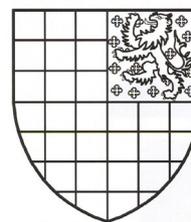


Town Hall
High Street
Lewes
East Sussex
BN7 2QS

☎ 01273 471469 Fax: 01273 480919

✉ info@lewes-tc.gov.uk

🌐 www.lewes-tc.gov.uk



**LEWES
TOWN
COUNCIL**

MINUTES

of the **Audit & Governance Panel** held on **Wednesday 12th December 2018**, in the **Yarrow Room, Town Hall, Lewes** at **7:00pm**.

PRESENT: Cllrs A Barker; S Catlin; J Lamb; M Milner (*Chairman*); A Rowell

In attendance: S Brigden (*Town Clerk [TC]*); F Garth (*Civic Officer & Asst Town Clerk*); Person A (*Complainant*); Person B (*Friend of Complainant*)

AudPan2018/15 QUESTIONS:

Person B raised a query about Declarations of Interest and asked where had the decision flow-chart contained on the agenda come from? TC explained that these are a statutory requirement and the chart was to aid councillors with questions they should ask themselves. The chart was introduced as a standard element of all agenda relatively recently at the request of councillors but had been around for a very long time. Person B then raised the question as to whether the Town Clerk was a suitable person to advise the Panel. The Town Clerk explained his presence and function at the meeting. Person A stated that it was improper and inappropriate and that it would compromise any decision that the Panel makes.

AudPan2018/16 APOLOGIES FOR ABSENCE:

No message had been received from Cllr Elliott.

AudPan2018/17 DECLARATIONS OF INTEREST:

Person B informed the Panel that Person A would like to register a complaint that the Town Clerk was advising the Panel, on the basis that he has a conflict of interest because of the nature of the complaint. B requested that the Civic Officer & Asst Town Clerk advise but it was explained that she did not have the knowledge to do so.

Cllr Barker then explained the need for advice at this meeting and his own previous declarations and explained his position for this meeting. He considered leaving the meeting but would not do so as Cllr Rowell refused to declare any prejudicial interest. The complainant raised an objection to Cllr Barker remaining at the meeting as he was the Chairman of the committee that allegedly did not follow procedure. Cllr Barker raised an objection to Cllr Rowell remaining at the meeting as he had written in support of the complaint to the District Monitoring Officer. It was suggested that both Councillors be allowed to stay in the interest of moving the meeting on.

AudPan2018/18 MINUTES:

The notes of the meeting held on 18th September 2018 and the minutes of the meeting on 23rd October 2018 were received and signed as an accurate record.

AudPan2018/19 EXCLUSION of the PRESS & PUBLIC

It was proposed that, as this Panel would discuss details of a complaint where personal and/or confidential information may be disclosed, press and public should be excluded, and **it was resolved:**

AudPan2018/19.1: "That in view of the confidential nature of the business to be transacted during the remainder of the meeting, pursuant to the Public Bodies (Admission to Meetings) Act 1960; any members of the press or public present be excluded and instructed to withdraw. The nature of this business is: personal and/or confidential information:"

BUSINESS OF THE MEETING:

The meeting was convened to to formally consider a complaint by a member of the public. All those present introduced themselves.

The Chairman explained the process to date in dealing with this complaint and the perceived faults in that, and his wish to go through the letter he had sent to the complainant and to discuss those points that they do not agree upon.

Cllr Barker explained what had taken place at the Personnel Panel in May 2018 as reported to Council in June, that being the informal stage of the relevant process. Person A again asked at what point the Panel were going to deal ‘properly’ with the complaint. The complaint was now being heard formally by the Audit Panel.

Person B and the complainant requested a break for 10 minutes.

The Chairman acknowledged that descriptions of the system could be made clearer; that improvement is needed and this had already been acknowledged.

The content of the complaints policy was discussed by the complainant and the Panel members. Following a robust discussion the complainant’s friend again asked that an objection be recorded to the presence of the Town Clerk.

The Chairman suggested that his letter to the complainant following the Panel’s initial assessment, in September, of the submitted complaint be used as a starting point to the discussion as it encapsulates where the Panel thought they were with this complaint. Person B asked that they start at the beginning of the process and the complainant reiterated a wish to return to the beginning of the complaints. The sequence of events to date was re-examined, and there was argument that the original complaint had been dealt with by the Personnel Panel and that this could not be revisited. The Chair asked the complainant (A) to summarize exactly what the complaint is: it was submitted that Lewes Town Council had not in any way dealt with the complaint and went on to summarize each point as A saw the situation, and complained that A had not been asked to put it forward in person.

Further discussion took place on the involvement of the police; the Council’s Dignity at Work personnel policy; statements from two members of staff at the Personnel Panel stage; the Code of Practice in handling the complaint and the fact that the Council had acknowledged that the explanations given in some policies were in need of improvement.

The complainant then made the following statement:

“We seek an acknowledgement that procedural errors have resulted in this complaint process being flawed and mishandled and that this has led to a breach of natural justice in that the complainant’s complaint has not been properly considered. The complainant is seeking written apology for the stress that the delays and procedural errors have caused, and feels that A has been ignored and asks for a written undertaking to properly and independently investigate the original complaint by way of redress.”

The Town Clerk, the complainant and friend were then asked to leave the room whilst the Panel members discussed their findings, and were then invited to return at the conclusion of the meeting.

CONCLUSIONS: The Panel accepted that there had been flaws and in the spirit of conciliation they would be prepared to appoint an independent investigator to look at the original complaint against a member of staff; and that the outcome of that should conclude the matter with no further appeal.

There being no further business, the Chairman declared the meeting closed, and thanked everyone for their attendance.

The meeting closed at 9:15pm

Signed date