximum is new SCP 5.

**3.3.2. To consider a maximum number of hours to be worked annually, with unworked hours carried over to busier times of the year.**

Resolved to offer 20 hours per week, with unworked hours being carried over to busier times of the year. The Handyman would consequently be paid a monthly salary. A timesheet would still be used.

**3.3.3. To consider the Council’s duties regarding workplace pension provision. Pension scheme information was sent to the PC in 2015. (Current figures for opting in are £6136-£10000).**

Resolved to discuss with the Handyman and seek advice from YLCA.

**3.3.4. To consider the provision of equipment not already in the ownership of the PC.**

CECA schedules of dayworks carried out incidental to contract work were discussed and their use was resolved regarding equipment already owned by the Handyman.

**3.3.4.1. Regarding the insurers’ policy terms: whether working with none PC equipment is covered.**

The Clerk has advised previously this is covered under the Parish Council’s Public Liability insurance.

The Handyman has provided a copy of his insurance covering his grass cutting (self- employment) contract.

Resolved that Employers’ Liability Insurance and Fidelity Guarantee Insurance also applies to the Handyman and if not already covered by these, this needs to done as soon as possible.

Resolved that copies of insurance documentation needs to be in the Parish Council website password protected private area so renewal dates are not missed etc.

**3.3.4.2. Regarding the hiring of equipment not in PC ownership, its maintenance, terms of agreement.**

CECA schedules of dayworks carried out incidental to contract work were discussed and their use was resolved.

It was resolved that these rates would include fuel and maintenance and that the Handyman is responsible for servicing within his own time because if the Parish Council were hiring the equipment this would already have been done prior to hire.

Resolved that the Handyman is responsible for ensuring the equipment is fit for purpose and fully maintained and serviced.

Resolved that a terms of agreement needs to be formulated.

Resolved that the provision of equipment not already in the ownership of the PC needs to be included within the expenses policy.

Resolved that the Handyman needs to complete relevant paperwork detailing what equipment he has used, not owned by the Parish Council, to enable payment for the hiring of equipment, in the performance of Council business.

**3.3.5. To discuss the provision of personal protective equipment eg goggles, gloves etc.**

Resolved that the Parish Council is to supply goggles, gloves etc going forward when they need replacing and that the Handyman is to purchase the appropriate PPE with the Parish Council reimbursing for these purchases.

The CECA schedules of dayworks carried out incidental to contract work for chainsaw use includes the provision of heavy duty protective clothing.

**3.3.6. To discuss the provision of risk assessments for the work schedule of the Handyman.**

Cllr Luker confirmed in accordance with the Management of Health and Safety at Work Regulations employers with 5 or more staff are required to record in writing the main findings of the risk assessment but because the Parish Council has fewer employees than this, they do not need to be in writing and could be done verbally or mentally by the Handyman**.**

**3.3.7. To consider the provision of training in the use of some equipment, appropriate certification and public liability insurance up date.**

**The handyman had provided copies of the following certificates**

* Competence in the Safe Use of Pesticides 2005
* Training and Assessment in Woodchippers 2016 (to be renewed every 5 years).
* Certificate of Competence: in the maintenance of chainsaws, cross- cut timber using a chainsaw, (ground based chainsaw operation), fell and process trees up to 380mm (ground based chainsaw operation) 2017

Emergency First Aid Trauma Training inc. Heavy Trauma for Chainsaw Users 2018 (to be renewed every 3 years).

Resolved that the Handyman and Cllr Wharmby are to check training requirements.

Resolved that the Public Liability insurance is to be checked with Cllr Wharmby.

**3.3.8. To agree a designated Line Manager to liaise, appraise and ensure duty of care with the Handyman.**

Resolved that Cllr Wharmby would act as the Handyman’s Line Manager to liaise, appraise and ensure a duty of care.

**Other issues agreed:**

* **Appointment of an external payroll provider as suggested by YLCA**

It was resolved as the Clerk undertakes the role of Responsible Financial Officer and Cllr Cowling is undertaking the role of internal financial control this was not required at this current time.

* **Personnel files for the Parish Council employees**

It was resolved these would be kept by the staffing committee / saved electronically in the cloud and include previously held documentation.

* **Meeting to inform and discuss with the Clerk**

Cllrs Dennon and Wharmby are to meet with the Clerk prior to the August’s Parish Council Meeting.

* **Meeting to inform and discuss with the Handyman**

Cllr Wharmby to meet with the Handyman and his wife.

*The meeting closed at 10.45pm.*