

EXTRAORDINARY MEETING OF THE ISLE OF ANGLESEY COUNTY COUNCIL

Minutes of the meeting held on 9th June 2011

- PRESENT:** Councillor G.O.Jones - Chair
Councillor R.LI.Jones - Vice-Chair
- Councillors W.J.Chorlton E.G.Davies; Lewis Davies;
R.Anthony Dew; B.Durkin;K.Evans; D.R.Hughes;Ff.M.Hughes;
R.LI.Hughes; T.LI.Hughes; W.I.Hughes;W.T.Hughes;
K.P.Hughes; Aled M Jones; Eric Jones;H.Eifion Jones; O.Glyn
Jones; Raymond Jones; R.Dylan Jones; Rhian Medi; Bryan
Owen; J.V.Owen; Bob Parry OBE; G.O. Parry MBE; Eric
Roberts;G.W.Roberts,OBE;P.S. Rogers; E Schofield, Ieuan
Williams; J.P. Williams.
- IN ATTENDANCE:** Interim Chief Executive;
Corporate Director (Finance);
Corporate Director (Housing and Social Services)
Head of Service (Highways and Waste Management)
(Item 4 only)
Head of Service (Planning and Public Protection)(Item 4 only)
Head of Service (Policy)
Legal Services Manager
Solicitor to the Monitoring Officer
Chief Planning Officer (Item 4 only)
Manager, Central Support and Emergency Planning
Committee Services Manager.
Communications Officer.
- Messrs Alex Aldridge, Byron Davies.
- APOLOGIES:** Councillors C.LI.Everett, Jim Evans, Tom Jones, R.L.Owen,
C.McGregor, J.Arwel Roberts.

The meeting was opened by a prayer offered by Councillor K.P.Hughes.

1. DECLARATION OF INTEREST

Councillors B.Durkin, P.S.Rogers and E.Schofield declared an interest in Item 3 of these minutes and were not present at the meeting during any discussion or voting thereon.

Councillor Selwyn Williams declared an interest in Item 4 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 OF THE COUNCIL, BOARD OF COMMISSIONERS OR THE HEAD OF PAID SERVICE.

The Chair congratulated the youngsters of the Island who had been successful at the Urdd Eisteddfod recently at Swansea. He also extended his best wishes to those competitors representing Anglesey at the Island Games on the Isle of Wight at the end of this month.

On behalf of the Council, the Chair expressed his deepest sympathy to Councillor C.LI.Everett and his family upon the loss of his father in law yesterday and also to Mrs.Carys Bullock, Managing Director's Department, and her family upon the loss of her father on Tuesday.

He also sympathised with any member or member of staff who had suffered a bereavement.

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

Some of the Members took the opportunity of drawing the Council's attention to the fact that they were disappointed that they were not receiving the Welsh version of Committee reports to some meetings of the Council in accordance with the bilingual policy adopted by this Council.

The Interim Chief Executive in reply stated that he would look into the matter.

3. INDEMNITIES FOR MEMBERS AND OFFICERS

(a)Reported - That the County Council at its meeting on 12th May, 2011, had resolved *"to agree in principle at this stage that the Council wishes to adopt the power to grant indemnities as provided for by the Order, and that a further report on the matter be submitted to Council in due course."*

(b)Reported by the Legal Services Manager – That it was necessary to adopt a policy and procedure for the making and determining of applications for indemnities under the Order. This report set out a proposed policy, procedure and general form of wording for an indemnity which were set out in the Appendix to this report.

As indicated in the previous report to Council on 12th May, 2011, an Equalities Impact Assessment had been carried out on the proposed policy which concluded that it had, overall, a positive impact.

The Legal Services Manager stated that the report referred to establishing a Sub-Committee of at least 3 members of the Council to determine applications for indemnity. However, having looked further at the figures, there were further choices available to members in this respect, namely a Sub-Committee of four members consisting of a representative from each Political Group or a Sub-Committee of 5 members to include, in addition, one unaffiliated member.

It was proposed and seconded that the recommendations within the report be accepted and that the Sub-Committee should consist of 5 members and that the Chair and Vice-Chair of the Council be exempted as members of the Sub-Committee.

An amendment was proposed and seconded that the Sub-Committee should consist of 10 members and be politically balanced.

The Legal Services Manager pointed out that a Sub-Committee of 10 members might have an effect on the overall political balance of Committees across the Council and would be administratively more burdensome.

A member stated that a complaint had been made against a member of Flintshire County Council and that the member in question did not have the means to fight the case since it would cost in the region of £250k. The member received the payment but without that money he would not have been able to win that case. However, the Councillor accepted the principle being put forward and supported the recommendations within the report.

Mr. Alex Aldridge, Commissioner, was afforded the opportunity of addressing the Council. With regard to the comment made, he wished to clarify that Flintshire County Council did not pay an individual the sum mentioned. The indemnity as it stood was to do with a case that went before the Ombudsman. The individual at Flintshire was currently facing adjudication by the Ombudsman. The Council with the advice of the Monitoring Officer, indemnified that individual to bring a lawyer to represent him through the process, on the clear understanding that if the case was lost they would have to repay in full the costs to the Council. They also set a very strict limit of spend. The case was still ongoing. At Flintshire it was the full Council that made the determination based on the advice given by the Monitoring Officer.

Following the above statement, the mover and seconder withdrew their original amendment of a Sub-Committee of 10 members and they proposed and seconded an amendment that this Council should follow the example of Flintshire Council in this respect.

The Legal Services Manager advised that it appeared from contributions by some members that the report had either not been read or understood by some members. In those circumstances, those members must be advised to refrain from voting on the matter.

The amendment was lost by 20 votes to 7 and it was resolved to accept the recommendations contained within the report subject to the establishment of a Sub-Committee of 5 members as referred to above.

Councillor Raymond Jones wished it to be minuted that he had abstained from voting on this matter.

RESOLVED

● That where the Council's existing insurance policy potentially covers a matter which can be indemnified under the terms of the Order then an indemnity for that matter will be offered by way of insurance only and upon such terms, conditions, policy limits and deductibles as may be required by the Council's insurers;

● That where the Council's existing insurance policy does not cover a matter which can be indemnified under the terms of the Order, then an indemnity for that matter will potentially be offered by way of a financial payment but subject to such terms and conditions as may be determined in accordance with the Policy as set out in the Appendix to this report;

●That a Sub-Committee be established to determine applications for indemnities as shall fall in accordance with the second paragraph of the resolution referred to above. The Sub-Committee shall consist of five members and be politically balanced (which with the current political balance would mean one member from each Political Group together with one unaffiliated member), and they shall appoint a Chairman from amongst their number. The Chair and Vice-Chair of the Council shall not be members of the Sub-Committee. The Sub-Committee shall be delegated all rights to make decisions in respect of applications and be granted the power to allocate money in accordance with any decisions made on applications. The Director of Legal Services and the Corporate Director of Finance shall advise the Sub-Committee during their deliberations as necessary;

●To adopt the proposed form of wording for an indemnity, the policy and the procedure for dealing with Applications for indemnities as set out in the Appendix to this report.

4. REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES.

(a)Considered - A public interest report issued on 25th March, 2011 by the Public Services Ombudsman for Wales following an investigation of a complaint of maladministration against the Council. (Ombudsman's Case Reference 200901501).

(b)Reported by the Interim Chief Executive – That on 25th March, 2011, the Public Services Ombudsman for Wales issued a report pursuant to S.16 of the Public Services Ombudsman (Wales) Act 2005 in respect of an investigation into a complaint made against the Council.

In the Report, the Ombudsman made both a finding of maladministration against the Council and recommendations to the Council. The Report had been made public and required the Council to give consideration to the Report, its findings and its recommendations within 3 months of the date of the Report. The Report was presented to this meeting so that full Council may consider the requirements of the Report and respond accordingly to the Ombudsman.

The Ombudsman concluded that the Council was guilty of maladministration as follows:-

1.A failure to adequately assess the impact of a development on Site B which was detrimental to highway safety;

2.A failure to address vigorously the problem created by the above maladministration which was compounded by a failure to respond adequately to correspondence from Mr.W's agent.

Officers accepted the Ombudsman's findings of maladministration and recommended that Council accepted those findings also. Officers also accepted the Ombudsman's recommendations as to compensation and recommended that Council do likewise. The Interim Chief Executive took the opportunity of apologising to Council for the maladministration that had taken place.

RESOLVED

●To accept and agree with the Ombudsman's Report, his findings and his recommendations;

●To adopt the recommendations set out in paragraph 101 of the report (pages 40 and 41) and to authorise officers to implement those recommendations within the timescales stated by the Ombudsman;

●As regards the recommendation contained in paragraph 102 of the report, that the Head of Service (Planning and Public Protection) and the Head of Service (Highways and Waste Management) review the relevant development control practices in their respective Departments and their Departmental procedures in responding to complaints and in addressing and expeditiously implementing proposed solutions to existing complaints so as to mitigate identified problems. That they report their findings to the Commissioners responsible for their respective Services and that they report their findings to the Board of Commissioners;

●That authority be given to the Interim Chief Executive to apologise to Mr.W for the maladministration.

5. REVIEW OF THE ELECTORAL ARRANGEMENTS OF THE ISLE OF ANGLESEY

(a) Reported - That the following Notice of Motion had been submitted by Councillors K.P.Hughes, Aled Morris Jones, Bryan Owen, G.O.Parry, MBE and Eric Roberts to the County Council meeting on 12th May, 2011:-

“We the undersigned request that the Interim Managing Director calls an extraordinary meeting of the Isle of Anglesey County Council to discuss the direction of the Minister of Social Justice and Local Government dated the 28th March, 2011 to further review the electoral arrangements of the Isle of Anglesey.

It is intended that the final report is to be submitted to the Minister by 30th September, 2011.

This timescale will not allow an initial period of consultation with the communities of Ynys Môn at the start of the review.”

(b) Reported that the County Council upon consideration of the above had resolved *“to defer consideration and that arrangements be made to convene an extraordinary meeting of the County Council to discuss the matter in detail within the next fortnight / three weeks.”*

(c)Reported by the Interim Chief Executive – That one of the recommendations by the Auditor General to the Welsh Ministers, following the Corporate Governance Re-Inspection of the County Council in February, 2011 was *“to request the Local Government Boundary Commission for Wales to review its proposals published in 2010 to ensure that the changes proposed adequately address the need for democratic renewal in Anglesey in terms of the number of Councillors and the introduction of multi-member wards.”*

On 28 March, 2011, the Minister for Social Justice and Local Government issued a Direction to the Local Government Boundary Commission for Wales (LGBCW) to conduct a further review of the County and its electoral arrangements and to make revised proposals on the desirability of multi member electoral divisions throughout the County and that it should aim to propose a Councillor to electorate ratio as close as possible to 1:1750.

The current Direction could result in 29 elected members for the County, probably including multi member wards. Multi member wards already existed in 19 of present Welsh Counties and varied in number between 2 and 4 members per division.

The LGBCW had confirmed that they would publish a copy of their initial proposals by late June or early July 2011 providing an opportunity of 8 weeks for observation and comment to the Commission. This would enable them to consider representations from the electorate before compiling their final recommendations to the Minister by 30 September, 2011. This latter date would be followed by a further 6 week consultation period on the LGBCW final proposals with any representation directly to the Minister for consideration before he decided on the Order. The Order may approve the LGBCW recommendations or include alterations following the consultation, at the discretion of the Minister.

In addition, a request had been made for a member of the Commission to attend the Council during July 2011 to present their initial proposals.

As the revised proposals, if any, would probably become effective from the next election scheduled for May 2012, and would provide a machinery of convenient County governance to the citizens of Ynys Mon for the next 10-15 years, Members may wish to promote the LGBCW initial proposals by discussion with the communities, possibly facilitating 'road shows' and publicity or similar across the county to enable the electorate to express an opinion on the arrangements? In addition, Members were requested to consider how the Council would discuss and comment upon both the initial proposals in July and subsequently the final proposal in October 2011 within the consultation period provided.

The Interim Chief Executive mentioned that the Minister had visited these offices recently and that discussions on the electoral review had taken place with Group Leaders individually. The Minister had also received petitions from Town and Community Councils during this time. Following the visit, the Minister had promised to write a letter to this Council with the aim of clearing any misunderstanding regarding his intentions. The letter was received yesterday, a copy of which had also gone to the Political Group Leaders.

In his letter the Minister had mentioned the following:-

- That he had responded to the strong recommendations put forward by the Auditor General following the Corporate Governance report of this Authority and that if this Council was to ensure its identity then it must strengthen the democratic recovery process;
- That the boundary review was not being made secretly or without consultation. It was an open and transparent process which would allow different opinions and comments to be made before a final decision was reached. In his letter the Minister gave a personal assurance that any comments would be taken into consideration before a decision was reached;
- What was being proposed affected the County Council only and not the Town and Community Councils. He would be writing specifically and directly to the Town and Community Council in this respect.

Some of the views put forward by individual Councillors at Council were as follows:-

- members had no objection to a boundary review but there was a 'due process' that should be followed as regards consultation. If the aim was to get rid of some Councillors, then it would be the electorate that would decide who was elected or re-elected and not any change to the boundaries;
- some were worried by the urgency that surrounded the matter. The previous review had to be withdrawn. Important to get this right;
- this Council should hold a snap referendum to ascertain whether the electorate were in favour of multi member wards;
- this review was specific to Anglesey and was in isolation to the rest of Wales within an impractical, unfair and undemocratic timetable. Even though the Boundary Commission was required to undertake reviews every 10-15 years they were not required to make changes. Strong message needed to go back that the review was defective, in that it separated Ynys Mon from the rest of Wales;
- the whole process was a denial of democracy in that it denied the Boundary Commission the right to do what they wanted to do because the ground rules had already been set by the Minister. Rumour had it that Anglesey was to be split into four quarters which would result in no local accountability. At stake here was not the future of Councillors as individuals but the future of good governance of this Island. The Minister was acting in haste which often resulted in wrong decisions being made, which would be to the detriment of the people of Anglesey for the next generation. The inherent message was that Ynys Mon did not want multi-member wards and be torn apart as an Island;
- what was being proposed was municipal madness. Reference was made to a document from Flintshire County Council regarding their boundary review and to the following salient points contained therein – *the incongruous amalgamations which would not maintain identifiable democratic representation; that the proposed changes at Flintshire in departing from single member wards were extreme in comparison to the proposals emerging from other Councils.* The spirit of the Act was of pre-consultation and that this had not taken place in respect of Anglesey;
- problems of infighting within the Council might be transferred to the Town and Community Councils by establishing multi-member wards. Not enough serving women Councillors. What was being offered was not going to facilitate that process and needed to be given due consideration.
- that there should be a release of all documentation within this Authority during the last 18 months that had led to this Council being in the present situation. This information would possibly change the attitude of the Minister to the whole situation.

It was proposed and seconded that a Panel be established with authority to seek independent legal advice to determine what steps were available to the Council in responding to the proposals to be put forward by the Boundary Commission.

It was **RESOLVED** to exclude the public and press for part of the meeting in order that the Legal Services Manager could provide confidential legal opinion prior to the vote.

The meeting then reverted to public session.

The Corporate Director (Finance) enquired as to the spending power of the proposed Panel if the Council decided to proceed. This Council had already adopted a budget for the 2011-12 financial year which was mostly delegated to the Commissioners. He asked Council whether it wished to delegate its right to spend a certain amount in addition to the annual budget, in which case it would be appropriate to name a sum. The Legal Services Manager advised a sum of £50,000.

RESOLVED

- That arrangements be made to convene an informal meeting/seminar of the County Council once the initial proposals are to hand and that an invitation be extended to a member of the Boundary Commission to attend that meeting;**
- To establish a politically balanced Panel of 7 Members (Ratio 2.1.2.1.1.),with power to act, in consultation with the relevant officers and that they be requested to meet to determine whether further independent legal advice should be sought when all information is to hand;**
- To set aside a sum not exceeding £50,000 from the general balances to cover the cost of any legal advice and that should a further amount be required, that the County Council determine such sum.**

The meeting concluded at 12.25 p.m.

**COUNCILLOR G.O.JONES
CHAIR**