

01/2023

UPTON BISHOP PARISH COUNCIL

**Minutes of an Extra Ordinary Parish Council Meeting held on
Tuesday 3rd January 2023 at 19.00 at Millennium Hall, Upton Bishop**

Present

Councillors: Mark Rusby (in the Chair), Michael Wallace, Paul Newman, Guy Cooper, Mike Tyers, Claire Newman, Mark Shuttlewood and Andrew Parr.

In attendance

Clerk Helen Tinson – on behalf of HALC (Herefordshire Association of Local Councils)

1. Consideration to access HALC Clerk Cover for the meeting:

It was RESOLVED: to access HALC's CiLCA qualified Clerk/RFO Cover for the meeting.

2. Apologies for absence: There were none.

3. Declarations of interest & written dispensation requests: There were none.

A resolution was passed to exclude members of the public from the following confidential matter:

4. Employment Tribunal:

Members received an update from the Chairman and Cllr Wallace following their attendance at the Preliminary Hearing on the 5th December 2022. The judge presiding encouraged both parties to seek a settlement through ACAS. Accordingly, a further meeting was offered to the Claimant on 6th January 2023 which aims to determine whether a settlement might be agreeable to both parties. It was noted that the meeting is a non-binding exploratory exercise. A settlement, if possible, was considered to be the best route to seek value for money for parishioners but does not constitute any acceptance of blame on behalf of the Parish Council (and does not change the Parish Council's view on the Claimant's accusations). It was discussed that preparation for the Preliminary Hearing in July 2023 would continue, and that the Chairman and Cllr Wallace would prepare the document pack for discussion and approval at the next meeting. The document pack is required to be sent to the Claimant by 16th January 2023. It was further reiterated that the PC should continue to be guided by external legal and professional advice.

Members were asked to consider a Memorandum of Understanding to agree the parameters of the meeting.

It was RESOLVED: to approve the Memorandum of Understanding

It was RESOLVED: to provide the Claimant with a hard copy of the Memorandum of Understanding at the start of the meeting and electronically after the meeting.

Members were asked to consider a series of offers that could be made to the Claimant by the PC Representatives during the process of considering a settlement, should a settlement prove agreeable. To protect the secrecy of the potential offers, only Councillors were made aware of the offer details. Each Councillor was passed a piece of paper with each offer detailed. They were subsequently referred to only by the assigned letter, for example Offer A, Offer B and so on. All Councillors confirmed with each other that the series of offers were identical on all pieces of paper, and added their name, signature and date to their piece of paper to attest to the same. At the conclusion of the vote, all pieces of paper were collected and placed into a sealed envelope by the Chairman, signed over the seal by the Chairman and the HALC Clerk, and retained by the Chairman to attach to the confidential file notes as Annex A. The details of the offers are therefore provided in Annex A. The contents of Annex A will remain sealed and private until such time that the ACAS-mediated process is completed or settlement of the employment tribunal case is deemed unachievable.

It was RESOLVED: to approve Offers A, B, C, D and E.

It was RESOLVED: not to approve Offers F, G, H, I, J, K, L


It was RESOLVED: that any offer made to the Claimant will be marked 'Without Prejudice'

5. Date of next meeting:

5.1 Extra Ordinary Meeting: Friday 13th January 2023

5.2 Ordinary Meeting: Tuesday 7th February 2023.

The meeting closed at 8.23pm.

SIGNED  DATE 