

**DOWNHAM MARKET TOWN COUNCIL MINUTES OF
EXTRAORDINARY MEETING HELD TUESDAY 31st JANUARY, 2018 AT 7:00PM**

Present:	The Mayor	Cllr F E Daymond
	Deputy Mayor	Cllr Mrs Y A Thompson
	Councillors	J W Doyle
		J K Fox
		R Hayes
		R A C Hepworth
		B Hobbs
		R Horne
		D Lawson
		R A Pegg
		A Pickering
		C Pyatt
		M Ross
		D J Sharman
		A D Stacey
		M Starreveld
		R Turner
	Town Clerk	Mrs J M Markwell
	Deputy Town Clerk	Mr R A Davidson

Those in attendance at the meeting were notified of the emergency evacuation procedure from the Town Council offices. Those in attendance at the meeting were notified that mobile telephones should be turned off or switched to silent mode for the duration of the meeting.

3534. To receive Members' Apologies for Absence

Apologies for absence had been received from Cllrs' J Groom (work commitment), J Lofthouse (business) and J Reed (ill-health). The apologies were accepted.

3535. To receive Members' Declarations of Interest

There were no such declarations.

Adjourn meeting for public participation

The Mayor, Cllr Daymond adjourned the meeting.

There were no members of the public present.

The Mayor, Cllr Daymond resumed the meeting.

3512. To discuss the decisions, future regulation and governance of the Sub-Committees of Downham Market Town Council.

Cllr Starreveld made a point of order and asked that the briefing note be discussed first as he felt there were some inaccurate statements. He did not believe that Cllr Pegg had raised a legal challenge regarding sub-committees; it was a procedural challenge.

The convention of sub-committees had been set previously as accepted practice: technically as this had never been put before Full Council and voted on it is unaccepted practice.

It was stated in the briefing note that a Councillor had advised that Standing Orders overrule any Statutory Instrument. Cllr Starreveld advised that he had not heard this statement as it would obviously have been incorrect to state that. Standing Orders cannot override any Statutory Instrument or legislation.

Cllr Hayes stated that because the meeting had not taken place it had therefore not been documented, accordingly it would be one person's word against another.

It should be noted that within an email received by Cllr Hayes, as Chair of the Car Park Management Strategy (CPMS) sub-committee, it stated *nothing can legally be discussed at the sub-committee meeting*..... this would be where the word 'legal' was brought into the discussion.

Cllr Starreveld advised that if this was to be part of the minutes the wording needed to be correct.

Cllr Pegg then took the floor and made the following points:

He did not make a legal challenge. The subject was raised by email to the Chair of the CPMS sub-committee stating that the meeting had not been called correctly. There was no summoned agenda, so nothing could be discussed legally. He pointed this out clearly to the CPMS sub-committee and to the Chair HR Committee.

No accepted practice can override the law.

Cllrs have the right to challenge practice or convention or anything else they might feel is incorrect. If the Officer who is clerking the meeting has prepared the agenda and knows what is on it, but the members do not, this is a very sorry state of affairs.

It is the elected members who can discuss the items and not the clerking officer (who is not elected). Officers are not allowed to join in the discussion unless she or he is asked for clarification of a point or advice on a subject. The Clerking Officer does not represent the residents. All Cllrs are entitled to see what is on the agenda before a meeting, so they know what is to be discussed so if they want to do any research or wish to speak on the subject they will have time to contemplate.

If an agenda is on the table when members arrive at a meeting this gives no time for thought or research. This entitlement cannot be denied by any officer of the Council as it is the Cllrs right; this is written in legislation.

A summons for a meeting must be sent out three clear days before the meeting it relates to.

What was sent out was notification of a meeting when it should have been a summoned agenda. The notification asked if the members were able to attend. If a member cannot attend a meeting, apologies should be sent to the Clerk.

Agenda emails should be sent out with the Clerks signature and not in the name of another officer or the receptionist.

In paragraph 2 of the briefing notes it stated that professional advice was given to members, firstly where is the professional advice written down and who were the advice-givers.

At this juncture the Deputy Clerk left the meeting.

Legislation is there and is law and nothing overrides legislation.

The standing orders have been adopted and must be adhered to.

Standing Order 15A - Bold type is law and members and officers cannot pick and choose which ones they wish to adhere to.

At Full Council meeting if a member wishes to speak he puts up his hand and the Mayor will indicate that they can speak. If that members starts to speak and then sits down the Clerk or another member will indicate for them to stay standing.

The Clerk and members are following standing orders so why is it standing orders do not have to be followed according to officers and some Cllrs when summoned agendas are supposed to be sent out according to legislation and standing orders.

Local Government Act 1972

Public bodies admission to meeting act 1960 – Arnold Baker – Local Council Administration
SLCC

NALC Legal topic 5 and legal topic 1

Governance Took Kit

Essential Clerks booklet

Cllr Pegg read out advice on meetings from the above publications.

The Mayor moved that other Cllrs now be allowed to speak.

Cllr Lawson asked what the objective outcome of this meeting is.

Cllr Hepworth commented on context of primary legislation; just one paragraph (10) and if you were to read para 2 schedule 12 it is quite clear that this relates to meetings of Full Council with at least one third of the Council present. In some cases, sub-committees have delegated powers – sub-committees meet to discuss and make recommendations and all decisions are made by the Full Council.

Procedures that must be followed by Full Council do not necessarily relate to sub-committees as they do not make decisions.

Cllr Fox stated that a sub-committee is appointed by a Standing Committee and should report back to its Standing Committee who has the final decision.

Cllr Hayes had a problem with way this matter was raised as, if contentious, it should have been directed to Clerk immediately (Standing Order 33b)

It was noted that Cllr Pegg emailed Cllr Hayes and blind copied the email relating to the legality of the CPMS sub-committee meeting. If it was truly a matter of urgency why were all Chairs of committees not emailed in and also the Clerk be notified.

Debating staff issues should not be discussed in general meeting. Staff input is dependent on what Cllrs do as Chairs. Many members have called sub-committee meetings in the same way.

This feels like a personal attack to Cllr Hayes and not a general issue.

Cllr Pegg, last October, had questioned the arrangements for a Town Hall budget meeting. Due to perceived criticism levied at the staff he had been advised to raise the matter with the HR Committee by way of contact with Cllr Hayes or the Clerk.

There followed a general discussion on the issues raised in this meeting.

It was noted that amendments to the Standing Orders are currently on the table for Full Council prior to being approved.

The standing orders are the 'rules' of this Council but it was stated that there seemed to be some anomalies. Cllr Fox advised that our Standing Orders can be changed but this must be through the correct procedure and, to date, no Cllr had put forward any written amendments to the ones waiting to be approved.

All Councillors are responsible for abiding by the Standing Orders and they should be followed for all Committees and Sub-committees as they currently stand.

There was a discussion on the implications associated with the work of sub-committees in the past and it was agreed that all recommendations previously made should be accepted by this Council.

Proposed – Cllr Fox

Seconded – Cllr Stacey

'That all recommendations made by sub-committees prior to this date are accepted'

All in favour

Comments made regarding sub-committees:

All meetings to be called in the same way as a Standing Committee.

All meetings to be Clerked

Detailed minutes to be produced.

Therefore, this would have staffing implications.

It was agreed that until the Standing Orders are amended all sub-committee meetings will be called the same way as Standing Committees.

Proposed – Cllr Hepworth

Seconded – Cllr Lawson

'That the Standing Committees of this Council review the subordinate group and designate a title and clear terms of reference'

For – 16

Against – 1

Members had been given some briefing notes for this meeting and Cllr Starreveld felt they did not give a true interpretation as to what had happened prior to the CPMS sub-committee being suspended.

Cllrs' Doyle, Thompson and Pyatt said the briefing notes were accurate.

It was also commented upon that those Cllrs who were not at the meeting would be unable to comment on the accuracy of the briefing notes.

Proposed – Cllr Starreveld

Seconded – Cllr Stacey

‘That the briefing notes should not be appended to the minutes of this meeting’

For – 7

Against – 8

Abstention – 2

Proposed – Cllr Starreveld

Seconded – Cllr Ross

‘That the briefing notes be a draft document for further discussion’

For – 10

Against – 4

Abstention - 3

The Mayor thanked everyone for attending and closed the meeting at 8.10pm.

Chairman

Date