

Pwyllgor Adnoddau Dynol.

Human Resources Committee.

Agenda 03.08.2021

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| <p>1. Rheolau Sefydlog.
Penderfynu peidio â chaniatáu cofnodi trafodion y cyfarfod yn unol â Rheolau Sefydlog 3(l).</p> | <p>Standing orders.
Penderfynu peidio â chaniatáu cofnodi trafodion y cyfarfod yn unol â Rheolau Sefydlog 3(l).</p> |
| <p>2. Ymddiheuriadau am absenoldeb.
I dderbyn, ystyried a derbyn Ymddiheuriadau am absenoldeb.</p> | <p>Apologies for absence.
To receive, consider and accept apologies for absence.</p> |
| <p>3. Datganiadau o Fuddiant.
I dderbyn unrhyw ddatganiadau o fuddiant ar eitemau ar yr agenda.</p> | <p>Declaration of Interest.
To receive any declarations of interest in items on the agenda.</p> |
| <p>4. Cofnodion.
I awdurdodi'r Cadeirydd i arwyddo cofnodion yr cyfarfod y Pwyllgor a gynhaliwyd ar 01.06.21 fel cofnod cywir.</p> | <p>Minutes.
To authorise the Chair to sign the minutes of the meeting of the Committee held on the 01.06.21 as a correct record.</p> |
| <p>5. Adroddiadau Clerc y Dref.
a) Broses arfarnu.
b) Materion a gyfeiriwyd i'r Pwyllgor o'r Cyngor Tref: Hysbysiad o weithredoedd y Swyddog Priodol.
c) Argymhellion i'r Cyngor Tref.</p> | <p>Town Clerk Reports.
Absence reporting.
Matters referred to Committee from the Town Council: Notice of Proper Officer's actions.
Recommendations to Town Council.</p> |
| <p>6. Rhan B
Gwahardd y cyhoedd a 'r Wasg.
Yn rhinwedd Deddf Cyrff Cyhoeddus (Derbyn i Gyfarfodydd) 1960, ni chaiff y wasg na'r cyhoedd eu cynnwys yn y trafodaethau ar yr eitem ganlynol ar y sail y byddai eu datgelu yn niweidiol i fudd y cyhoedd oherwydd natur gyfrinachol y busnes i'w drafod</p> | <p>Part B
Exclusion of Public and Press.
By virtue of the Public Bodies (Admission to Meetings) Act 1960, the press and public are excluded from discussions on the following item on the basis that disclosure thereof would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.</p> |
| <p>7. Cais gweithio hyblyg statudol ar gyfer gweithio o bell.</p> | <p>Statutory flexible working request for remote working.</p> |

Adroddiadau a manylion ariannol.

Mae adroddiadau a manylion ariannol yn ddogfennau gwaith ac felly nid ydynt wedi'u cyfieithu.

Reports and financial details.

Reports and financial details are working documents and are therefore not translated.

REPORT AUTHOR: Town Clerk.
SUBJECT: Absence reporting.
REPORT FOR: Decision.

1. Summary.

1.1 To receive and approve reported absences from work.

2. Background.

2.1 Standing orders state that subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Human Resources Committee or, if he is not available, the vice-chairman of the Human Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources Committee at its next meeting.

2.2 Notification is therefore given that the post holder LTC1 was absence from work as per the schedule of approved leave taken since the last notification is detailed below.

Leave		Total Days	31
From	To	No. of Days	Leave remaining
06.04.21	08.04.21	3	28
01.07.21	08.07.21	4.5	23.5

3. Recommendation.

3.1 That Members receive the approve reported absences from work.

4. Reasons for recommendation.

4.1 To ensure probity in the management of Town Councils Human Resources.

REPORT AUTHOR: Town Clerk.
SUBJECT: Notice of Proper Officer's actions.
REPORT FOR: Decision.

1. Summary.

1.1 To note actions undertaken by the Proper Officer referred to the Committee by the Town Council.

2. Background.

2.1 The decisions of a Community Council are only lawful when they are made by a majority vote at a properly convened, quorate of full council meeting held in public or at a committee of at least three councillors with delegate specific powers. Statute¹, as reflected in a mandatory provision of every council's standing orders, prohibits decision-making powers being delegated to any single councillor, including the chair and therefore: -

- Decision-making by single councillors is unlawful.
- Decision-making between meetings, whether of the full Council or a committee or sub-committee is unlawful.

2.2 The Town Clerk's primary responsibility is to advise the Town Council on whether decisions are lawful and to recommend ways in which decisions can be implemented. The Town Clerk and Members must recognise that:

- the Town Council is responsible for all decisions;
- the Town Clerk takes instructions from the Town Council as a body;
- the Town Clerk is answerable to the Town Council as a body and not to individual members – not even the chair; and
- the Town Clerk is responsible for the implementation of council decisions.

2.2 Equally the Town Council as a whole is responsible, in law², for ensuring that the Council's financial management is adequate and effective. It must set in place a sound system of internal control to enable the effective exercise of the Town Council's functions. Members must never authorise funds transfers which are presented for approval in advance of supply or were unsupported by appropriate documentation.

3. Notification.

3.1 Recent actions, by some Members, were unlawful as they were undertaken as individual Councillors with no authorisation from the Town Council or a Committee.

3.2 As concerns have been raised with the County Councils monitoring officer and the Auditor General for Wales, the actions of the Proper Officer are being reported to Council. However, at present, this is not a notification to Members under Sc14(a) of standing orders.

¹ Section 101, Local Government Act 1972

² Accounts and Audit (Wales) Regulations 2014

- 3.3 Once the Proper officer was aware of these activities he had a duty to ensure that the Town Council acted within the law and he reminded all Members, by email, of their responsibilities in terms of acting lawfully and maintaining adequate and effective financial management control.
- 3.4 It must also be noted that if an investigation by the monitoring officer, is forthcoming this could result in action being taken under the code of conduct. Additionally, should the Auditor General for Wales consider that the matter warrants a public interest report, the cost of this work would be chargeable to the Town Council.
- 3.5 Having brought these matters formally to the attention of Members, the Proper Officer has discharged his duty as Town Clerk and Responsible Financial Officer.

4. Recommendations.

- 4.1 It is recommended that the Committee notes the actions of the Proper Officer on this matter and the potential consequences of any investigation by the monitoring officer or the Auditor General for Wales.

5. Reasons for recommendation.

- 5.1 To ensure compliance with legislation and probity in financial affairs.

REPORT AUTHOR: Cllr John Palmer.
SUBJECT: HR support from Denbighshire County Council.
REPORT FOR: Decision.

1. Summary.

- 1.1 To approve a recommendation for the council to consider the sum of £250 with an additional contingency of £250 to cover the cost of HR advice from Denbighshire County Council .

2. Background.

- 2.1 At the meeting of the HR Committee on 1 June 2021, we were asked to consider a confidential request by a member of staff concerning flexible working. In order to ensure that we follow the correct procedures and lawful process in a timely manner We are taking advice and support from Denbighshire County Council Human Resources department. There is a time limit of 90 days to respond to the request. Denbighshire County Council is a trusted supplier and tendering could have caused the process to extend beyond the time limit. We also wish to ensure that there is no conflict of interest because the applicant also has an advisory role.

3. Recommendation.

3. It is therefore recommended that the HR Committee approve a recommendation for the council to consider the sum of £250 with an additional contingency of £250 to cover the cost of HR advice from Denbighshire County Council.