

Minutes of an EGM of
 Yarm Town Council held at
 Challoner House, Challoner Rd., Yarm TS15 9EL
Date: Tuesday, 30th July 2024
Time: 7pm
 Members of the public were invited to
 attend the meeting
SIGNED: Juliet Johnson, Clerk/Proper Officer to YTC



Yarm Town Council
 Town Hall
 High Street
 Yarm
 TS15 9AH

In accordance with the Openness of Local Government Bodies Regulations 2014, photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted; the Chair will notify those present of this at the start of the meeting and ask whether they agree to be filmed, recorded or photographed

YARM TOWN COUNCIL

E.G.M. MINUTES

PRESENT:

- | | | |
|--|-------------------|---------------------------|
| Cllr Brian Newcombe (Chair) | Cllr John Coulson | Cllr Pam Smailes |
| Cllr Steve Atkinson (Vice Chair) | Cllr Joyce Hardy | Cllr Barbara Wegg |
| Cllr Philip Addison | Cllr Peter Monck | Cllr Robert Wegg |
| Cllr Marje Blair | Cllr Yvonne Pybus | Town Clerk |
| Rate Payers' Representative (RPR): Karen Shields | | 23 members of the public. |

1.0 Notice of Meeting - it was confirmed that public notice of the meeting had been given in accordance with schedule 12, paragraph 10 (2) of the LGA 1972.

The Chair/ Cllr Newcombe warned members of the public that if anyone interrupted they would be asked to leave and that there was CCTV in the building.

The Clerk explained that Ordinary meetings (unlike this EGM) offered two spaces for the public to speak/ask questions and explained the procedure for this. For this meeting, members of the public could forward any questions to the Clerk and they would be forwarded to councillors for an answer in writing later. Members of the public could raise their hands if they wanted to speak but this would be at the Chair's discretion.

2.0 To appoint a Chairman in the absence of the Chair and/or Vice Chair - N/A

3.0 Apologies for Absence - no apologies for absence were received.

4.0 Code of Conduct | Declaration of Interest | Dispensation

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 – section 100A(4), members of the public (other than those prohibited from doing so) are entitled to attend this meeting and/or have

access to the agenda

Committee following concerns raised by councillors following the July (2024) ordinary meeting, and in pursuance of good practice. There was discussion as to whether a proposed motion could be tabled or not. **Cllr Atkinson** stated the following: many councillors had voiced concerns regarding the direction expressed/taken following the July YTC meeting (i.e. as regards HR matters); councillors will be aware how other committees are constituted within YTC (e.g. Allotments, Cemeteries) and Chair/membership all decided by vote in line with Standing Orders; the Chair and Vice Chair, however, have become part of the Staffing Committee automatically as 'custom and practice' i.e. not written into Standing Orders or elsewhere. Cllr Atkinson reported taking guidance: Council is free to set up committees in any way it wishes (within the legal framework), including the Staffing Committee i.e. what the council wants not what the Chair wants. In many councils the Chair is not part of the Staffing Committee and this is not a requirement. 4 signatures have been presented to suspend Standing Orders (re. changing a decision within 6 months) and to make this proposal. YTC has a duty to be a good employer, acting within a legal framework, applying common sense and impartiality - decisions as an employer must fall within a range of reasonable decisions; there has been concern YTC is not going in that direction so several motions are to be presented to correct this.

In relation to his statement, **Cllr Atkinson** proposed a 1st motion: that the Staffing Committee agreed at the Annual Meeting (14th May) be dissolved and replaced by a new Staffing Committee namely **Cllrs Atkinson, Blair, Coulson and Pybus**. A committee of 4 with a quorum of 3. **Cllr Monck** seconded this motion. **Cllr Smailes** asked about the qualifications of those councillors proposed. **Cllr Newcombe** stated that Cllr Coulson should not be on the Staffing Committee and that he would show people present why (passing papers to circulate to Cllr Smailes that were then passed to the public). **The Clerk** reminded **the Chair** and the meeting (twice) that the meeting could not be used in this way (referring to the content of the papers) and stated to all that the papers being circulated were nothing to do with council business and should not be considered. **Cllr Newcombe** continued to allege why a councillor should not be on the Staffing Committee. Several members of the public challenged Cllr Newcombe's behaviour (also towards the Clerk before the start of the meeting); **the Chair** stated that this was because the Clerk had got something wrong. **Cllr Hardy** urged the Chair not to read material that he had tried to hand out (which the public had screwed up and returned); **the Chair/ Cllr Newcombe** continued to read out the material not pertaining to the meeting; public and councillors objected to the Chair's behaviour. **The Clerk** reminded the Chair that discussion regarding performance and welfare/health of an employee should not take place in a public meeting.

The Clerk and **Cllr Atkinson** asked for order so that the business of the meeting could be completed. **Cllr Atkinson** answered **Cllr Smailes** earlier question referring to qualifications and the Staffing Committee, referencing related experience. Discussion continued referencing; the staffing meeting that had recently been held, debate as to the curtailing of the staffing meeting (due to concerns re. actions of the Chair at the meeting & time had run out); **the Chair/Cllr Newcombe** questioning the time it had taken to call a staffing meeting (*Clerk's Note: due to leave by various people involved, including the Chair's, and the need to give the appropriate notice*); queries as to why the Clerk had been allowed to bring a friend to the meeting (because the Chair had told her to) when all Councillors couldn't attend (**Cllr Newcombe** stated that he had told the Clerk to do this because she had stated she was uncomfortable with an all male Staffing Committee; the Clerk refuted this statement and the Chair stated that this was a lie); statements regarding the large number of hours over contract that the Clerk worked; the **Chair** expressed concern about welfare and the artefacts at the Town Hall; **Cllr Smailes** referenced that she had previously raised HR matters and that the Council had failed in its duty of care towards the Clerk; the need for a lone working policy was raised - example produced by **Cllr Atkinson** and the responsibility for the employer to put this in place; several councillors felt that the Staffing Committee was 'secretive'; confirmation that minutes of the staffing meeting should be circulated (and discussion as to whether this had or had not been the case in the past; **the Clerk**

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 – section 100A(4), members of the public (other than those prohibited from doing so) are entitled to attend this meeting and/or have

referenced occasions when minutes/appraisal had been circulated, apart from the last set that possibly weren't signed off when the Council changed over/several members left); reference that the new Staffing Committee had only just formed (3 meetings- 2 preparatory and 1 involving the Clerk) and that good progress had been made but the meeting had been curtailed - minutes to be circulated when completed); **the Clerk** emphasised the need for HR structure and professional advice; **Cllr Atkinson** referenced that good natured concern not 'firing bullets' at an employee was the order of the day and that the Clerk had tried to explain how different aspects of the job worked during the last staff meeting prior to it becoming dysfunctional/'bullets being fired'; comment was made by **Cllr Coulson** that he disapproved of certain matters being referenced during this meeting: a) the Clerk's health and b) a communication marked confidential. Further discussion resulted. **Cllr Addison** requested that business be moved and for a recorded vote on the motion. **The Clerk** requested order, quiet and to re-clarify the motion, confirming to **Cllr RWegg** the answer to a technical query from earlier (i.e. motions not requiring written notice, e.g. section 10.13 of standing orders in relation to dissolving a committee). **Cllr Atkinson** restated the proposed 1st motion within his agenda item: that the Staffing Committee agreed at the Annual Meeting (14th May 2024) be dissolved and replaced by a new Staffing Committee, namely Cllrs Atkinson, Blair, Coulson and Pybus: a committee of 4 with a quorum of 3.

PROPOSED: Cllr Atkinson **SECONDED:** Cllr Monck

AGREED: Cllrs Atkinson, Monck, Addison, Blair, Coulson, Hardy and Pybus.

ABSTAINED: Cllrs Newcombe, Smailes, BWegg, RWegg.

Cllr Atkinson proposed a 2nd motion relating to the agenda item. To properly safeguard the employee and to prove, in the public domain, that YTC is a responsible employer, Cllr Atkinson proposed that the Clerk be involved in selecting the Staffing Committee at the Annual Meeting from May 2025. Councillors are all equal so this selection should not cause concern and should be written up as part of due process. In the context that Cllr Atkinson perceived public & councillor dissatisfaction with the way the council is proceeding in these matters, this proposal would prove that the Council is acting in a fair, reasonable and responsible way that could be demonstrated. **Cllr Smailes** suggested this would not work as the Clerk needed to be impartial; **Cllr Newcombe** stated that the Clerk could not be involved in any discussion about this.

The Clerk was asked to advise and stated that she would look into the matter and that councillors would need to vote on the selection of a Staffing Committee in some way. Following advice on the matter, the motion would be followed up at the September meeting.

5.3 Bowling Club: Next Steps (DOCUMENT REFERS) - Cllr Atkinson

(including proposal to transfer the balance of funds from Taylor Wimpey to Yarm Bowling Club - £3,755 & £2,300 pending)

Cllr Atkinson gave a summary: Yarm Bowling Club (YBC) is legally established and recognised as a community interest company with official Directors (notification now received from Companies House). £10k was received by YTC from Taylor Wimpey as a start-up fund for the club; this has paid for the fit-out and equipment to date, leaving a balance of £3,755 (DOCUMENT REFERS re. income and expenditure to date) and further income in lieu of a cleaning machine (£2,300).

YBC business bank account is due to be opened shortly. The proposal is that YBC pays £1 per annum as a peppercorn rent to YTC as landlord. YTC would then turn over the remaining start-up fund from Taylor Wimpey to Yarm Bowling Club.

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 – section 100A(4), members of the public (other than those prohibited from doing so) are entitled to attend this meeting and/or have

access to the agenda

Cllr Monck asked if YTC just insured the building/facility. This was confirmed and **Cllr Addison** stated that this was the same arrangement as for the Fellowship Hall.

The proposal is:

- a) that Yarm Bowling Club pay £1 per annum peppercorn rent to YTC as landlord/building owner;
- b) the balance of £3,755 remaining (from the Taylor Wimpey start-up fund) is paid across to Yarm Bowling Club once confirmation is received that their bank account is open;
- c) that the balance of the £2,300 (from Taylor Wimpey in lieu of a cleaning machine) is similarly paid across, once received, minus legal fees (*e.g. transfer of equity, Heads of Terms for lease of facility from YTC to YBC*).

PROPOSED: Cllr Atkinson

SECONDED: Cllr Newcombe

AGREED

Cllr Monck proposed a 'Vote of Thanks' from YTC for all **Cllr Sherris's** work on obtaining the Bowling Club for Yarm. **Cllr Sherris** relayed his thanks to **Cllrs Atkinson** and **Newcombe** for enabling the club to be up and running. Discussion took place regarding a launch event for the club and suggestions as to who might be involved in the launch, along with Cllr Sherris.

6.0 The meeting closed at 7.50pm.

The next meeting of YTC is the September ordinary meeting which takes place at **7pm, 10th September 2024 at Challoner House, Challoner Road.**

The Public Bodies (Admission to Meetings) Act 1960 Sec 1 (2) - A body may, by resolution, exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings; and where such a resolution is passed, this Act shall not require the meeting to be open to the public during proceedings to which the resolution applies.

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 – section 100A(4), members of the public (other than those prohibited from doing so) are entitled to attend this meeting and/or have

access to the agenda