

WATERBEACH PARISH COUNCIL

Minutes of the meeting of **Waterbeach Parish Council** held on 4th September 2012 at 7.30 p.m. at the New Pavilion, Cambridge Road, Waterbeach.

PRESENT

Councillor N Kay, Chair

Councillors B J Bull, W Bullivant, J Cornwell, M Howlett, Mrs B Johnson, P Johnson, A Lloyd, J Rabbett, C Smith, Mrs J Williamson, M Williamson and A Wright.

APOLOGIES

Apologies for absence were submitted on behalf of Councillors C Grant and D Smart,

OPEN FORUM

A member of the public questioned the accuracy of the press release that had been issued by the Acting Clerk on behalf of the Parish Council in respect of the recently received judgement of the Employment Tribunal service into the claim for unfair dismissal by the former Clerk. The Chair responded by stating that she was aware of the content of the press release and considered that it was an accurate summary of the judgement.

Another member of the public drew attention to his objection to an application for planning permission for an extension to an existing dwelling and the construction of a new dwelling at 10 Burgess Road. He was informed that the application had been considered at the meeting of the Planning Committee held on 21st August 2012 and had been recommended for refusal by the District Council.

COUNCIL

107/12 MINUTES

The Minutes of the meetings of the Council held on the 7th and 14th August 2012 were approved as correct records and signed by the Chairman.

108/12 MEMBERS' INTERESTS

Further to Minute 88/12, Members considered a report by the Acting Clerk (a copy of which had been circulated) with regard to the question of disclosures and dispensations following the introduction of new code of conduct arrangements under the Localism Act 2011.

With regard to the code itself that the Council had adopted at its previous meeting, the Acting Clerk explained that the template recommended for adoption by the District Council had contained an error by stating that applications for dispensations should be made to the Monitoring Officer whereas the Act now required each authority to determine applications from its own Members.

The Council considered the arrangements for dispensations in the case of disclosable pecuniary interests and the procedure to be adopted to enable applications to be submitted and determined. As applications for a dispensation had to be made in writing, the Acting Clerk suggested that an application form should be adopted by the Council which would need to be completed and submitted prior to the commencement of each meeting for consideration at that meeting.

The Acting Clerk advised that the legislation required each authority to make such provision as it considered appropriate with regard to the registration and disclosure of other interests as defined in the code of conduct. However it was suggested that it would be impractical for a Member to register any other interests in this way as this would require the details of land ownership etc. of relatives and close acquaintances to be registered and disclosed on the District and Parish Councils' websites. Moreover, Members were advised that the registration of interests form issued by South Cambridgeshire District Council for completion by individual Members had sought information that was no longer classed as a disclosable pecuniary interest in the legislation or in the Parish Council's code of conduct. Copies were circulated of the registration form that Huntingdonshire District Council had issued for completion by Parish Council members in that District which Members found clearer and more acceptable.

Members' attention also was drawn to the need to alter the Council's Standing Orders to remove those clauses that referred to personal and prejudicial interests which now had been repealed and to include a procedure to deal with declarations and dispensations of other interests by Members

Following discussion on the proposals, it was

RESOLVED

- (a) that Standing Order 35 be suspended to enable consideration of resolution (b) below;
- (b) that resolution (a) of Minute No. 88/12 be rescinded and the Code of Conduct adopted with the wording of paragraph 4.2.4 in the Code changed by the deletion of the words 'Authority's Monitoring Officer' and their replacement by the word 'Authority';
- (c) that an application for a dispensation in respect of both disclosable pecuniary and other interests must be received by the Clerk or relevant Chairman before the commencement of the meeting at which the matter the subject of the dispensation is to be discussed;
- (d) that an application for a dispensation be required in writing using the form set out in 'Appendix 'A' of the report now submitted;
- (e) that agenda for meetings of the Council and its committees contain a sufficiently detailed description of the items to be considered at the meeting to enable a Member to decide whether to submit an application for a dispensation;
- (f) that an item be included on the agenda for all meetings of the Council and its committees to enable Members to declare disclosable pecuniary and other

interests and for the Council to consider any applications received for dispensations;

- (g) that applications for dispensations be determined by the Council itself and by all committees of the Council in relation to items appearing on the agenda for those meetings;
- (h) that an application form for a dispensation be sent to each Member either electronically or in hard copy with the agenda for that meeting;
- (i) that any other interests that a Member might have be not registered in the Council's register of interests;
- (j) that a Member with an other interest be required to take no part in the discussion of the matter in which he or she has an interest, nor vote on the matter and to leave the room while it is debated and voted upon, unless a dispensation is granted;
- (l) that the registration of interest forms issued by South Cambridgeshire District Council be not used by the Parish Council and the form issued by Huntingdonshire District Council be used in its place for the registration of each individual Member's interests; and
- (m) that the changes recommended to Standing Orders as set out in Appendix 'B' of the report now submitted be deferred for consideration at the next ordinary meeting of the Council.

109/12 PLANNING APPLICATIONS

(a) Applications

Members considered the following applications for planning permission, in respect of which attention was drawn to the recommendation of the Planning Committee with regard to application (i) below

RESOLVED

that the following observations be submitted to South Cambridgeshire District Council:-

- (i) **S/1371/12/OL 2 Primrose Lane – Outline application for the erection of a bungalow in rear garden of existing dwelling.**

that the District Council be recommended to refuse the application on the grounds that it represents an over-development of the site, lack of clarity from the plans submitted as to the extent of the parking on site and the future possibility of the proposed dwelling being sold for occupation unrelated to the applicant.

- (ii) **S1435/12/FL 2 Willow Grange – Two storey side and rear extension.**

that the District Council be recommended to approve the application.

S/1542/12/FL Land at Radical Farm, Chittering Drove, Chittering – Extension to existing solar farm, to include the installation of solar panels, on-site equipment rooms and plant, access tracks, security fencing and cameras, landscaping and other associated works.

that the District Council be recommended to approve the application.

(b) District Council's Planning Committee

(The Chair indicated that she was prepared to admit the following item to the agenda for consideration as the meeting referred to was imminent.)

Having been advised that the Parish Council had been notified that the planning application for a local authority depot at Cambridge Waste Management Park, Ely Road would be considered at a meeting of the District Council's Planning Committee to be held on 6th September 2012, Members decided that they did not wish to submit any representations in person at the meeting in support of the Parish Council's recommendation of approval.

110/12 PLANNING COMMITTEE

RESOLVED

that the minutes of the meeting of the Planning Committee held on 21st August 2012 be received.

111/12 TILLAGE HALL

Further to Minute No. 63/12, Councillor M Williamson informed Members that he anticipated that the formal establishment of the management committee was imminent.

With regard to any grant outstanding from South Cambridgeshire District Council, the Acting Clerk asked Councillors P Johnson and M Williamson if they could advise him of the name of the relevant officer to contact at that authority.

112/12 DAMAGE TO ROOFS

In addition to the damage to the roof of the Groundsman's Store (Minute No. 78/12(iii) refers), Members were informed that the roof of the New Pavilion also now had been damaged by vandalism as it appeared that someone had climbed on the roof and broken a hole in the roof tiles.

The Acting Clerk reported that quotations had been obtained from a roofing company based in Waterbeach to repair the roofs. In the case of the Groundsman's Store, the quotation was £1,250 plus VAT for which it was anticipated that a claim under the Council's insurance policy could be made. The quotation for the New Pavilion would be in the region of £600 but as this would incorporate the repair of all of the slates that had been broken previously, it would not be practical to claim as the damage had been caused by numerous incidents.

RESOLVED

- (a) that the quotations received from Impington Roofing Services Ltd. be accepted for the repairs to the roofs of the Groundsman's Store and the New Pavilion; and
- (b) that a claim be made under the Council's insurance cover for the cost of repair of the roof of the Groundsman's Store.

113/12 INSTALLATION OF CCTV

The Acting Clerk reported that he had invited three companies to supply quotations for the installation of closed circuit television cameras at the Tillage Hall, New Pavilion and the front elevation of the new Groundsman's Store where the main access doors were situated.

Members were informed that two companies had undertaken surveys and submitted quotations for the work. One had proposed the installation of 9 cameras at a price of £3,807 plus VAT and an annual maintenance charge of £85 plus VAT, whereas the other company had quoted for 12 cameras at a price of £4,280 plus VAT and an annual maintenance charge of £180 plus VAT. Members were informed that the latter company had supplied a diagram showing the camera angles and the extent of coverage which included all of the doors and windows and most of the elevations of the three buildings except the rear door to the Groundsman's Store and the wall of the New Pavilion facing the car park.

Monitoring of both systems could take place remotely with the recording device located in the first floor of the Tillage Hall. In considering the two quotations, Members felt that the system with the greater number of cameras offered the better value for money, especially as it seemed to enable the images to be retained for a longer period before the system was overwritten.

It was therefore

RESOLVED

- (a) that the quotation received from Activ Security in the sum of £4,280 plus VAT and annual maintenance of £180 plus VAT be accepted for the installation of CCTV cameras at the Tillage Hall and New Pavilion;
- (b) that permission for the Parish Council to gain access to the Tillage Hall for the purpose of monitoring and obtaining recordings from the CCTV monitor be incorporated in the lease of the premises to the management committee;
- (c) that the Tillage Hall management committee be requested to share the cost of the annual maintenance charge for the CCTV system.

114/12 INSTALLATION OF SECURITY LIGHTING

The Acting Clerk reported that he had also invited quotations for the installation of improved security lighting at the Tillage Hall and New Pavilion. A quotation had been received previously from the company that had undertaken the Council's electrical work for some time

and two further companies had been asked to quote for the work to ensure that the existing contractor's prices remained competitive.

Members were informed that the price quoted by the existing contractor had been £610, whereas the only other company that had replied had quoted a price of £700.12 plus VAT. Having regard to the vandalism experienced at both buildings and the need for improved lighting to complement the CCTV discussed in the preceding minute, Members agreed that the quotation received from the existing contractor should be accepted.

In answer to a question by Councillor Mrs J Williamson, the Acting Clerk undertook to ask the contractor to check several of the light fittings in the Tillage Hall where fluorescent tubes had failed within the first year of occupation of the premises.

The Acting Clerk also reported that another of the lights in the Recreation Ground pathway had been broken recently and all of the lights were now off, as a result of which he had asked the existing electrical contractor to effect the necessary repairs.

RESOLVED

that the quotation received from Brian Langley & Son Ltd. in the sum of £610 plus VAT be accepted for the installation of additional external lighting at the Tillage Hall and New Pavilion.

115/12 TREES AT THE GREEN AND GAULT

Further to Minute No. 72/12, the Acting Clerk advised Members that he had invited quotations from three tree surgery companies to undertake work to trees at the Green and the Gault in accordance with a schedule of works that one of the companies had previously drawn up.

Members were informed that two of the companies had submitted quotations, the one by the company that had prepared the specification being significantly cheaper than the other.

It was therefore

RESOLVED

that the quotation received from Acacia Tree Surgery in the sum of £1,310 plus VAT be accepted to undertake the works required to the trees at the Green and the Gault.

116/12 GAMBLING ACT LICENSING POLICY

Members noted the receipt of an invitation from South Cambridgeshire District Council to comment on the triennial review of their licensing policy which they were required to produce under the Gambling Act 2005. As it was considered that this was of limited relevance to Waterbeach, no comments were raised.

117/12 PATHWAYS IN WATERBEACH

Councillor Cornwell expressed concern over the condition of the pathways on housing estates in the District Council's ownership which were overgrown and not being maintained adequately by the company that undertook the work on the Council's behalf. Councillor P Johnson advised that he had sent photographs of the condition of the pathways to the District Council with a request that improvements be made and Councillor Bullivant indicated that he would raise the matter at the Elderly Persons Forum.

In reply to a question by Councillor Bull with regard to the overgrown route between the railway station and Clayhithe, Councillor Wright advised that the work was in hand.

RESOLVED

that the District Council be requested to improve the standard of maintenance of the footways on estates in their ownership in the Parish.

118/12 MAINTENANCE OF PLAYGROUND

Councillor Cornwell also drew attention to the length of the grass in the Recreation Ground playground and she asked if this could be cut shorter and collected by the grounds staff which would of benefit to the smaller children who used the play equipment. As the works commissioned from Wicksteed Leisure were anticipated to commence imminently, it was suggested by Members that the situation be reviewed after the work had been completed at which time it would be more easily apparent how much grass required cutting in the future.

RESOLVED

that consideration of the request by Councillor Cornwell be deferred until the completion of the Wicksteed Leisure improvements.

119/12 DISTRICT COUNCIL GRANTS AND PARTNERSHIP FUNDING ARRANGEMENTS

(Councillor Mrs J Williamson declared an other interest in the following item as the Denny Abbey Farmland Museum Trust of which she was a Trustee, was a recipient of grants from the District Council.)

Having considered an invitation from South Cambridgeshire District Council to comment on a review of their grants and partnership funding arrangements (a copy of which had been circulated), Members

RESOLVED

that the District Council be informed that the Parish Council support the current method of grant distribution and the range of organisations supported.

120/12 CEMETERY

The Acting Clerk reported that he had contacted the Staff Officer at Waterbeach Barracks to enquire again about the possibility of the purchase by the Parish Council of additional land

within the curtilage of the Barracks for an extension to the cemetery which was required urgently.

In his reply, the Station Staff Officer had referred to the last occasion when the Defence Infrastructure Organisation had considered the matter in 2010 at which time they had drawn attention to abortive legal costs that they had incurred as a result of the Parish Council withdrawing from negotiations at a late stage. Members disputed the DIO's allegation that the Parish Council had been at fault, referring to the delays and escalating costs of both the land and legal costs that had resulted in the transaction becoming uneconomic.

The Acting Clerk advised that the Station Staff Officer had suggested that the matter be deferred until such time as the disposal of the Barracks was further advanced but bearing in mind the shortage of space that currently existed at the cemetery which was likely to be full in the coming months, it was

RESOLVED

that a meeting be sought with the Station Staff Officer in an effort to re-open negotiations with the DIO for the purchase of land at the Barracks for use as an extension to the cemetery.

121/12 CAMBRIDGESHIRE ACRE

Having considered an invitation from Cambridgeshire ACRE to attend their AGM at Cambridge Golf and Conference Centre on 25th September 2012, no Members expressed an interest in attending.

122/12 HEALTH AND SAFETY

Members raised the following issues –

- The need to obtain caps for the goal post holes at the Recreation Ground which were large enough for small children to step in and injure themselves;
- The need for the closure of the playground in the Recreation Ground while the Wicksteed Leisure improvements were being undertaken, in respect of which the Acting Clerk undertook to place suitable notices at the entrance;
- The odour in both Waterbeach and Chittering arising from the Amey Cespa recycling plant on the A10 which had become noticeably worse in recent weeks, in respect of which it was agreed that the matter be drawn to the attention of the company and the Environment Agency. With regard to the latter, Members' attention also was drawn to an open day at Amey Cespa on 22nd September and it was suggested that Members attend if they were available to notify the company of the complaints that were being generated about the odours from the plant; and
- A possible obstruction of the footpath between the railway station and the sailing club which Councillor M Williamson reported was being dealt with by the landowners.

123/12 REPORTS

The Council considered/noted reports from the following –

(i) County Councillor

Councillor M Williamson, in his capacity as County Councillor, had circulated a written report in which he had drawn attention to a lack of progress on the issues of cycle parking at Waterbeach station and a cycle crossing of the A10 which he was pursuing with the County Council. Members were also reminded that the 50 mph speed limit on the A10 from the Denny End junction southwards was now in force.

Acting on a suggestion from a county councillor colleague who was the Chairman of the Cambridgeshire Reserve Forces and Cadets Association and Vice Chairman of the Cambridgeshire Community Covenant Board, Councillor Williamson advised Members that he had convened an informal meeting of the users of some of the community facilities at the Barracks at which it had appeared that there might be some possibility of maintaining the facilities for use in the medium term at least. Members were informed that a further meeting was being held with the Station Staff Officer later in the week.

(ii) District Councillor

A report was circulated from Councillor Johnson in his capacity as one of the district councillors for the ward, in which he updated Members on his survey of the dropped kerbs in the village with the user of a mobility scooter. He indicated that he hoped to complete the survey by the end of the month and then verify his findings with a wheelchair user.

Members were informed that as a result of a small boat having been moored on the 'free stretch' of the River Cam near Bottisham Lock, the matter had been referred to the relevant agency to have the vessel moved on.

As a result of an enquiry from a number of members of the public into progress on the preparation of an Emergency Plan for the Parish, Councillor Mrs J Williamson indicated that she would endeavour to convene a meeting of interested parties as discussed previously by the Council.

(iii) Chair

Having been advised by the Chair that Andy O'Hanlon was leaving South Cambridgeshire District Council, Members asked that their best wishes be conveyed to him in appreciation for his past support for Waterbeach.

As a result of a number of enquiries to the Chair from members of the public asking for a new village map to be provided, it was agreed that an item be included on the next agenda to enable this to be discussed.

(iv) Library Officer

Members' attention was drawn to a written report from Councillor Grant that she had circulated prior to the meeting in which she had referred to the success of the summer reading challenge at the Library in which over 66 children between the ages of 4 and 11 had participated.

Councillor Grant had also explained the difficulties being encountered with the new software system that the County Council had introduced in recent months. As readers

elsewhere could now request books from Library Access Points, even though they were the property of the LAP and not the Library service, the time taken for them to be returned meant that they could be out of circulation for more than two and a half months due to the delays in deliveries. The County Council had suggested that LAPs pay £14 per month for two additional deliveries but Councillor Grant had asked if the Parish Council would make representations to the County Council to waive the charge since other communities with regular libraries did not have to contribute to the delivery service. In the event of the County Council retaining the charge, Councillor Grant had asked if this would be met by the Parish Council.

The Acting Clerk also reported that he had signed the Service Level Agreement for the LAP in Waterbeach and was awaiting the return of a copy signed by the County Council.

RESOLVED

- (a) that enquiries be made as to whether other Library Access Points were making representations about the cost of increased delivery visits; and
- (b) that the County Council be requested to waive the cost of additional deliveries to Waterbeach LAP, having regard to the delays in circulation of LAP books under the new software system.

(v) CAPALC

Councillor M Williamson reminded Members to use the new acronym for the Cambridgeshire and Peterborough Association of Local Councils and advised that the new website was no longer password controlled.

(vi) Neighbourhood Watch

Councillor Mrs J Williamson reported that the group remained useful in providing a link to the local PCSO but she expressed some uncertainty as to what their role remained under the new policing arrangements. Reference also made to the possible closure of Histon Police Station.

(vii) Trees

This item had been dealt with earlier in the meeting under Minute No. 115/12.

(viii) Waterbeach Cultural Collective

Following the official launch of the Waterbeach Game at the end of August, Members expressed their appreciation of the hard work and ingenuity of the Artist in Residence in devising and implementing the project. As a result of a few complaints about the cost of the project, Members agreed that an article should be included in the next edition of Beach News expressing thanks to the Artist in Residence and explaining that the project had been funded by the Bannold Road development and had not involved any public money.

As a result of the overgrown condition of the closed churchyard, Members also asked if the advice of the Senior Groundsman could be obtained as to its future maintenance.

(ix) Waterbeach Initiative for Sustainable Energy

Members were informed that there was nothing to report.

(x) Wicken Vision

Members were informed that there was nothing to report.

124/12 ACCOUNTS

(Councillor Rabbett declared a disclosable pecuniary interest in the payment to her husband, Mr C Rabbett, who was an employee of the Council.)

RESOLVED

that the following accounts be approved (cheque numbers shown in parentheses):-

		£
E.ON	Electricity supply – Village Green (direct debit)	30.00
E.ON	Electricity supply – New Pavilion (direct debit)	49.00
E.ON	Electricity supply – Old Pavilion (direct debit)	73.00
E.ON	Electricity supply – Groundsman’s Store (direct debit)	121.28
Amey Cespa	Disposal arrangements (102773)	30.60
Ridgeons	Miscellaneous supplies (102774)	18.28
Ridgeons	Miscellaneous supplies (102774)	105.84
Ridgeons	Miscellaneous supplies (102774)	-2.12
Berrycroft Stores	White liner (102775)	159.70
Rosemary Newsagents	Gas (102776)	25.49
Mackays of Cambridge Ltd.	Miscellaneous supplies (102777)	88.85
G & J Peck Ltd.	Miscellaneous supplies (102778)	29.99
G & J Peck Ltd.	Service of New Holland (102778)	14.62
G & J Peck Ltd.	Miscellaneous supplies (102778)	174.49

G & J Peck Ltd.	Miscellaneous supplies (102778)	2.36
G & J Peck Ltd.	Oil (102778)	21.42
Thurlow Nunn Standen	Miscellaneous supplies (102779)	38.50
C J Murfitt Ltd.	Tillage Hall – Payment of retention money (102780)	13,959.47
D Armstrong	Reimbursement for fuel for maintenance of footpaths (102781)	39.39
Burdens	Concrete (102782)	19.20
Burdens	Safety boots (102782)	14.99
Burdens	Miscellaneous supplies (102782)	30.13
ESPO	Miscellaneous supplies (102783)	14.14
ESPO	Litter bin (102783)	236.40
ESPO	Tools (102783)	175.20
C Rabbett	Fuel (102784)	133.58
M Carr	Use of own computer (102785)	75.00
M Carr	Mileage (102785)	11.25

125/12 EMPLOYMENT TRIBUNAL

Further to Minute No. 103/12, copies were circulated to Members of the outcome of the Employment Tribunal hearing at Bury St Edmunds from 16th – 20th July 2012 inclusive in respect of the claim by the former Clerk of the Council for unfair dismissal. Members were informed that the judge had concluded that the claim for unfair dismissal was unsuccessful on the basis that the allegation of bias on the part of the former Clerk was found unproven and the Parish Council had acted within the principles of reasonableness contained in the case of *British Home Stores Ltd v. Burchell*.

In his conclusions, the Judge had acknowledged that the Parish Council was a body with significantly limited resources and expertise that had carried out an enormously time consuming process in both time and money by councillors and those appointed to act on the Disciplinary and Appeals Panel hearings. He concluded that there had been a satisfactory investigation which had led to the former Clerk's dismissal and that while the procedure undertaken by the Disciplinary Panel had been flawed, there had been fault on both parts. However the Tribunal was satisfied that the appeal hearing had been a re-hearing which had been long and detailed and at which the former Clerk had been given every opportunity to present her case.

For the reasons set out in his judgement, the Judge had decided that the Parish Council had a genuine belief in the former Clerk's guilt and that it was reasonable for the Council to do so,

as it had also been reasonable for the Disciplinary and Appeals Panels to do on the evidence before them.

However the Judge had concluded that, based on his findings into the allegations against the former Clerk, these amounted to misconduct as opposed to gross misconduct. As a result, the former Clerk was entitled to notice pay. He also accepted a claim by the former Clerk for payment for work that she had undertaken previously and holiday entitlement from 1st April 2011 to the date of her dismissal while rejecting a claim for holiday that had been carried forward untaken from previous years.

Members expressed their appreciation for the hard work of the Chair and the person who had acted on behalf of the Parish Council throughout the process and stressed the need to ensure that the public were made aware of the outcome of the case. They therefore asked that the press release prepared by the current Acting Clerk be posted on the Council's website.

Members were informed that both parties had an opportunity to appeal to the Employment Appeal Tribunal within 42 days and the minutes of the further discussion of this item appear in the confidential section of the Council's minute book.

126/12 EXCLUSION OF PUBLIC

RESOLVED

that the public be excluded from the meeting because of the confidential nature of the business to be discussed.

127/12 CONFIDENTIAL PAYMENTS

The payments relating to the salaries of employees etc. appear in the confidential section of the Council's minute book.

128/12 APPOINTMENT OF CLERK

The minutes for this item appear in the confidential section of the Council's minute book.

There being no further business, the meeting was declared closed at 10.45 p.m.

Chairman

WATERBEACH PARISH COUNCIL

Confidential minutes of the meeting of **Waterbeach Parish Council** held on 4th September 2012 at 7.30 p.m. at the New Pavilion, Cambridge Road, Waterbeach after members of the public had been excluded.

127/12 CONFIDENTIAL PAYMENTS

(Councillor Rabbett declared a disclosable pecuniary interest in the payment to her husband, Mr C Rabbett, who was an employee of the Council.)

RESOLVED

that the following salary, HM Revenue & Customs and County Council payments which were considered confidential be approved (cheque numbers shown in parentheses):-

		£
R Pinion	Salary – August 2012 (102788)	1,985.07
C Rabbett	Salary – August 2012 (102787)	924.99
M Carr	Salary – August 2012 (102786)	512.30
R Reeves	Salary – August 2012 (102789)	688.88
Post Office Ltd.	Tax & NIC – August 2012 (102791)	1,934.61
Cambridgeshire CC	Pension contributions – August 2012 (102790)	876.00

125/12 EMPLOYMENT PANEL

The Chair advised Members that she had spoken at length earlier in the day about the outcome of the Employment Tribunal hearing with the person who had acted on behalf of the Parish Council throughout the process involving the dismissal of the former Clerk. In addition to the opportunity to appeal to the Employment Appeal Tribunal within 42 days, both parties could apply to review the decision within 14 days of having been notified. In view of the timescales involved and to safeguard the Council's position prior to this being discussed at a meeting, the Council's representative had submitted an application to review the judgement in terms of the award of payments for notice and unpaid overtime.

The grounds of the application for review were circulated to Members at the meeting. In addition, Members referred to the fact that the former Clerk had been paid in advance and there had been no deduction from her wages for the remainder of the month of July 2011 after her dismissal as this had equated to the holiday pay to which she had been entitled for that year to date. As any payment would involve the use of public money, Members felt that they had an obligation to ensure that the correct amounts were paid to the former Clerk.

In addition, Members were reminded that the Council's former insurers had concluded that the Parish Council had not had a reasonable chance of succeeding at the Employment Tribunal hearing. They had therefore declined to represent the Council under the terms of the insurance policy, notwithstanding the fact that the Council had acted on their advice throughout the process. Having regard to the outcome of the Tribunal hearing, the Chair advised that the Council's representative had suggested that a claim be submitted against the former insurers for having failed to represent the Council and that this matter be brought to the attention of the National Association of Local Councils.

With regard to the order of the Judge that the payments be made to the former Clerk, Members also were informed that interest would be added to the payments if they were not made by 2nd October 2012 which was prior to the next meeting of the Council.

Following discussion, it was

RESOLVED

- (a) that the action of the Council's representative in submitting an application to the Employment Tribunal service to review the judgement be endorsed;
- (b) that the actions of the Council's former insurers in declining to act on the Council's behalf be challenged to try to obtain reimbursement of the Council's expenditure and the matter referred to the National Association of Local Councils for any action that they deem appropriate; and
- (c) that the Acting Clerk be authorised to make the payments ordered to the former Clerk by the Judge, subject to the outcome of the application for review of the judgement and after consultation with the Chairmen of the Council and the Finance Committee.

(Councillor Cornwell left during the course of the above proceedings.)

128/12 APPOINTMENT OF CLERK

Further to Minute No. 95/12, the Acting Clerk reported that a meeting of the Appointments Panel had been held prior to the commencement of the Council meeting that evening.

Members were informed that after an offer, subject to the receipt of satisfactory references, had been made to the person appointed as Clerk by the Appointments Panel, it had come to the Council's attention that a number of articles had appeared in the local press about the behaviour and actions of the Parish Council for whom that person was currently employed and about the affairs of one of his referees.

Members were informed that corroboratory evidence had been obtained from the British Horseracing Authority and from the Information Commissioner's Office about the articles,

although the latter had not been prepared to divulge detailed information about the case. Similar evidence had been requested from South Cambridgeshire District Council but had yet to be received and a request for advice from the Cambridgeshire and Peterborough Association of Local Councils had not resulted in a reply to date.

The Acting Clerk reported that he had spoken to a solicitor at the legal advice line as part of the Council's current insurance cover and had been advised that as a contract of employment had not been issued, the Council was entitled to withdraw the offer of employment.

Under the circumstances, Members were informed that the Appointments Panel had withdrawn the offer of appointment and had decided to interview additional candidates from the original advertisement of the vacancy.

Chairman

UNAPPROVED