

Downley Parish Council
Minutes of the Extraordinary Meeting (Closed) of the Council held online, via Zoom
on Tuesday 27th October 2020 at 7pm

1) Attendance (8176/10/20)

Chairman Cllr Lazenby, Cllr Bowden, Cllr Chandarana, Cllr Egmore, Cllr Monroe-West ,
Cllr Naik, Cllr V Srao , Cllr W Steneskog, Cllr Tozer, Cllr Lenard

2) Preamble (8177/10/20)

These minutes were transcribed by the Temporary Interim Clerk, M Kennedy, from the actual recording of the meeting. M Kennedy was not present at this meeting. Although no formal resolution was passed by the Council, it is the opinion of the Temporary Interim Clerk that the matters before the Council are considered to be private and confidential and that the Public and the Press should have been excluded under the Public Bodies Admission to Meetings Act 1960 because matters which are about to be discussed are considered to be confidential. However, it is important to record that the Chairman had indicated at the beginning of the meeting that the meeting was closed.

It is the Temporary Interim Clerk's further opinion that while the Chairman's statement and the subject of the Clerk's resignation is a private and confidential matter, the vote of confidence in the Chairman is not.

3) Statement by the Chairman (Cllr M Lazenby) (8178/10/20)

4) Point of Order Cllr Srao (8179/10/20)

Cllr Srao raised a point of order prior to the Chairman's statement. He considered that the five resolutions before the Council and the Chairman's statement were illegal and that the Chairman was acting ultra vires (beyond her powers) and wished that his opinion be recorded in the minutes. The Chairman rejected this assertion as the meeting was closed and the statement could be put. No further action was taken in respect of Cllr Srao's point of order.

5) Statement by the Chairman (Cllr M Lazenby) (8179/10/20)

The Chairman read a prepared statement, copy attached to the private and confidential notes of this meeting, which recorded the Clerk's resignation from the Council along with reasons for tendering her resignation and complaints against the Council which have been referred to the Buckinghamshire Council's Monitoring Officer and to Central Government for investigation.

The statement also set out the legal definitions of employment law, the Council's own grievance procedures, and the clerk's roles and responsibilities and arrangements for monitoring the Clerk's performance in the future.

Following a lengthy and detailed debate it was **RESOLVED that this Council**

- 1) accepts the Chairman's Statement that bullying and harassment is unacceptable behaviour.

For Cllr Lazenby

Cllr Chandarana

Cllr Egmore

Cllr Lenard

Cllr Naik

Cllr Tozer

Against Cllr Bowden,

Cllr Monroe -West

Cllr Srao

Abstain Cllr Steneskog

2) **Unanimously** recognises the Clerk's resignation

3) Recognises the Clerk's reasons for leaving

For Cllr Lazenby

Cllr Chandarana

Cllr Egmore

Cllr Lenard

Cllr Naik

Cllr Tozer

Against Cllr Bowden,

Cllr Monroe -West

Cllr Srao

Cllr Steneskog

4) agrees to co-operate with any investigation by Buckinghamshire Council, or other outside source, in an open and truthful manner, in line with Nolan's Seven Principles of Public Life.

For Cllr Lazenby

Cllr Chandarana

Cllr Egmore

Cllr Lenard

Cllr Naik

Cllr Tozer

Abstain Cllr Bowden,

Cllr Monroe -West

Cllr Srao

Cllr Steneskog

5) agrees that all Councillors read the ACAS guide on employer's obligations with respect to bullying:

For Cllr Lazenby

Cllr Chandarana

Cllr Egmore

Cllr Lenard

Cllr Naik

Cllr Tozer

Abstain Cllr Bowden,

Cllr Monroe -West

Cllr Srao

Cllr Steneskog

6) agrees that all Councillors read the ACAS guide on recognising bullying in the workplace:

For Cllr Lazenby

Cllr Chandarana

Cllr Elmore

Cllr Lenard

Cllr Naik

Cllr Tozer

Abstain Cllr Bowden,

Cllr Monroe -West

Cllr Srao

Cllr Steneskog

6) Appointment of new Clerk and/or Interim Clerk (8180/10/20)

The Chairman confirmed that the Clerk's last date of service is 9 November 2020 and that arrangements for the appointment of an interim clerk and the process for advertising a new clerk were in hand. Cllr Munroe-West sought clarification on the measures taken for advertising the post, the interview process, handover arrangements and exit interview.

The Chairman informed the Council that the post would be advertised through the county association and a recruitment agency and that the Council's records and paperwork are held by the outgoing clerk.

Cllr Srao suggested that the post should be divided in two with one person responsible for finance and the other administration. The Chairman felt this was unnecessary given the size and scope of the Council. Attention was drawn to the professional qualification held by clerks (Certificate in Local Council Administration CiLCA). It was **RESOLVED that** the matter be deferred for further consideration at the next meeting of the Council.

7) Vote of No Confidence in the Chairman (8181/10/20)

The Chairman Cllr Lazenby vacated the Chair to Cllr Srao for the duration of this item
Cllr Srao in the Chair

Cllr Srao moved a vote of No Confidence in the Chairman. He asserted that the Chairman had failed to follow correct procedures in the appointment of co-opted Councillors and conducting business of the council when the meeting was not quorate.

Cllr Munroe-West supported the motion. She believed the Council was in such a state now and that serious mistakes had been made in the past. She felt the Chairman had breached confidentiality and that the performance of the clerk had not been properly monitored.

Cllr Bowden cited several reasons for his discontentment. These included breaches of confidentiality rules; resilience document update; failure to set up a Personnel Committee; failure to take points of order; the co-option process; decisions can only be made by Council.

The Motion of no confidence having been moved by Cllr Srao and seconded by Cllr Bowden was put to the vote:

For Cllr Bowden
Cllr Munroe-West
Cllr Srao
Cllr Steneskog

Against Cllr Chandarana
Cllr Egmore
Cllr Lenard
Cllr Naik
Cllr Tozer

The Chairman Cllr Lazenby declined to exercise her right to vote in this motion

The Motion having been defeated was declared lost.

Arising from the foregoing, Cllr Tozer sought further understanding of the Council's procedures and legal documents.

Councillor Lazenby in the Chair

8) Closure of the Meeting (8182/10/20)

There being no other business the Chairman closed the meeting at 8.15pm and thanked everyone for attending.

Chairman_____

Date_____