

BERWICK-UPON-TWEED TOWN COUNCIL

Minutes of a Meeting of the Town Council held on Monday 9 January 2017 at 6.00 pm at The Town Hall, Marygate, Berwick-upon-Tweed

Councillors:	I Dixon (Town Mayor)	P Hodgson
	A Forbes	J Lang
	T Forrester	G Mclean
	A Gibson	B Parkin
	E Goodyer	G Roughead
	K Graham	G Smith
	G Hill	

IN ATTENDANCE:

Mr Gareth Davies, Interim Town Clerk

Steve Cozens, Assistant to the Clerk

Mr Brian Douglas, Sheriff

Joyce Benton, Sergeant-at-Mace

12 members of the public approximately

OPEN SESSION

A number of members of the public addressed council on issues that they felt were of concern to the community.

C230/16

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received on behalf of Cllrs H Bettison, D Blackburn and C Seymour.

C231/16

2. MINUTES

The minutes of the Berwick-upon-Tweed Town Council meeting held on 19 December 2016 were agreed as a true record on the motion of Cllr Roughead, seconded by Cllr Smith, and signed as a correct record.

C232/16

3. DISCLOSURE OF INTERESTS

There were no disclosures of interest.

C233/16

4. REQUEST FOR DISPENSATION

There were no requests for dispensation.

C234/16

5. TOWN MAYOR'S ANNOUNCEMENTS

The Mayor thanked members for all their support in recent weeks and in particular the Deputy Mayor and Sheriff for standing in for him at recent events. The Mayor also acknowledged the high turnout at the Boxing Day Dip, and read to members a letter he had received from two young residents, who were delighted at the re-opening of the play area in Flagstaff Park.

C235/16

6. COUNTY COUNCILLOR REPORTS

The reports were noted.

C236/16

7. NOTIFICATION OF PAYMENTS MADE BY BERWICK-UPON-TWEED TOWN COUNCIL

It was **RESOLVED**, on the motion of Cllr Hill, seconded by Cllr Roughead to note the schedule of payments.

C237/16

8. PLANNING PROCESSES AND TIMESCALES

On the motion of Cllr Hill, seconded by Cllr Hodgson, it was unanimously **RESOLVED**

1. To advise the Planning Committee, when considering applications, to give thought as to whether the topic under discussion is a matter on which it may wish an officer or member to attend the relevant NCC planning committee, if any, and to include that decision within its minutes, so that early notice may be given to NCC of the intention to attend and make verbal representations.
2. To make representations, both directly and through NALC, to NCC concerning its planning timescales during holiday periods or periods of likely postal disruption, and
3. To suggest to NCC that its public speaking protocol for planning committees to be amended to allow those who have made representations to give earlier indication of their intention to speak, e.g. before the agenda has been prepared for the meeting.

C238/16

9. GOVERNANCE REVIEW

A number of members spoke on the report, before the Interim Town Clerk formally introduced the recommendations, which were voted on individually.

On the motion of Cllr Graham, seconded by Cllr Parkin, by eight votes to three it was **RESOLVED** that all councillors should give an individual signed undertaking to treat fellow councillors and officers with respect and not to make personal attacks on individuals either in public or in private, and to adopt the form enclosed with the report for that purpose.

On the motion of Cllr Graham, seconded by Cllr Hodgson, by eleven votes to none it was **RESOLVED** that

The role of the clerk includes providing council with expert advice on the process by which it reaches decisions.

In order for members and residents of the council area to have confidence in the clerk's rulings those rulings need to be clear, and available to all.

A process for obtaining and publicizing a ruling of the clerk to the council is not a substitute for the remedies available via other avenues; in practice however, should the clerk ever rule that a decision is unreasonable in the way unreasonableness is defined in this policy, council may wish to consider seeking a remedy by agreement. Members should always consider whether it is possible for them to seek a ruling in advance of a meeting in order to clarify the position before a decision is made.

It was further **RESOLVED** on the same motion, to adopt new Standing Order 25.

- a. Where an elected member is concerned that a decision of council, or a decision of a committee, or a decision delegated to an officer of the council
 - i. Has not been properly made in accordance with the council's constitution or standing orders, or
 - ii. Has been made without all the evidence required to make a decision, or
 - iii. Is unreasonable to such an extent that no reasonable person, acting reasonably, could have made it,the elected member may ask for the Proper Officer's Ruling as to whether the decision was well made and within the council's powers and the scope of any relevant delegations.
- b. A member stating their concerns must state which of the three grounds they are raising their concern under, and the reasons why they have cause for concern.
- c. The Proper Officer shall provide the elected member, within five working days, a ruling laying out a response to the members concerns. Where the member's concerns are upheld, or there is otherwise cause for concern, the ruling shall lay out the steps taken to prevent a recurrence of the concern.
- d. Where an elected member is concerned that a decision of council, or a decision of a committee, or a decision delegated to an officer of the council, which has not yet been made, either
 - i. May not be properly made in accordance with the council's constitution or standing orders, or
 - ii. May be made without all the evidence required to make a decisionthe elected member may ask for the Proper Officer's Ruling as to whether the

proposed decision is within the council's powers and the scope of any relevant delegations, and sufficiently evidenced.

- e. Where a member requests a ruling under para. d, above, the clerk shall report the ruling to the meeting in question before debate commences on the topic in question, in addition to publishing their ruling, as soon as is practicable, on the council website.
- f. Where a member objects to the clerk's ruling in response to their concerns under either para a or para d (above) they may make one three minute speech on the topic to the next available council meeting; the clerk in turn will explain their ruling, at which point council will proceed to the next business without further debate.
- g. All concerns expressed, and the rulings arising from them, except those concerned with confidential business of council or its committees, shall be published, including the name of the member expressing the concern.
- h. A member may not express a concern regarding either staffing matters, decisions of the Town Clerk as the head of the council's staff, or decisions, such as those concerning Freedom of Information requests, where other routes of internal review are available.

On the motion of Councillor Roughead, seconded by Cllr McLean, it was unanimously **RESOLVED** to instruct the Interim Town Clerk to begin the process of procuring appropriate email providers, and that a report be brought to Town Council.

On the motion of Cllr Lang, seconded by Cllr Forrester, by eight votes to two it was **RESOLVED** to add, to the council's social media policy, a preface that states 'All members of Berwick upon Tweed Town Council are asked to sign an undertaking to treat fellow councillors and officers with respect and not to make personal attacks on individuals either in public or in private. Social media activity of any kind is covered by that undertaking, and breach of the undertaking may bring Berwick upon Tweed Town Council into disrepute.'

On the motion of Cllr Hodgson, seconded by Cllr Lang, it was unanimously **RESOLVED** to receive a further report from the Interim Town Clerk, before the end of January 2017, as to the progress with implementing the Warren Report.

On the motion of Cllr Forrester, seconded by Cllr McLean, it was unanimously **RESOLVED** to adopt the Agenda Setting and Forward Plan procedure as follows:
Resolution

Any member may give notice of their intention to propose a resolution at the next council meeting, in accordance with the time limits set out in the existing standing

orders. The Proper Officer will then rule as to whether the matter in question is intra vires, and the resolution sufficiently clear and well evidenced to enable a lawful decision to be made. If that is the case, the matter will be placed on the agenda for the next meeting. If that is not the case, the Proper Officer's ruling, and the reasons for it, will be published on the town council website and sent to the member concerned.

Request for a report

Requests for a report must be made before the council meeting, to the same timetable as proposals for motions. The request will be reported to the meeting in question, as part of the Forward Plan item on the agenda, when the Town Clerk will advise council as to whether the matter is intra vires, and whether the Council has the staffing capacity to prepare the report, and the likely timescale involved, Council will then vote as to whether to include the matter on the Forward Plan, and indicate the timescale within which they expect the report to be received by council.

And it was further **RESOLVED**, on the same motion, to add this procedure as an appendix to the Financial Procedures Manual.

On the motion of Cllr Hodgson, seconded by Cllr Roughead, it was unanimously **RESOLVED** to add the Interim Town Clerk's procedure note on minute taking to the Financial Procedures manual.

On the motion of Cllr Hill, second by Cllr Lang, it was unanimously **RESOLVED** to hold a training day in February 2017 for both existing councillors and would-be councillors on the administrative processes and structures of parish and town councils, and further resolved to seek NALC's help with this. It was further **RESOLVED**, on the same motion, to adopt a revised scheme of delegation by 15th February 2017.

On the motion of Cllr Roughead, seconded by Cllr Lang, it was unanimously **RESOLVED** to amend Standing Order 1.(p) to read

'During the debate of a motion, a councillor may interrupt only on a point of order and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.'

On the same motion it was further **RESOLVED** to amend Standing Order 1(o) to read Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
- ii. to move or speak on another amendment if the motion has been amended

- since he last spoke;
- iii. to make a point of order;
 - iv. to give a personal explanation that relates directly to new information concerning the member that was introduced during the debate, in which case they shall with the chair's consent offer their explanation after all other members who wish to do so have spoken, or
 - v. in exercise of a right of reply as the mover of the motion before a vote.

On the same motion it was further **RESOLVED** to instruct the Town Clerk to include the text of standing orders 1(o), 1(p) and 1(t) at the head of each agenda for council. On the same motion it was further **RESOLVED** to amend Standing Order 3(e) to read Members of the public may make representations, ask questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

And to amend the standard form of council agenda to reflect standing order 3(e) and to publicize the use of its website and email as a means of addressing written questions to the council.

Finally it was **RESOLVED**, on the same motion, to adopt the proposed policy on 'Written Correspondence' and to add it as an appendix to the Financial Procedures Manual.

On the motion of Cllr Lang, seconded by Cllr Forrester, it was unanimously **RESOLVED** to form a Task and Finish work group of seven members to report to council, by March 15, on the methodology and tools required for the new council to develop its strategic plan.

On the motion of Cllr Roughead, seconded by Cllr Graham, it was unanimously **RESOLVED** to receive a further report on communications strategy from the Interim Town Clerk before March 2017.

On the motion of Cllr Roughead, seconded by Cllr Forrester, it was unanimously **RESOLVED** to invite NALC to recommend suitable partners and opportunities for CPD for the Proper Officer and Chair.

On the motion of Cllr Forrester, seconded by Cllr Hodgson, it was unanimously **RESOLVED** to develop a comprehensive and ongoing training and development strategy, with the Interim Town Clerk to explore online training opportunities / providers for all mandatory and health and safety training.

On the motion of Cllr Graham, seconded by Cllr Smith, it was unanimously

RESOLVED to adopt a role definition for councillors by March 15 2017 in order to enable it to plan its induction programme for 2017-18.

On the motion of Cllr Hill, seconded by Cllr Lang, it was unanimously **RESOLVED** to invite NEREO to aid the Interim Town Clerk, in consultation with the Staffing Committee to prepare a Job Description for the post of Town Clerk, and to receive a further report at council's next meeting on the Job Description, person specification and likely salary required to attract suitable candidates.

On the motion of Cllr Graham, seconded by Cllr Goodyer, it was unanimously **RESOLVED** to delegate to the Staffing Committee the power to instruct the Interim Town Clerk to prepare a programme for a staffing review, and to approve that programme.

On the motion of Cllr Hodgson, seconded by Cllr Gibson, it was unanimously **RESOLVED** to instruct Staffing Committee to conduct a review of job descriptions and appraisals at its first meeting of each civic year.

On the motion of Cllr Roughead, seconded by Cllr Graham, it was unanimously **RESOLVED** to resolve to have set office hours when councillors may call in for administrative reasons (e.g. to collect papers) and to instruct the Town Clerk to make available three hours per week for half hourly appointments with councillors.

On the motion of Cllr Forrester, seconded by Cllr Hodgson, by ten votes to one it was **RESOLVED** to welcome the willingness of Northumberland County Council to provide the support it has already given, and that the council will draw upon that support whenever it feels it needs to do so.

On the motion of Cllr Gibson, seconded by Cllr Mclean, by nine votes to one it was **RESOLVED** to provide a copy of council's progress reports on this review to the Monitoring Officer of Northumberland County Council, and to publish them on the Town Council website.

C239/16

10. PLAY AREA MAINTENANCE TASK AND FINISH WORKING GROUP

On the motion of the Mayor, seconded by Cllr Forbes it was unanimously **RESOLVED** to appoint Cllrs Mclean, Gibson, Graham, Hodgson, Parkin, and Roughead to the working group.

C240/16

11. REPRESENTATION ON OUTSIDE BODIES

On the motion of Cllr Hill, seconded by Cllr Hodgson it was unanimously **RESOLVED** to nominate Cllrs Graham and Hodgson to the fund raising committee of Tweedmouth Community Football Club.

C241/16

12. FORWARD PLAN

The Forward Plan of Decision was noted.

C242/16

13. PLANNING COMMITTEE

On the motion of Cllr Roughead, seconded by Cllr Smith, it was unanimously **RESOLVED** to accept the minutes of the Planning Committee of 22 November 2016.

C243/16

14. DATE OF NEXT MEETING

The next meeting of the Council will be held on Monday 23 January 2017 at 6 pm.