

EXTRAORDINARY MEETING OF THE ISLE OF ANGLESEY COUNTY COUNCIL

Minutes of the meeting held on 8th August 2011

- PRESENT:** Councillor G.O.Jones - Chair
- Councillors W.J.Chorlton E.G.Davies; Lewis Davies;
R.Anthony Dew; B.Durkin; J.Evans; K.Evans; R.Ll.Hughes;
W.I.Hughes;W.T.Hughes; K.P.Hughes; Aled M Jones; Eric
Jones; O.Glyn Jones; Raymond Jones; R.Dylan Jones;Tom
Jones; C.McGregor;Rhian Medi; Bryan Owen; J.V.Owen;
R.L.Owen;Bob Parry OBE; G.O. Parry MBE; Eric
Roberts;G.W.Roberts,OBE; P.S.Rogers; Ieuan Williams.
- IN ATTENDANCE:** Chief Executive;
Legal Services Manager
Solicitor to the Monitoring Officer
Committee Services Manager.
- Commissioners Byron Davies, Mick Giannasi.
- Mr.Stephen Jenkins, Geldards Solicitors.
- APOLOGIES:** Councillors C.Ll.Everett, D.R.Hughes,Ff.M.Hughes,T.Lloyd
Hughes, H.Eifion Jones, R.Ll.Jones, J.Arwel Roberts,
H.W.Thomas, J.Penri Williams, Selwyn Williams.

The meeting was opened by a prayer offered by Councillor R.G.Parry,OBE.

A warm welcome was extended to Mr.Stephen Jenkins, Geldards Solicitors.

1. DECLARATION OF INTEREST

None to declare.

2. TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL, BOARD OF COMMISSIONERS OR THE HEAD OF PAID SERVICE.

The Chair on behalf of the Council expressed his condolences to Councillor J.Penri Williams upon the loss of his mother in law and to the family of former Borough and County Councillor Meurig.B.Hughes.

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

The Chair afforded Councillor P.S.Rogers the opportunity of expressing his apology to Councillor Rhian Medi following her complaint against him regarding his conduct at a meeting of

the Environment and Technical Services Scrutiny Committee on 25th January, 2011, where he had interrupted her without giving due explanation and to which she had taken offence. He hoped that she would accept the apology and that it be the end of the matter.

3. EXCLUSION OF THE PRESS AND PUBLIC

Councillor A.Morris Jones enquired as to whether Councillor Elwyn Schofield had been given advice not to remain at today's meeting?

The Legal Services Manager in reply stated that he could not confirm publicly any legal advice he had given to an individual.

RESOLVED that under Section 100(A)(4) of the Local Government Act, 1972, to exclude the press and public from the meeting during discussion on the following item on the grounds that it may involve information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and on a Public Interest Test it was decided to exclude the press and public.

4. INVESTIGATION COMMITTEE

Considered – Whether or not to establish an Investigation Committee arising from the Ministerial Direction of July, 2011.

Submitted – A report by the Chief Executive.

Questions and issues were raised by numerous Members and replies provided by the Chief Executive.

Before the matter being put to the vote the Chief Executive proposed an additional recommendation (9) whereby delegated authority be given to the Investigation Committee in relation to the costs arising from any appointment of a DIP and in receiving any independent legal advice it required to carry out it's duties correctly.

RESOLVED

●That there are sufficient grounds to require the appointment of an Investigation Committee to investigate the concerns identified by the Commissioner in his letter of 8th July, 2011.

●That an Investigation Panel be appointed to consider the concerns and decide on the following:-

●Whether the Officer concerned should be suspended pending the consideration by the Committee as to whether there is a case to answer; and

●Whether it appears that an allegation or allegations of misconduct by the Officer concerned should be investigated further and, if so, to appoint a DIP(Designated Independent Person), in accordance with the terms of the Regulations.

- That a Disciplinary Committee be established and members appointed to it at this stage. (Such a step would accord with JNC Guidance and avoid the need for the Council to separately establish a Disciplinary Committee if subsequently required in these proceedings or in any subsequent situation where allegations are raised in relation to a statutory officer that require consideration under this special disciplinary procedure);
- That an Investigation Committee should consist of five Members and be politically balanced in accordance with Section 15 of the Local Government and Housing Act, 1989, with at least one member and not more than half the members of that Committee to be members of the Shadow Executive;
- To delegate to the Chief Executive the authority to appoint the members of the Investigation Committee in consultation with the political group leaders;
- Any further action to be entirely dependent on the Investigation Committee deciding that a DIP should be appointed and, if so, upon the DIP recommending that disciplinary action is appropriate. If those occur however, then a Disciplinary Committee would have to be established to consider the action to be taken. In these circumstances, authority be delegated to the Chief Executive to appoint a Disciplinary Committee and the appointment of Members to the Disciplinary Committee in consultation with the political group leaders;
- That the County Council retains the role of hearing any appeal to the Disciplinary Committee decision;
- To delegate to the Chief Executive, in consultation with Commissioners, the authority to respond to the Wales Audit Office recommendation under S19 of the Measure in terms that set out the actions taken by the Council to address this matter.
- That delegated authority be given to the Investigation Committee in relation to incurring the costs of any appointment of a DIP and in receiving any independent legal advice to enable the Committee to carry out its duties correctly.

(Councillor R.LI.Hughes wished it to be minuted that he had abstained from voting on the matter).

(Councillor A. Morris Jones wished it to be recorded in the minutes that although he respected that the decision had been made, he had earlier on in the debate requested an opportunity to speak in order to make a proposal that the report be accepted minus recommendation 8 (Wales Audit Office recommendation).He also sought assurance that the Council was not acting incorrectly by not accepting certain views expressed in the report).

The Chief Executive confirmed to Councillor Jones that the Council was not acting incorrectly by not accepting those views.

The meeting concluded at 2:15 pm

COUNCILLOR G.O.JONES
CHAIR