



Leigh-on-Sea Town Council

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Chairman: Cllr Bernard Arscott | **Vice Chairman:** Cllr Sandra McCurdy

Town Clerk: Helen Symmons PSLCC



Members are hereby summoned to attend an Extraordinary Council Meeting
of Leigh-on-Sea Town Council on
Monday 10th July 2023 in Leigh Community Centre,
71-73 Elm Road, Leigh-on-Sea commencing at **7.30pm**.

Bernard Arscott

Cllr Bernard Arscott
Chairman
5th July 2023

Any member who is unable to attend the meeting should send their apologies to the Town Clerk

AGENDA / BUSINESS TO BE TRANSACTED

1. HOUSEKEEPING ANNOUNCEMENT
2. APOLOGIES FOR ABSENCE
3. DECLARATIONS OF INTEREST

For Councillors to declare any pecuniary or non-pecuniary interest in any items on the agenda

4. APPROVAL OF THE MINUTES OF THE ANNUAL COUNCIL MEETING [23RD MAY 2023](#)

At the Annual Council meeting, the Chairman confirmed a written response to resident Damian O'Boyle would be made within 14 days and would be recorded in the agenda of the next Council meeting. The questions and responses are at [Appendix 1](#)

5. PUBLIC REPRESENTATIONS (on agenda items)
6. PUBLIC QUESTIONS (for which written notice has been received)
7. QUESTIONS FROM COUNCILLORS (for which written notice has been received)

COUNCILLOR MOTIONS SUBMITTED TO CHAIRMAN OF COUNCIL

8. MOTION SUBMITTED BY CLLR FLEWITT, SECONDED CLLR LAMBERT

Sent to Chairman of Council 11th June 2023 marked urgent:

'In accordance with Standing Orders 31a and 11a XVI we request that Standing Order 10b; 10c, 10e, 10f, 10g be suspended to allow the following Notice of Motion to be put to an Extraordinary Meeting of the Council.

To review through the City Council mechanism or Leigh Town Council, the allowance payable to Leigh Town Councillors last set in 2013 of £85 per year per councillor.

To instruct the Town Clerk to institute a review of the current allowance and share costings based upon £500 per year per councillors and the impact upon the whole budget of Leigh Town Council.'

Town Clerks note

The Local Authorities (Members' Allowances) (England) Regulations 2003 Part 5 Parish Councils is the legislation governing Parish Basic Allowance.

The Parish Basic Allowance is a figure which is calculated to cover the expenses that are normally associated with the basic duties of being a local councillor. The purpose is also not to reimburse individual councillors for specific expenses. Travelling and subsistence allowances are treated separately. There is no set figure and amounts may differ according to local factors.

Regulation 25

(2) Where an authority proposes to pay parish basic allowance, whether to its chairman only or to each of its members, it must have regard, in setting the level or levels of such allowances, to the recommendations which have been made in respect of it by a parish remuneration panel in accordance with regulation 28.

Regulation 26

(1) An authority may pay to its members allowances in respect of travelling and subsistence ("parish travelling and subsistence allowance"), including an allowance in respect of travel by bicycle or by any other non-motorised form of transport, undertaken or incurred in connection with the performance of any duty within one or more of the following categories—

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

(b) the attendance at a meeting of any association of authorities of which the authority is a member;

(c) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;

(d) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; and

(e) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.

Regulation 27 states that a parish remuneration panel may be established by a responsible authority. In some areas panels will not be set up as there is no duty to do so. The implication is that the panel is established when a request to do so is made by an appropriate local council. The process of making such a request is not specified within the 2003 Regulations and how this is achieved in practice will differ round the country (NALC Legal Topic Note 33)

NALC's recommendations (Legal Topic Note 33)

Regulation 25 (2) and Regulation 28 provide that where a local council proposes to pay the Parish Basic Allowance, it must have had regard to the recommendations which have been made in respect of it by the parish remuneration panel in setting the level of that allowance. The same requirement is not specified within Regulation 26 and so on face value it would appear that the council can set the level of travelling and subsistence allowance without reference to the panel. However, in NALC's view it would be appropriate for councils to also take the view of the parish remuneration panel into account.

Regulation 29

(1) A parish remuneration panel may, in making its recommendations in accordance with regulations 27 and 28, either—

- (a) apply the same recommended levels of parish basic allowance and parish travelling and subsistence allowance to all the authorities in respect of which it was established; or
- (b) make different recommendations for different authorities.

(2) A parish remuneration panel shall express its recommendation as to the level of parish basic allowance, in respect of a parish or parishes, as a percentage of the sum that an independent remuneration panel has recommended as the level of basic allowance for the establishing authority which is the responsible authority for that parish or parishes.

(3) The percentage referred to in paragraph (2) may be one hundred per cent.

(4) A parish remuneration panel shall also express its recommendation as to the level of parish basic allowance as a monetary sum being a monetary sum equivalent to the percentage expressed in accordance with paragraphs (2) and (3).

There is various legislation which applies regarding inspection and publication to the public which the Council would have to adhere to.

Tax implications

When paying parish basic allowances to elected members, local councils are obliged to deduct income tax. There may also be similar considerations with regard to travel and subsistence allowance in certain circumstances. Councillors would have to be added to the Council's payroll system which would incur additional administration costs.

9. MOTION SUBMITTED BY CLLR WATT, SECONDED CLLR McCURDY

Sent to Chairman of Council 12th June 2023:

'In accordance with Standing orders 31a and 11a XVI request that Standing orders 10b, 10c, 10e, 10f and 10g be suspended to allow the following motion to be put to an extraordinary meeting of the council.

That a full staffing review covering all aspects of work, roles and financing thereof, cover all staff members, to be carried out by an independent reviewer.

Recommended to instruct the town clerk to be put in place at the earliest reasonable time'

Town Clerk's note

For work of this nature, there will be a charge in addition to the extra administration of staff to comply. Additionally, a full brief with clarity of Council's reasons for the review would be required. Without this no independent reviewer can quote a price.

The Staffing Committee is delegated to make decisions on behalf of Council and no previous discussions on this subject informally with the Town Clerk or formally at a Staffing Committee meeting have taken place.

The inclusion of such a motion in the public domain without clarity is unsettling for staff and risks attrition. The Town Clerk has done her best to alleviate concerns and uncertainty but a statement from Council would be recommended.

Staff are the Council's most important resource. With a properly managed and trained staff team the Council can be confident of achieving its objectives in an effective and efficient manner. Conversely, problems in this area soon manifest themselves in poor service to customers and ultimately in an inability to fulfil the goals which the Council has set itself.

An aim of a staffing review should be that it helps ensure that the right level of resourcing is achieved, any skills gaps can be addressed by means of training and/or recruitment, the right skillsets are developed to deliver against the Council's plans, and any need for additional resources and skills is identified early.

In consideration of the motion

- *Does Council believe that staff are the Council's most important resource?*
- *Do they think staff are properly managed? If not what evidence to the contrary?*
- *Do they think staff are properly trained? If not what evidence to the contrary?*
- *Do they think staff provide a good service? If not what evidence to the contrary?*
- *Why was it necessary to submit this motion direct to Council in an EO meeting rather than through the Staffing Committee?*
- *The Council has yet to set any goals as the Strategic Plan work has only commenced. Why do they think a review should be undertaken at this stage?*

Questions to aid preparing a full brief

1. *Is the staffing review to ensure that the right level of resourcing is achieved?*
2. *Is the staffing review to ensure staff are being remunerated at the appropriate level or does Council think staff are overpaid?*
3. *Is the staffing review to see if Council can cut jobs?*

What is to be asked of the independent reviewer

4. *Review of current workload drivers?*
5. *Analyse current staffing and skill levels?*
6. *Assess the impact on staffing of the Council's Strategic plan and key projects foreseen (if so, nothing has been formulated as yet by the new Council)?*
7. *Define current staffing levels?*
8. *Define optimum future staffing levels and skill requirements?*
9. *Define roles and identify skills gaps?*
10. *Evaluate current staffing in relation to these?*
11. *Evaluate the current payment structure?*
12. *Prepare training and recruitment plans?*

10. MOTION SUBMITTED BY CLLR McCURDY, SECONDED CLLR CARTEY

Sent to Chairman of Council 12th June 2023:

'We would request an extraordinary meeting of the Leigh-on-Sea Town Council in accordance with SO 7a to review Standing Orders and Policy documents.'

Town Clerk's note

Whilst no reference is made to the suspension of Standing Orders 10b, 10c, 10e, 10f and 10g, the Town Clerk felt that the motion would be resubmitted if rejected with a wording change to enable its inclusion. The Town Clerk has therefore included it on the agenda.

The Town Clerk would advise Council of the timetable of policy reviews below and that Finance & Governance is the correct Standing Committee to develop, monitor and review Council policies and functions with recommendation to Council.

POLICY/DOCUMENT TITLE	DATE APPROVED	REVIEW DATE
Budget Setting Procedure	Sep-19	Sep-23
Business Continuity Strategy & Action Plan	Mar-20	Sep-23
Operational Risk Register - LCC	Oct-22	Oct-23
Operational Risk Register - Allotments	Oct-22	Oct-23
Operational Risk - Skatepark	Oct-22	Oct-23
Health & Safety	Nov-20	Nov-23
Training & Development Policy	Nov-20	Nov-23
Safeguarding Policy	Nov-20	Nov-23
Code of Conduct	Nov-19	Nov-23
Staff Handbook - incorporates various policies	Nov-20	Nov-23
Risk Register	Mar-23	Mar-24
Risk Management Strategy	Mar-23	Mar-24
Governance Statements	Mar-23	Mar-24
Lone Worker Policy	Mar-21	Mar-24
Financial Regulations	May-23	May-24
Standing Orders	May-23	May-24
Freedom of Information Publication Scheme	May-23	May-24
Press & Media	May-23	May-24
Terms of Reference	May-23	May-24
Use of Social Media - Internet & Email	May-21	May-24
Operational Risk - Strand Wharf	Jun-23	Jun-24
Co-Option Procedures	Nov-21	Nov-24
Statement of Intent Community Engagement	Mar-22	Mar-25
GDPR - policies, privacy notices	May-22	Sep-25
Investment Strategy	May-22	Sep-25
Bee Keeping Policy	Apr-23	Apr-26
Health & Safety for Allotment Gardeners	Apr-23	Apr-26
Protocol on Member/Officer Relations	Mar-23	Sep-26
Recruitment Policy	Sep-22	Sep-26
Volunteer Policy	Sep-22	Sep-26
Grant Aid Policy	Mar-23	Nov-26
Strategic Action Plan		Jun-28
Strategic Plan	Mar-23	Jun-28

DATE OF NEXT MEETING: Tuesday 25th July 2023

Written response to public questions

Dear Councillors,

Below are the questions from Damian O'Boyle that Council confirmed would be answered in writing within 14 days. I am sending to all Councillors as question 6 is put to all. Regarding question 7, I will advise Mr O'Boyle of the processes.

- 1 I found Cllr Arscott's avoidance of taking questions at the meeting incredibly poor behaviour. Please can he explain where such questions can be asked by residents (bearing in mind I did ask in writing but received no response). I would remind Cllr Arscott that I took time out of my day to attend to ask him questions that I had already submitted to him.
- 2 Cllr Arscott - stated 'had we not fielded a single candidate I believe that the Town Council would have been inquorate, so could not have functioned', is that true? If not did Cllr Arscott misinform or mis-speak? Can Cllr Arscott please issue a public correction if he was incorrect

For information to Councillors - the facts relating to Council being quorate are that the quorum of Council is 6. In the recent elections, 6 non-conservative candidates stood over 4 wards. If no other persons had stood, the 6 persons would have been elected uncontested and Council would have been quorate. Thereafter if there were vacant positions Council would have been able to co-opt Councillors within 35 days without having to go through the process when there is a casual vacancy. If a Council becomes inquorate then the principal authority appoints persons to fill the vacancies until further elections are held.

- 3 Cllr Watt - was a conservative manifesto for the town council circulated as mentioned on the Facebook posts. Cllr Watt promised to hand deliver one to me (which he did not at the town council). Please provide me with a copy?
- 4 Cllr Watt - why did you twice try to prevent residents from commenting on your Facebook post?
- 5 Can Cllr Arscott provide the detail of your comments on a governance review - have you originally stated you would like to see the community centre or LTC closed? What is your position on the LTC and community centre? What has changed from your original position?
- 6 Can both councillors and indeed all councillors please reaffirm that you will always put the best interests of the people of Leigh on sea ahead of party political interests as per the founding principles of LTC
- 7 If I am unhappy with the detail of the responses to the above, please can someone explain my next steps in escalation?

Dear Damian,

Please see the attached response from Cllr Arscott which I believe is written on behalf of him, Cllr Watt and the Conservative group on the Council.

On the subject of the Council quorum, the quorum of Council is 6. In the recent elections, 6 non-conservative candidates stood over 4 wards. If no other persons had stood, the 6 persons would have been elected uncontested and Council would have been quorate. Thereafter if there were vacant positions Council would have been able to co-opt Councillors within 35 days without having to go through the process when there is a casual vacancy. If a Council becomes inquorate then the principal authority appoints persons to fill the vacancies until further elections are held.

I note from Cllr Arscott's response that he has made reference to the General Power of Competence. I thought it would be useful to mention that the General Power of Competence is not something that all town and parish councils use. Leigh Town Council have been fortunate to rely on this first power as it does make council life easier but if the General Power cannot be used then councils just refer to the powers available to them to conduct business and I enclose a fact sheet to clarify this.

Regarding question 6, the independent councillors have responded as follows:

Cllr Bowry:

I categorically reaffirm that I have, and always will, put the best interests of the residents of Leigh on Sea ahead of any party political interests. In my view, LTC should remain true to its founding principles and leave party politics outside the council chamber.

In my view, LTC now has a caucus of 13 members from one political party who presumably will vote on matters 'en bloc' or as directed which could be detrimental to and at odds with individual members representation of their residents' views.

Cllr Hart:

It is well known and widely accepted that I have always campaigned, and stood as Councillor, in a Totally Independent capacity. My strongly held view is that Parties and Party allegiance have no place in this tier of administration, such allegiance being an irrelevance at Town level. As a consequence, my only allegiance was, is and remains to the People of Leigh on Sea and their best interests. This is the function and founding principle upon which Leigh Town Council was created by the will of the said People.

Cllr Mulroney:

Regardless of what may be in the newspapers, I have never acted in the interests of a political party on the Town Council. There are no political decisions to be made there so the whole idea is ludicrous. Leigh Town Council was set up over 25 years ago when the founding members who were, I believe, of differing parties agreed that it should be non party, thus allowing all members to vote and speak as they saw fit without any political 'whip' or direction. Sadly this is not now the case.

As the longest serving member of Leigh Town Council I well remember Tory Councillors of the Borough Council who sat on the Town Council, both now sadly passed away, but nevertheless who never acted as Conservatives on the Town Council being totally apolitical. I believe both of them also served as Chairman of the Town Council.

I will never act on the town council against what I consider to be beneficial to the residents of Leigh who I have served for 16 years.

Finally in answer to your final question, Cllr Arscott is correct in that any complaint against an individual councillor must be made to the Monitoring Officer at Southend City Council but the Council does have a complaints procedure for complaints against Council and this is attached.

The next meeting of Council will have a new agenda item – Questions from the Public (for which written notice has been received). This will be in addition to Public Representations relating to agenda items.

Kind Regards

Helen Symmons PSICC

Town Clerk
Leigh-on-Sea Town Council

Dear Town Clerk,

Further to the public presentation at our meeting of 23 May 2023, please find attached our response to Mr O'Boyle's questions.

I would observe that responses had been provided through the social media platform that has been referenced, but those answers were not to Mr O'Boyle's liking. The answers below are similar to those that were previously given.

For reference, I am going to respond to those question that were raised at the Council Meeting and will return to Mr O'Boyle's first question.

In response to question two, at the time of writing my comment I was under the impression that the quorum was seven; the Town Clerk has confirmed that the number is actually six, I am to correct this. However, the Town Council would not have had the General Power of Competence (from information provided by the Town Clerk) as 66% of the councillors would not have been elected (see attached information provided at councillors' induction).

Questions three and four do not relate to the business of the Council. However, we attach a copy of the manifesto leaflet delivered during the election period; the same leaflet was delivered in each Ward, but obviously with different candidate biographies.

Q5: It is a matter of public record that I have stated my support for Leigh-on-Sea Town Council. In the context of a Community Governance Review (in light of a petition circulating in 2021), I stated that I would support a frank and open discussion, which is a healthy part of any democracy. However, I also stated that I doubted any attempt to disband the Town Council would succeeded.

Q6: I am happy to reaffirm that I, and my colleagues, will work tirelessly on behalf of all residents irrespective of politics.

Question one relates to the conduct of the Annual Council Meeting, and is not a question put to the meeting. I would remind Mr O'Boyle that a council meeting is not a public meeting where the public have open discussion and debate, council meetings are meetings held in public at which members of the public may observe the business of the council. Standing Order 3e states:

"May make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda."

Further, Standing Order 3g states:

"...a member of the public shall speak only once and shall not speak for more than 3 minutes unless permitted to do so by the Chairman."

The questions were therefore out of order as they did not relate to the business on the agenda, would have allowed a member of the public to speak more than once without reference to the Chairman, and were likely to exceed the three minute rule. However, in consultation with the Town Clerk, it is recognised that there should be an opportunity for members of the public to ask questions that do not relate to the agenda of the meeting, but are related to the business of the Council in general. It is proposed to bring forward an additional agenda item to allow members of the public to provide written questions in advance that can have a response at the meeting.

If you are unsatisfied by the response that you have received you can make a complaint under the Code of Conduct to the Monitoring Officer at Southend-on-Sea City Council.

Answers have again been provided to your questions and I now regard this matter as being concluded.

Kind regards,

Cllr Bernard Arscott
Highlands Ward (Conservative Party)