

**STRATFORD-UPON-AVON TOWN COUNCIL
PERSONNEL COMMITTEE**

16 February, 2021

Town Clerk's Open Report

1) Terms of Reference - Calendar of Reviews - Terms of Reference 4.24)

- **To approve and adopt**

Since the change to the committee structure, it became necessary to review the terms of reference of the various committees to identify an appropriate calendar for reviews which assists the Town Clerk and Chairmen with compiling agendas throughout the year to ensure that repeated or standard issues are not overlooked.

Attached as **Appendix 'A'** is the proposed calendar for the Personnel Committee which can be observed on an ongoing basis providing the number of meetings remains at three per annum.

Since the change to the committee structure was only implemented in late September, 2020, the Terms of Reference for the Personnel Committee, attached as **Appendix 'B'** remain up to date and fit for purpose and it is recommended that these are approved and adopted.

2) Staffing Levels (Terms of Reference 4.1)

- **To note the report**

The Council's existing complement of officers and staff is currently adequate.

However, Council should be mindful that they have a number of employees in their sixties and although most employees now have the right to decide at what age they will retire, it would be sensible to start to consider a workable exit strategy.

Although the notice period has been extended for senior management positions for all future recruits, at present the notice period for all existing members of staff remains just one month.

For most jobs there is no longer a legal set retirement age. This ended in 2011. Usually, an employer must not raise or prompt a discussion about when an employee might retire, ask an employee a question such as 'when are you planning to retire?' or suggest they retire, put pressure on them to retire or force them to retire.

Nevertheless, if an employee raises with their employer or manager that they have been thinking about possible options such as full or partial retirement, without being asked or prompted, then the employer/manager can then start to discuss the matter with the employee.

The matter of retirement was raised by two employees during the appraisal process late last year but was seen as 'on the horizon' rather than imminent.

3) Review of Job Descriptions (Terms of Reference 4.2)

- **To approve and adopt the job description of the Admin Officer & Assistant to the Town Clerk and the Deputy Town Clerk**

In accordance with the Committee's Terms of Reference, the job descriptions of contracted staff require an annual review.

With the change to the committee structure, it proved necessary to undertake a management review of job descriptions, as the Council's personnel came to terms with a structure that included new responsibilities that were unfamiliar.

Attached as **Appendix 'C'** is the revised job description for the Admin Clerk and Assistant to the Town and Deputy Clerks. This has been fully discussed with the employee concerned and is recommended for approval and adoption.

4) Review of Leave (Terms of Reference 4.8)

- **To note the report**

Invariably, employees like to retain a little annual leave throughout the year in case of emergencies, which results in March being a very popular month for staff holidays as they try to take their remaining holiday entitlement before the year end of 31 March. Only in exceptional circumstances is it permitted for leave to be carried over into the next fiscal year.

The COVID-19 pandemic has resulted in the natural disinclination of employees to take leave when they were confined to home and all members of staff still have quite considerable leave owing. This is not the case with the Open Spaces team, who have been working normally throughout and could enjoy their leave by just not having to come into work.

The administration staff have all been advised that they must take their leave entitlement before the end of March which will inevitably lead to a shortened working week for many, including the Town Clerk who still has a number of days leave outstanding.

5) To Review and Manage the Town Hall as an Office and Workspace

- **To consider the return of face to face meetings and review safety requirements**
- **To consider the proposal for the working arrangements of the staff**

There is no question that, going forward, the COVID-19 pandemic will have changed the working habits of the nation and it is therefore disappointing that the government appears not to be extending the power given to councils to hold decision-making meetings on-line and remotely, enabled by the Remote Meetings Regulations made under the Coronavirus Act 2020. From 7 May, it will be ultra-vires to hold decision making meetings remotely.

The Local Government Association received a letter before Christmas from the Minister for Regional Growth and Local Government, Luke Hall, stating:

'To extend the facility for councils to continue to meet remotely or in a hybrid form, would require primary legislation. There is no option to extend the current regulations under the Coronavirus Act 2020 as section 78 (3) contains the sunset date of 7 May 2021. There is considerable pressure on the Government's legislative programme. However, I appreciate the arguments you have put forward and I will consider the case for this with colleagues in the Government.'

More recently, the Secretary of State for Housing, Communities and Local Government, Robert Jenrick, reiterated that extending the date the regulations end would require primary legislation and there is no vehicle to do that in time.

However, the Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) have instructed counsel to advise on whether remote meetings can continue to be held, without the need for primary legislation, when the regulations introduced during the COVID-19 pandemic come to an end.

On the LLG blog, the Head of Public Affairs, Helen McGrath, advises:

'We know of at least one local authority which has already received counsel's opinion, which identifies two regulations which would give the Secretary of State powers to implement virtual meeting provisions. These provisions are s16 Local Government Act 1999 and s15 Cities and Local Government Devolution Act 2016. The advice also included a view that the Executive of Cabinet will still be able to meet remotely (if permitted under their constitution) as s12 of the Local Government Act 1972 does not apply to the executive and there is no law which requires presence or place.'

Both LLG and ADSO are urging member to bring the issue to the attention of councillors to ask them to consider lobbying the Secretary of State to bring collective pressure to bear.

On its website ADSO said key arguments for the continuation of remote meetings were:

- Time is running out – there are only four months left before the deadline of 7 May.
- Remote meetings support councillors in balancing their meetings, especially in large counties/rural council areas.
- They encourage more diverse councillor membership – by assisting those who work or have children/caring responsibilities.
- There is a positive environmental impact of not travelling to meetings by car etc.
- Public participation and member attendance at meetings has greatly increased.
- Provision could be extremely helpful in situations where, for example, a short meeting is convened which brings 20 people in from across the whole authority's area.
- There would remain flexibility to hold in person meetings where appropriate, or hybrid/blended meetings if required.

Being mindful of the final bullet point, members may wish to instruct the Town Clerk to write to Robert Jenrick MP in support of the findings of the LLG and ADSO.

The National Association of Local Councils (NALC) is also working with other national bodies to press the government to extend the regulations, and their position remains that all local councils should continue to meet remotely whilst the regulations are in force. They have warned, however, that councils should start preparing for the real possibility of face-to-face meetings as from May and the following guidance and suggestions has been compiled by NALC to help local councils prepare:

- Consider what council business can be conducted before May so that the council can dedicate time to those issues in remote meetings. The more discussion and decisions you can conduct in remote meetings means the council can aim to hold fewer and shorter face to face meetings after May.
- This may require more meeting time than is currently planned so the council should look at the meeting schedule in the run-up to May and see if more time and more meetings are required. Where possible, consider holding the annual meeting while the current regulations permit for them to be held remotely.
- Consider when the council does need to meet face to face, and whether meetings can be delayed to later in the year when the potential COVID-19 risk may be further reduced.
- The council might consider holding a remote meeting as late as possible in April so that councillors who are unable to attend face to face meetings will have as much time as possible before disqualification by virtue of section 85 of the local government act 1972 becomes an issue (this does not apply to STC).
- It may help the council's business continuity to implement (or review) a scheme of delegation. This would allow the Clerk to make certain decisions for the council which would be especially important if the council were unable to hold meetings due to COVID-19 risks. In reviewing/adopting a scheme of delegation the council should ensure there is clarity around which decisions are delegated and which are not, for how long the scheme of delegation is in place and when the scheme of the delegation is in place, and when the scheme will end or be reviewed.

When face-to-face meetings resume, NALC warn that there will still be a risk to attendees of COVID-19 exposure. Council should conduct a risk assessment in advance of face-to-face meetings which should give consideration to what the council can do to reduce risk to councillors, staff and public including:

- Providing hand sanitizer to those entering the meeting room and making sure hand sanitizer is readily available in the room itself.
- Staggering arrival and exit times for staff, councillors and members of the public.
- Placing seating at least 2 metres apart.

- Ensuring everyone wears face masks.
- Holding paperless meetings.
- If papers are provided, people should be discouraged from sharing with others and asked to take the papers with them at the end of the meeting to minimise how many people handle the papers.
- Arranging seating so people are not facing each other directly.
- Choosing a venue with good ventilation, including opening windows and doors where possible.
- Choosing a large enough venue to allow distancing - this may mean choosing a different venue to what council used before.
- The council (or venue/owner operator) will need to identify the venue's maximum capacity in their risk assessment, taking into account the need for social distancing. Consider how the council will ensure this capacity is not exceeded and how it will manage the situation if more people wish to attend than capacity allows. For example, could meetings be live-streamed or could members of the public submit questions via email?
- If the venue has an NHS QR code to support test and trace then all attendees should register using the app, for those without access to the app, they should register attendance in line with the venues test and trace procedure. NB all venues in hospitality, the tourism and leisure industry, close contact services, community centres and village halls must have a test and trace procedure.
- Venues must conform with the government guidance for multi-purpose community facilities and for council buildings. If the venue is run by the council then the council must take responsibility for this, otherwise, the council can ask the venue to provide confirmation that they do conform to this guidance.
- The council must understand and ensure it is acting in compliance with the latest government safer workplace guidance.

Managing Staff:

- It would be advisable to inform the Clerk and any other staff whose role involves supporting or attending council meetings as soon as possible that the council will need to prepare to return to face to face meetings from May onwards. This will allow them to make the necessary preparations as described above, and

also to allow time to engage with staff to alleviate any concerns they may have related to attending physical meetings again.

- Councils should consult with staff (ask for and consider their views to try and reach an agreement) about returning to work as part of their preparations for face-to-face meetings.
- The council must make the workplace (including council meetings) as safe as possible for staff, this includes undertaking a risk assessment, taking reasonable steps to reduce risks identified in the risk assessment, and ensure it is acting in compliance with the latest government safer workplaces guidance.

The likelihood of returning to the office to work and attending face-to-face meetings was discussed at the team meet on Monday 8 February. The staff would fully support the call to continue hybrid meetings as the new committee structure works best with more than one clerk in attendance as 'one clerk does not fit all' in terms of the committee's remit and responsibilities. There was really no hardship in attending a remote meeting for any of the Council's clerks over the past year, which would not be the case when in person meetings resume at the Town Hall.

Most of the administration team would prefer to work from the office and look forward to returning. However, the Town Clerk would like to propose a mix of working from home and from the office, which will stagger the number of employees in the building. Providing the office is manned adequately and the work gets done, the staff are likely to discover a better overall work/life/balance. All the staff have the means to adopt this hybrid approach and would support its introduction.

Towards the close of the first major lock-down, the Town Clerk was discussing with Simpson Sound & Vision (SS&V) the process and equipment needed to conduct hybrid meetings, for without doubt, the 'virtual attendance' by members of the public at council and committees meeting nationwide and internationally, increased significantly during the pandemic. Warmer weather and the ability to resume a less restrictive lifestyle may see this new-found following diminish, but nevertheless, the Town Clerk will resume discussions with SS&V. However, it must be remembered that as of May, councillors cannot choose to attend virtually. The proposal is purely so the physical meeting can be streamed.

The Town Clerk is also working collaboratively with the Council's Health & Safety Consultant on appropriate risk assessments.