

OISLE OF ANGLESEY COUNTY COUNCIL

Minutes of the Extraordinary meeting held on 5th July 2010

- PRESENT:** Councillor Selwyn Williams - Chair
Councillor G.O Jones - Vice-Chair
- Councillors W.J.Chorlton; E.G.Davies; Lewis Davies; Jim Evans;
C.Ll. Everett; D.R. Hughes; Fflur M.Hughes; K.P.Hughes;
R.Ll.Hughes; T.Ll. Hughes; W.I.Hughes; W.T.Hughes; Eric Jones;
H.Eifion Jones; O.Glyn Jones; Raymond Jones; R.Dylan Jones;
R.Ll.Jones; T.H.Jones; A.Morris Jones; C.McGregor; Rhian Medi;
Bryan Owen; J.V.Owen; R.L.Owen; Bob Parry OBE; G.O. Parry
MBE; Eric Robers; G.W. Roberts OBE; J. Arwel Roberts; P.S.
Rogers; E Schofield; H.W. Thomas; Ieuan Williams; J.P. Williams.
- IN ATTENDANCE:** Interim Managing Director;
Corporate Director (Education & Leisure);
Corporate Director (Finance)
Acting Corporate Director (Housing & Social Services);
Head of Service (Policy);
Head of Service (Planning and Public Protection)
Legal Services Manager;
Solicitor to the Monitoring Officer;
Committee Services Manager.
Communications Officer.
- APOLOGIES:** Councillors B.Durkin, K.Evans, P.M.Fowlie.□

The meeting was opened with a Prayer by Councillor G.O.Jones.

1.DECLARATION OF INTEREST

The Corporate Director (Education and Leisure) declared an interest in Item 6 of these minutes and was not present at the meeting during any discussion or voting thereon.

2. TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER, MEMBERS OF THE EXECUTIVE OR THE HEAD OF THE PAID SERVICES

The Chair took the opportunity of referring to the fact that Dr.Gareth Morris, Principal Translator had recently retired after 31 years service to this Council. He also mentioned that Mr.Geraint Elis, the Strategic Co-ordinator for the Schools Rationalisation Programme and former Head of Service (Education) would be retiring at the end of this month. He thanked them both for their service and wished them a long and happy retirement.

On a sadder note, the Chair on behalf of the Council sympathised with Mr. Arthur Owen, Corporate Director (Environment and Technical Services) and his family upon the loss of his mother. He also referred to the tragic fire at Tynyngogl on 30th June, 2010, when a young mother and her two children died.

Sympathy was also extended to any Member or Officer who had suffered a bereavement.

Members and Officers stood in silent tribute as a mark of their respect.

The Leader of the Council took the opportunity of making the following statement to Council regarding Complaints against Councillors Durkin and Schofield:-

“Members will be aware of the creation of a new Alliance to give political leadership committed to good governance within the Council. This Alliance is based on principle with the aim of unequivocally supporting the Council’s recovery.

The Council has a long history of disputes between Members and petty infighting. Not only are these the problems which have got us here but they have continued.

We can all look backwards - indeed I in common with other members have done so but the reality now is that we must draw a line under the past and recognise that those who must be tackled are those whose conduct now is holding back recovery and that this is the main purpose of this Council together with creating opportunities with our services so that they continue to provide the best service for Anglesey residents.

Drawing this conclusion has been difficult for many of us. For me it was a uncomfortable message as most of the present problems were emanating from my own Group. It puts principle before friendship, it puts recovery before political groups. This Council can only move forward if it marginalises those who obstruct recovery and those who support them.

This is not an attempt to gag others from raising legitimate and serious concerns from the past. Indeed in Councillor Durkin’s case he has been told if he has any compelling evidence then he should take it to the police.

Many members have called for people to be named so that we are not all tarred with the same brush. One of the most important terms of the Alliance document was that the Alliance Group Leaders agreed to reporting Councillors Durkin and Schofield to the Ombudsman for breaches of the Members’ Code of Conduct.

I can confirm that external solicitors with expertise in local government work have already been instructed to prepare the complaints.

The work of drafting one of the complaints has already begun. Work on the other will follow in due course.

These are significant pieces of work as they involve a large number of incidents going back over a number of years with much paperwork and they involve a number of other individuals, being both elected members and officers.

This means that the work will take a while longer in order to ensure the correctness and completeness of the complaints. Members will be apprised of developments as the work progresses.

The Alliance Group Leaders will support the complaints. Across the chamber we may not all agree on the way forward but what I hope we can agree on is the need to bring matters to a head so we can all move forward. I will seek to involve the Leaders of the other Groups on the Council, namely Cllrs Bryan Owen and Gareth Winston Roberts, in this work and at the appropriate time I very much hope that they too will be able to support the complaints.

I know that the overwhelming majority of the Members here today share my commitment to recovery and the removal of the WAG intervention. Regardless of where they may now sit in the Council Chamber I hope we can all work together to achieve this goal and get on with what we should be here for and that is the face up to the many challenges this Island faces”.

The Interim Managing Director wished to make the following comments:-

“First of all, in terms of the Alliance agreement, I am quite happy to meet with members individually or collectively to explain fully the background to the formation of that document and the advice I gave at the time. I am aware that there is quite a lot of rumour and speculation about issues leading up to that and I think it is unhelpful generally for there to be rumour and speculation and therefore I am perfectly happy to meet with members individually or collectively.

It is however, quite clear, that the ongoing problems that this Council is experiencing in terms of the behaviour and conduct of some members and the apparent support that they were receiving from other members was making recovery extremely difficult. I have been extremely forthright in my comments to Group Leaders and to individual groups about the need to tackle those conducts and behaviours. Not to sweep criminal acts of the past under the carpet, nobody would expect that, but to stop the petty tit for tat that is rooted in the history of this Council and try and move forward in an united fashion.

The dangers of bold and decisive action in this Council to try and provide that strong leadership, to force the issues out into the open has a danger and a down side. And that danger and downside is that the very act of bold and determined leadership to identify and eliminate people who cause problems in the Council can create a new set of scores to be settled, a new set of enemies. If that is the case here, recovery will not succeed. I would ask all members to think very, very long and very, very hard about that.

I've worked long enough with all of you to know that you are all very dedicated, committed Councillors seeking to do the best for your constituencies and wards and I very much hope that over the next few months you can prove that you can come together in a united way to move this Council forward. But I have given you that cautionary note about the problems that I see moving this Council forward. We cannot allow recent events, and I urge you not to allow recent events to create a new set of problems to fall out over.

The second item I want to refer to is the Minister's letter dated 13th June, sent to all members of the Council. It would of course be a matter for the Minister if and when he intervenes and the nature of that intervention. However, I wish to be absolutely clear with members as I am always very clear with members I hope, that it is my strong view that should the recovery of the Council falter, or the current alliance fail, then intervention should follow.

It is also the opinion of the Recovery Board that if the new coalition collapses, any move to some new reconfiguration would detract from the work of the Council and that the Board

themselves would be prepared to act as Interim Commissioners until new Commissioners could be appointed.

Now I don't want members to take that as a threat. I make it as an observation and a comment. I hope that in particular, that some of those members who have said 'bring it on' will reflect very, very carefully upon those comments.

The situation has moved, this can no longer be a Council run simply on numbers and if you get over 20 you run the Council. This has to be a Council run based on principle. Having the numbers can no longer be a recipe for survival. Again I make those comments quite directly and quite bluntly, because I think it is important that all members understand that.

It is absolutely essential, that members read the Minister's letter very, very carefully and dwell and reflect upon it. And I regret that some of the issues that have brought this recent turn of events to a head, is because members did not read the earlier Minister's letter, very, very carefully.

My third announcement related to Ian Bottrell. Members will be aware that Mr. Bottrell has already done some work for the Council, well received workshops. I am commissioning Mr. Bottrell through the W.L.G.A. to carry out some further work, particularly with Group Leaders but across the Council in order to develop some of the political protocols which one would expect to see in a mature political environment.

This work is imminent and will be carried out over the next few weeks and probably through into September. I have asked him to ensure that he engages as widely as possible with members across the whole Council. I hope members will cooperate with him and engage in this work. I do think that building an understanding of some of these political protocols can help in terms of moving this Council forward in a way that recovery is sustainable".

Councillor Aled Morris Jones thanked the Chair for promoting the Armed Forces Day. The event would not have happened without his leadership on that day. He asked the Chair to ensure that this event carried on in future possibly alternating between a venue here on Anglesey and another venue along the North Wales coast.

3. CORPORATE IMPROVEMENT PLAN

(a) Reported- That the Executive at its meeting on 22nd June, 2010 had resolved to recommend to the County Council as follows:-

" To recommend to the County Council that the Improvement Priorities for 2010/11 be approved as contained in Appendix 1 of the report ;

That the Head of Service (Policy) be requested to include reference to adopting a new empty homes strategy at Para 3.1 of the Improvement Priorities;

To authorise the Portfolio Member for Corporate Governance to oversee preparation of the Improvement Plan prior to submission to the County Council."

(b) Submitted for information, the report of the Interim Managing Director as submitted to the Executive on 22nd June, 2010. *(Copy previously issued to all members with those papers).*

(c) Submitted- A copy of the Draft Corporate Improvement Plan.

Councillor Aled Morris Jones requested that the first sentence of the last paragraph on Page 5 of the report be amended to read *'Although economic development is a discretionary service, it is nevertheless a **vitally** important strategic priority for the Council.'*

Her also requested that under 'Good housekeeping and efficiency' savings at Page 10 of the report, officers be requested to include some examples of proposals to reduce waste and costs.

The Leader in reply stated that he was prepared to accept the first amendment but the second amendment was premature in his opinion since the Council needed to firstly consider any employment implications for staff.

RESOLVED to approve the Improvement Priorities for 2010/11 as contained in the Draft Corporate Improvement Plan and that any final modifications to the contents of the overall plan be agreed in consultation with the Portfolio member for Corporate Governance.

4. JOINT DELIVERY OF THE PLANNING POLICY SERVICE FOR YNYS MÔN AND GWYNEDD.

a) Reported- That the Executive at its meeting on 15th June, 2010 had resolved to recommend to the County Council as follows:-

- *"That a Joint Planning Policy Unit (JPPU) is created to deliver the Planning Policy Service for Anglesey and Gwynedd Local Planning Authorities;*
- *That a Joint Project Board is created to oversee the work of the JPPU;*
- *That the JPPU commences work on a single Local Development Plan (LDP) for Gwynedd and Isle of Anglesey Local Planning Authorities;*
- *That a Joint Local Development Plan Panel is formed to provide input into the production of a single LDP for both Authorities;*
- *That a Joint Planning Policy Committee is formed as a formal cross boundary decision making body;*
- *Planning and Public Protection in consultation with Finance, Legal, Personnel and Property to implement the above."*

(b) Submitted for information, the report of the Corporate Director (Environment and Technical Services) as submitted to the Executive on 15th June, 2010. *(Copy previously issued to all members with those papers).*

Some of the members present expressed concern that there would only be one LDP for Anglesey and Gwynedd and that consideration should be given to a separate plan for Anglesey

from an economic perspective. The needs of Anglesey and Gwynedd would not always be the same.

The Portfolio Holder, Councillor W.J.Chorlton in reply assured members that before any agreement was ratified, this Council would have an opportunity to discuss its contents and thus ensure that this Authority was not let down in any way or form. Updates would also be provided to the Council and its Committees on progress made.

RESOLVED to endorse the recommendations of the Executive of 15th June, 2010 in this respect.

5.EVENING MEETINGS

Submitted- A report by the Director of Legal Services/ Monitoring Officer.

Reported- That the County Council at its meeting on 11th May, 2010, endorsed the recommendation of the Executive of 7th May *'that full Council receive a report by September at the latest regarding the feasibility of convening meetings of the Council and its Committees outside office hours.'*

Paragraph 2 of the report referred to the list of issues that needed to be considered prior to reaching a decision, together with the current position across North Wales' Authorities as regards convening evening meetings.

Attachment 'A' of the report provided a list of Committees for the period May 2009 - May 2010 where Members were involved.

The views of the Political Group Leaders were shown at Appendix 'B' of the report.

RESOLVED that there be no change to the present arrangements for the life of this current Council.

6.TO APPOINT AN ELECTORAL REGISTRATION OFFICER AND TO TIDY-UP APPOINTMENTS RELATING TO ELECTORAL MATTERS

(a) Reported- That the Executive at its meeting on 22nd June, 2010 had resolved to recommend to the County Council as follows:-

- *"To appoint the Interim Managing Director to be the Council's electoral registration officer, returning officer for local government elections, constituency returning officer for elections to the National Assembly for Wales and the Council's counting officer for local referendums;*
- *That the Constitution be changed as provided for in the Appendix to the report, so as to ensure that in future persons appointed as the Council's Managing Director will automatically be appointed as the Council's:-*
- *Electoral registration officer (ERO)*
- *Returning officer for all elections for which the Council must appoint a returning officer, and*
- *Counting officer for all referendums for which the Council must appoint a counting officer*

Submitted- The report of the Legal Services Manager as submitted to the Executive on 22nd June, 2010. *(Copy previously issued to all members with those papers)*

RESOLVED - to endorse the recommendations of the Executive of 22nd June, 2010, in this respect.

7. ATTENDANCE BY MEMBERS OF THE PLANNING COMMITTEE AT TRAINING EVENTS/SEMINARS.

Submitted- A joint report by the Head of Service (Planning and Public Protection) and the Director of Legal Services/Monitoring Officer.

Reported- That following the elections in May 2008, approximately half of the members who sat on the Planning and Orders Committee were new to the Authority and had received no previous training on relevant planning matters.

To date membership of the Committee had been relatively static with only a few changes over the past 2 years and in line with the requirement of The Constitution all new Members had received Induction Training prior to sitting on the Committee and making decisions. In total 17 training sessions/seminars had been held with members since May, 2008 of which 4 were for induction purposes.

Such a high level of training for Members had been necessary in order to reflect firstly, the influx of new Members onto the Planning Committee, secondly, in order to emphasise the importance of the planning decision-making process and, thirdly to ensure that decisions were made robustly and in an open and transparent manner.

Attendance records (Appendix 1 of the report) indicated that whilst some Members had been to many of the training events/seminars, 2 Members had only attended the minimum number. However, as they only co-opted onto the Committee following induction training on 7th October 2009 and 22nd February 2010 they would have ample opportunity to ensure that they attended the required number of events within the 2 year period.

RESOLVED

- **That the members of the Planning and Orders Committee be requested to note the contents of the report.**
- **That the members of the Planning and Orders Committee need to realise the importance of attending training events as they arise. Unless impractical, they should participate in all training events and not merely the minimum number of seminars as required within the Constitution - Planning Matters Procedure Rules.** [Note: Training events/seminars are fundamentally important to Members of the Planning Committee in order to ensure that they keep abreast of ongoing changes in 'planning' as well as to address the concerns highlighted within the Corporate Governance Inspection Report (July 2009)].
- **That attendance will continue to be monitored and reported to Full Council.**

8.POLITICAL BALANCE

Reported- That following the recent changes in the membership of the Original Independence Group and the constitution of the political group Llais i Fôn, the Council needed to review its political balance arrangements on the Council Committees.

Attached to the report was a table setting out the political balance of Council Committees in accordance with the Local Government and Housing Act 1989. The table showed the six political groups 13, 8, 5, 4, 3 and 3 Members respectively and 4 separate Unaffiliated Members.

During recent discussions at Corporate Management Team it was considered important to try and achieve stability in the Pay and Grading Panel and the easiest way to achieve that was by increasing the membership from 5 to 6. In order to avoid any misunderstanding of the 6 months rule under 4.1.17.1 it was necessary for 10 members to indicate support for a motion to be moved to change the decision made by the Council on 11th May 2010, that there were 5 seats to be on the Pay and Grading Panel. If that was achieved then the motion itself could be put to the Council to increase the number of seats from 5 to 6.

Clearly, unless the calculation arrived at whole numbers of total seats and seats on individual committees fractions would inevitably result, so that exact compliance would be impossible.

Each political group on the Council could only allocate the seats it received under the political balance arrangements to its own members and could not allocate to a Councillor who was not a member of that same political group.

Councillor G.W.Roberts,OBE, queried how 0.7 in the political balance table had been rounded up to 2 and 0.45 to 1 seat on the Pay and Grading Panel?

The Corporate Director(Finance) drew the members attention to Para 2 of the report and to the main principles of the Local Government and Housing Act, 1989, when reviewing political balance arrangements on Council committees. By convention, this Council gave the seats that were left to the unaffiliated members. Having made the calculations, there happened to be 2 seats left for unaffiliated members on the SEN Committee. It was not a question of rounding 0.7 to 2 but rather the difference between 5 and 7.

Councillor G.W.Roberts, OBE, proposed that there be further discussion on this matter and the Leader said that the matter would have to be looked at further.

It was proposed and seconded that the Council should now move ahead to determine the allocation of seats to unaffiliated members.

Legal advice given on the day stated that the Council had two options, either the Council appointed unaffiliated members to Committees or that delegated authority be given to the Leader to determine as was previously the case.

It was proposed and seconded that the second option referred to above be followed.

RESOLVED

- **To agree that the Council reconsiders the membership of the Pay and Grading Panel within 6 months of its previous consideration.**
- **To change the number of members on the Pay and Grading Panel from 5 to 6.**
- **To note the new political balance arrangements and the number of seats attributable to each of the Groups and the Unaffiliated Members under the Local Government and Housing 1989;**
- **To agree the whole numbers of seats to be allocated to the Unaffiliated Members and that the previous allocation made by Group Leaders in accordance with the delegation made by Council on 11th May, 2010 should stand (conditional upon there being any changes - which there are not).**
- **To ask the Group Leaders to provide the list of the names of their group representatives on each Committee to the Committee Services Manager by no later than 10am on Tuesday 6th July 2010.**
- **That the current allocation of unaffiliated seats stand and that the Interim Managing Director be charged with drafting a protocol to set out the procedure for future allocation of seats to Unaffiliated Members.**

The meeting concluded at 3.30p.m.

**COUNCILLOR SELWYN WILLIAMS
CHAIR**