



LETCHWORTH GARDEN CITY COUNCIL

FULL COUNCIL

MINUTES

Of the meeting, which took place at St Thomas' Church Hall, Bedford Road, Letchworth Garden City, on Monday 5th December 2011 at 20:00

Those Present:

Cllr Lovett- Chair	Cllr I Mantle (Clerk)
Cllr B Carr	Cllr V Mantle
Cllr R Carr	Cllr Moor
Cllr Ellis	Cllr Redfern
Cllr Gower	Cllr Ritchie
Cllr Greener	Cllr Ross
Cllr Groves	Cllr Switzer
Cllr Guess	Cllr Thompson
Cllr Heaton	
Cllr Johnson	
Cllr Lawrence	9 Members of the Public

11/26	APOLOGIES FOR ABSENCE Apologies received from Cllrs Cooper, Garvie, Penny, Smith
11/27	DECLARATIONS OF INTEREST IN ANY MATTERS There were no declarations of interest.
11/28	CHAIRMAN'S ANNOUNCEMENTS The Chairman informed the Members that he had no announcements. However, under this item, he invited Cllr Johnson to make a personal statement. The contents of this statement form Appendix 1
11/29	PUBLIC QUESTIONS No valid notice of Public Questions had been received.
11/30	MINUTES RESOLVED that the Council approve as a correct record the minutes of the previous meeting of the Council, which was held on Tuesday 6 th September 2011 <i>Proposed by Cllr Switzer and Seconded by Cllr Groves</i>

11/31	<p>MINUTES OF COMMITTEES, SUB_COMMITTEES AND PANELS</p> <p>The Council received the Minutes of the Finance Sub-Committee held on 6 September 2011, the Assets Sub-Committee held on 20th September 2011, the Policy and Resources Committee held on 3rd November 2011 and the General Purposes Committees held on 12th October 2011 and 4th November 2011.</p> <p><i>Proposed by Cllr R Carr and Seconded by Cllr Thompson</i></p> <p>The Clerk reported that the written report referred to in Minute PR/11/05 of the Policy and Resources Committee had been circulated electronically prior to the Council meeting, and a printed copy would be provided on request.</p>
11/32	<p>MEMBERSHIP OF COMMITTEES, SUB-COMMITTEES AND PANELS</p> <p>The Clerk reminded Members that this item will appear on every Council Agenda in case any changes are to be made. No changes were made on this occasion</p>
11/33	<p>BUDGET FOR 2012-2013</p> <p>The draft Budget for 2012-2013 from the Finance Sub-Committee, as in Appendix 1, was received. During consideration of this item, the meeting was suspended by the Chairman following an outburst from a Member of the Public.</p> <p>When the meeting resumed, it was RESOLVED that this Budget be approved.</p> <p><i>Proposed by Cllr Switzer and Seconded by Cllr Ritchie</i></p>
11/34	<p>PRECEPT FOR 2012-2013</p> <p>Following receipt of the recommendation from the Finance Sub-Committee, it was RESOLVED that the Council's precept for 2012-2013 be zero.</p> <p><i>Proposed by Cllr Switzer and Seconded by Cllr V Mantle</i></p>
11/35	<p>TRANSITION PLAN</p> <p>Cllr Ritchie reported the situation regarding the Transition Plan adopted by the Council on 12th October 2009 (minute 09/89).</p> <p>RESOLVED: Having reviewed the Transition Plan and noted that the strategy as set out therein was as follows</p> <p>Stage 1. Close down all activities, and then</p> <p>Stage 2. Seek dissolution.</p> <p>And having concluded that with the resolution of the staffing issues, stage 1 is now complete, Council considers that it should now move on to stage 2. To that end, Council instructs the Dissolving the Council Working Party to produce a report and recommendation on a Community Governance Review for the General Purposes Committee and authorises the General Purposes Committee, on receipt of that report, and if it considers it appropriate to do so, to submit a request to the North Hertfordshire District Council to undertake a Community Governance review with a view to recommending the dissolution of the Town Council and to take such incidental actions as are necessary to give effect to the dissolution.</p> <p><i>Proposed by Cllr Ritchie and Seconded by Cllr Heaton</i></p>
11/36	<p>MEMBERS' QUESTIONS</p> <p>No notice of any question from a Member had been received.</p>

11/37

RESOLUTIONS PROPOSED BY MEMBERS

There were no resolutions proposed by Members

The Meeting closed at 20:14

Signed

Date.....

Appendix 1. Statement from Cllr Johnson

I am currently feeling compelled to consider my future with this council and as a matter of courtesy I wish to make a personal statement outlining the background to my position.

This council is now in a position where a three day industrial tribunal which included a whole day for the judges to thoroughly consider all written evidence upheld the claims of the previous staff on all counts.

This outcome came as no surprise to me. In fact, members of this council will be aware that I have warned against this on numerous occasions.

As a member of the risk assessment panel, on 23rd September '09 I proposed That NALC and also the Dept. of Communities and Local Gov. be asked to provide copies of all legislation (or links to it) relating to permitted severance payments and to provide copies of all other related regulations'

This proposal failed for want of a seconder.

You will now be aware that the tribunal judgement acknowledged that severance payments are clearly within stated boundaries, and indeed praised the previous council for its 'rational, clear, carefully calculated limits upon its own generosity.'

In that same meeting, the risk assessment panel minuted :

- 1) That members considered that there was some risk in that the legal adviser may not have been provided with all relevant information and requested the Policy and Resources Committee to consider this.
- 2) That there was a high risk in terms of the potential outcome of a court case against the Council

In January of this year, when we are informed that legal costs were still limited to less than £11,000, the tribunal judge, in his case management orders, warned that it may be the case that it would not be possible to overturn the staff contracts – even if they should prove to be irrationally generous. Which of course the tribunal judgement states they were not. Eight months and many thousands of pounds of public money later this warning proved to have been valid when Estoppel was one of the grounds on which the council lost the case.

Despite this in Councillor Ritchie's report of this case management hearing – on which it is minuted the pol & res comm. based their decision to vote to continue to defend the staff claim, there is absolutely no mention of the judge having expressed this opinion.

This report also alleges that staff witness statements were 'struck out'. On reading the judges orders I pointed out, there is absolutely no order supporting this allegation. And, recordings of the hearing reveal that the Council's barrister was told this quite clearly. In fact the judges orders contain contrary information. Despite all of that, this misleading information currently remains on the council website.

There is a good deal of reference in the final tribunal judgement to the very unpleasant circumstances which provoked the previous council to add a retention policy to the staff contracts for a limited period (4.7 – 4.12) until December 2010. I'm aware that everyone here, including I believe the representatives of the press, have a copy of this judgement. It makes very unattractive reading.

In the light of all of this, and of course the depth of public feeling I have experienced, I am having to ask myself whether I want to continue to sit as a member of this council, and my question to the HELP members is:

How do you feel about the way the HELP group are presented in this tribunal judgement. How much confidence do you have in the few of you who I observe to advise you. How comfortable are you that the council is now vulnerable to a large claim for costs, wasting even more public money, and, how do you feel about judgement's statements regarding the outcomes for the staff of being put in the position they were – particularly those regarding one young family who lost their home as a result? Possibly justifying a case to sue.

Is this a group you want to continue to support?

Appendix 2

Budget for 2012-2013

Finance Report

	Budget 2011/12	Expenditure to 04/11/2011	Draft Budget 2012/13	
Operational Expenses				
1101	Employees etc	25,000	104,486	25,842
	Rent		-11,000	
1115	Hire of Meeting rooms	400	221	400
1120	Stationery & Postage	200	20	
1122	Internet & Website	200		200
1125	Insurance	1,800	305	305
1130	Advertising	500		500
1157	Audit External	1,500		1,500
1158	Audit Internal	800		800
1167	Photocopying	500	13	200
1170	Annual GC Meeting	500		200
	SUB-TOTAL	31,400	94,045	29,947
Civic & Democratic				
1208	Chairman's Expenses	50		50
1260	Election Expenses	10,000		10,000
	SUB-TOTAL	10,050	0	0
Community & Public Services				
		0	0	0
Policy & Project Development				
5162	Contingencies	11,000	29,091	3,000
TOTAL EXPENDITURE				
		52,450	123,136	42,997
INCOME				
		0	0	0
NET EXPENDITURE				
		52,450	123,136	42,997
Cash & Bank Balances 4th November (effective) 2011				
			111,539	
Estimated Cash and Bank Balances 31 st March 2012				
			95,976	