

HONITON TOWN COUNCIL

Minutes of the Extra-ordinary Meeting of the Town Council held via Zoom on Thursday 19th November 2020 at 7.00 pm

Present

St Michael's Ward

Cllr J Taylor
Cllr J Zarczynski (Chairman)
Cllr J McNally
Cllr L Dolby

St Paul's Ward

Cllr R Coombs
Cllr C Gilson
Cllr P Carrigan

In attendance

Heloise Marlow, Deputy Town Clerk
11 Members of the public

PART A

20/89 The Chairman welcomed Councillors and members of the public who were attending via ZOOM and confirmed that the meeting would be recorded.

20/90 To receive apologies for absence

None were received

20/91 To receive declarations of interest and receipt of requests for new DPI dispensations on items on the agenda

None received.

20/92 To note the grant of dispensations made by the Town Clerk in relation to the business of this meeting.

None were made.

20/93 Public question time on items on the agenda

Mr Burgess confirmed that he has sent in an email with comments relating to the risk assessments to be considered by Members and these were:

1. Names of employees are mentioned in the risk assessment for Honiton Market. The names should be replaced by employees, or market staff or some other general designation.
2. In the paragraph below, the first highlighted section, the virus **is airborne** and there should be no ambiguity about it.

In his document detailing info about the virus, Mr Taylor has written "*The virus is assumed to be transmitted by respiratory droplets* but there has been no direct evidence for the hypothesis*". Mr Taylor is incorrect on this otherwise why are we all wearing masks? Also, he

then goes onto to list where the droplets can land so contradicting himself. The sentence should read “ the virus is transmitted by airborne droplets”.

3. The second highlight should simply read “people” as anyone can be asymptomatic

The most significant variation since the original Risk Assessment in May (attached) is that it is possible that SARS-CoV-2 **may be airborne in some circumstances**. The May Assessment advised that windows were to be open at all times (i.e. continuous ventilation) and thereby exposure to concentrations of airborne virus needed for infection was considered possible and was mitigated. Another but unforeseen circumstance was the potential for **under fifties and especially children** to be asymptomatic. Again, this must be mitigated by appropriated social distancing, ventilation, frequent hand washing and using sterilising fluids on communal surfaces.

4. I also think this section has no place in a guidance document:

HTC has already identified members of staff at risk due to apparent presentations such as obesity and have not required them to work interactively with the public however such assessments are subject to GDPR and are not available to this document

Cllr Taylor responded on behalf of the Council and confirmed that any reference by name to any employee would be removed from the documents. The ambiguity regarding whether the virus is airborne is historical. As regards the reference the under fifties being asymptomatic, he clarified that more people under 50 were likely to be asymptomatic.

Cllr Zarczynski confirmed that the highlighted paragraph above would be removed from the risk assessment. He thanked Mr Burgess for bringing these matters to the attention of the Town Council. The policies would be reviewed again at the next Finance and Policy Committee meeting and the policies can be amended as they evolve.

The Deputy Clerk read out the following question on behalf of Mr Jason Hannay:

Health and Safety.

I have looked over your appendix 3 office Risk assessments and noted that

- Heat recovery ventilation system hasn't been assessed, what percentage of fresh air is being brought in mixed with stale and also how many air changes
- I noted extra radiant heat and more ventilation, however it doesn't mention the government code of practice for working temperatures. No mention of cold stress and thermal comfort

It also states that “HTC has already identified members of staff at risk due to apparent presentations such as obesity and have not required them to work interactively with the public”

Is this something that should be put in a public domain? Is this a medical fact stated in a public domain without a member of staffs consent?

Appendix 4 street market

- this has been taken from an eddc gate to plate. "Evaluation is detailed in eddc gate to plate documentation"

This is not site specific and huge differences in the two operations.

For example

- the road is closed in the gate to plate where as the market isn't.
- with the road closed there's a better opportunity for social distancing, with the market, footpaths are used by all and create greater risk
- with the market and the way vehicles are parked there is also a risk of blind spots for crossing, vehicles pulling etc
- also states a member of staff has signed himself off sick, again is this something that should be on the public domain?

My question is to all councillors.

In your policy it states over all health and safety is the responsibility of the Clerk. If this is the case and HR committee is assisting the new documentation.

1. What qualifications does the current HR Committee have And could you evident them to the public
2. Will the council sign this off knowing from examples given the risk assessments potentially has a need for a Third party to look over as it is the Clerk who would be at risk?

The Deputy Clerk confirmed that it was her understanding that the policies and risk assessments to be considered by Members were in draft form and have yet to be approved and as such can be amended by Members either at tonight's meeting or at a later meeting. In particular Members have already advised the Deputy Clerk to remove from the risk assessment relating to COVID the paragraph referring to a member of staff being identified as being at risk.

Cllr Zarczynski responded to the question regarding the expertise of Members stating that Councillors came from all walks of life and were of all ages, so brought their own relevant expertise to the Council. The risk assessments were prepared by referencing those of EDDC and it was right to do so, but the policies and the risk assessments would be continually reviewed.

Cllr Taylor confirmed that he had not referred to heat recovery ventilation systems as instead he had recommended opening windows and using heating. If the weather became extremely cold, staff will not be able to work from the office. Ventilation is important and the avoidance of recycled air. Radiant heat will be needed and not the use of air conditioning or air transport systems to heat.

Apparent presentations is the wording used to assess a person but he did not identify anyone and personal questions are avoided. Weight is a risk factor. The EDDC Gate to Place risk assessment was considered especially as the street market was part of the event. He advised that the street market could ensure social distancing better than the Gate of Plate event as the road was closed and there are measures using barrier tape to deal with the issue of blind spots. As regards any risk relating to breaches of health and safety laws, this lies with the Chairman rather than the Clerk.

The Deputy Clerk read out the second question which was addressed to Cllr Carrigan

Cllr Carrigan in an email dated 14th November you stated “HR advisors were appointed at the last HR committee meeting”

Can you confirm that the HR committee has delegated powers to make a financial decision, without going to full council and against its own financial policy of 3 quotations required?

You also stated that “HR agendas and minutes of meetings have never been posted on our website due to confidentiality of issues discussed”

Could you clarify that it is NOT a legal requirement to post agendas and minutes of the HR committee regardless weather it is or not just title headings?

Cllr Carrigan advised that he should have said that the appointment of HR advisors were approved and confirmed that all financial decisions do have to go to Full Council. As such the HR Committee recommended the appointment of HR advisors to Full Council. The HR Committee was given delegated powers to incur financial cost in relation to HR advice but as there have been queries raised as to what was resolved by Full Council, this will be clarified by Members later in the meeting. HR Services have been appointed as HR advisors to the Council and the HR Committee do have delegated powers to incur those costs as it is not possible for the HR Committee to obtain Full Council’s agreement each time costs are incurred.

HR Committee Agendas have been posted on the Council’s website since August 2019 but prior to this they were not posted on the website. HR Minutes have never been posted on the Council’s website but he agreed that they should be and the HR Part A minutes for the meeting on the 28th October have been attached to tonight’s agenda for approval. As regards Part B minutes, the Council will need to obtain advice as to whether additional information regarding the issues discussed can be provided, as Council cannot disclose confidential information regarding employees.

Cllr Zarczynski referred to the advice received from DALC who confirmed the HR Committee’s terms of reference. He had never ever known for Part B HR Committee minutes which are confidential being made public as this would be a breach of data protection. Only non confidential HR matters can be made public.

20/94 HR Committee

Members received the draft minutes of the HR Committee meeting held on the 28th October 2020 and considered the following resolution:

HR20	<p><u>NALC Anti-Harassment and Bullying Policy</u></p> <p>Members had been circulated with a copy of this document which, if adopted would become the Honiton Town Council Anti-harassment and bullying policy. It was agreed that this was a very good policy. Resolved to recommend to Full Council the adoption of this policy. This was proposed by Cllr J Zarczynski and seconded by Cllr C Gilson; with all being in favour.</p>
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Members **RESOLVED** by 5 votes in favour with 1 abstention to adopt the NALC Anti-Harassment and Bullying policy.

Proposed by Cllr Carrigan and seconded by Cllr Zarczynski.

20/95 To review Honiton Town Council's Health and Safety Policy

Cllr Taylor confirmed that he would amend the draft Health and Safety policy in respect of the amendments discussed above.

Members **RESOLVED** unanimously to approve the attached Health and Safety Policy with the amendments discussed above.

Proposed by Cllr Carrigan and seconded by Cllr Zarczynski.

20/96 To consider a new Data Protection policy for Honiton Town Council

Cllr McNally queried whether the reference to not transferring HR related personal data to countries outside the EEA still applied? It was noted that this may need to be amended after the 1st January 2021.

Cllr Taylor queried how within the Council do Members debate potential inappropriate behaviour and how is this kept confidential without using protected data? He suggested that data protection should be external to the Council and its committees.

Cllr Zarczynski advised that data protection did not apply to debate between Councillors only to minutes published.

Cllr Taylor queried whether Part B protected Councillors in respect of data protection issues.

Cllr McNally suggested that the proposed Privacy Notice to be discussed provided the answer.

Members **RESOLVED** unanimously to approve the attached Data Protection Policy.

Proposed by Cllr Zarczynski and seconded by Cllr Carrigan.

Cllr Coombs joined the meeting at 19h50. He had not been able to do so previously due to technical issues.

The Deputy Clerk provided Cllr Coombs with a summary of the above.

Cllr Coombs confirmed that he would have voted in favour of adopting the NALC Anti-harassment and Bullying Policy, the draft Health and Safety Policy, and the draft Data Protection policy.

20/97 To consider a new Privacy Notice for Honiton Town Council

Members **RESOLVED** unanimously to approve the attached Privacy Policy.

Proposed by Cllr McNally and seconded by Cllr Gilson

20/98 To reconfirm approval of Honiton Town Council's HR policies

Members **RESOLVED** unanimously to re-confirm their approval of the attached HR policies.

Proposed by Cllr Carrigan and seconded by Cllr Taylor.

20/99 Members RESOLVED unanimously to take item 10 into Part B

Proposed by Cllr Coombs and seconded by Cllr Gilson.

Part B

20/100 HR and current staffing matters

Members **RESOLVED** unanimously that HR Services be appointed as per the contract dated 6th September 2020 to provide HR advice to Honiton Town Council with the HR Committee authorised to correspond with HR Services on HTC's behalf and incur the subsequent costs.

Proposed by Cllr Carrigan and seconded by Cllr Zarczynski

Members **RESOLVED** unanimously that the HR Committee be authorised to amend the existing advertisement for a Town Clerk and to retain the services of a recruitment agency and the Job Centre if required, to enable the scope of the advertisement to be expanded.

Proposed by Cllr Carrigan and seconded by Cllr Zarczynski.

Members **RESOLVED** unanimously that the HR Committee obtain advice from HR Services regarding the return to work of those employees who were currently not at work and that the HR Committee be authorised to contact the Job Centre to find temporary part time administrative assistance for the Deputy Clerk.

Proposed by Cllr Carrigan and seconded by Cllr Zarczynski.

20/101 To close the meeting

The meeting was closed at 9pm.