

ISLE OF ANGLESEY COUNTY COUNCIL

Minutes of the meeting held on 26 September 2013

PRESENT: Councillor Gwilym O Jones (Chair)
Councillor Raymond Jones (Vice-Chair)

Councillors Lewis Davies, R Dew, Jim Evans, Ann Griffith, D R Hughes, K P Hughes, Vaughan Hughes, Victor Hughes, W T Hughes, Llinos Medi Huws, A M Jones, Carwyn Jones, H E Jones, R LI Jones, R.Meirion Jones, Richard Owain Jones, Jeffrey M.Evans, Alun W Mummery, R G Parry OBE, Dylan Rees, Nicola Roberts, P S Rogers and Ieuan Williams

IN ATTENDANCE: Chief Executive
Deputy Chief Executive
Director of Sustainable Development
Director of Community
Director of Lifelong Learning
Head of Function (Legal and Administration)
Head of Function (Resources) and Section 151 Officer
Head of Profession (Human Resources)
Committee Services Manager

ALSO PRESENT:

APOLOGIES: Councillors John Griffith, T LI Hughes, J A Roberts, Alwyn Rowlands and Dafydd Rhys Thomas

1 DECLARATION OF INTEREST

The following Councillors declared an interest in Item 10 of these minutes and were not present at the meeting during any discussion or voting thereon:-

Councillor Bob Parry, OBE, - relatives working for the Council in the Education and Property Departments.

Councillor K.P.Hughes – closely related to a former employee of the Council who had been a home carer.

Councillor Llinos M.Huws – relative and close friends working for the Council.

Councillor D.R.Hughes – personal connection with a former home carer who is not in employment at the present time and who had resigned in the last 6 months. Also his daughter who teaches part time at Llanfairpwll Primary School.

Councillor Ieuan Williams – sister-in-law employed as a home carer.

Councillor W.T.Hughes – daughter teaching at Bodedern Primary School and son-in-law is the Headmaster of Ysgol Esceifiog, Gaerwen.

Councillor R.O.Jones declared an interest in Item 10 of these minutes since he had a relative working for the Council. He remained at the meeting and took part in the discussion and voting thereon.

Councillor Nicola Roberts declared an interest in Item 10 of these minutes since she had a brother working for the Council as School and Regional Youth worker. She remained at the meeting and took part in the discussion and voting thereon.

Councillor R.Meirion Jones declared an interest in Items 3, 6, 7, & 8 of these minutes since he was a former employee of the Council, i.e. a member of staff until the end of January 2013 and that it would be unwise for him to participate in these matters, although he did not believe he had a personal interest as defined by the Code.

The Head of Function (Legal and Administration) declared an interest in Item 5 of these minutes because the establishment of the proposed new standing committees would be relevant to her as a statutory officer but the impact would not be material and therefore she would remain in the meeting in order to provide any legal advice. She also declared an interest in Item 8 as adoption of the new structure would provide her with some new/additional management responsibilities but the impact would not be material and again she remained at the meeting to provide legal advice.

2 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL OR THE CHIEF EXECUTIVE

None to declare.

3 STATEMENT OF ACCOUNTS 2012-13 AND ANNUAL GOVERNANCE STATEMENT

Submitted – The report of the Head of Function (Resources) and Section 151 Officer on the finalised Statement of Accounts.

Reported (a) That the Audit Committee at its meeting on 24th September, 2013, upon consideration of the Statement of Accounts had resolved *“to recommend to the County Council that it approves the Statement of Accounts subject to a final review by PWC.”*

Reported (b) That the County Council’s draft accounts for 2012-13 were presented for audit on 28 June 2013. The detailed audit work was now substantially complete and the Auditor’s report issued. A number of amendments to the draft had been incorporated into the accounts. Subject to confirmation by Council today, the accounts would be signed off by the Head of Function (Resources), the Council’s Section 151 Officer and would then be published following receipt of the Auditor’s opinion.

Tabled at the meeting was the final version of the Statement of Accounts including minor amendments received by PWC late yesterday afternoon.

The Chair of the Audit Committee reported that he was this morning in receipt of an e-mail from Lynn Pamment of PWC stating that she had reviewed the latest Statement of Accounts and had made several comments on them, the most significant of which being on Note 3 to clarify critical judgement in respect of accounting for school assets, and on Note 42 indicating the ongoing uncertainties around Municipal Mutual Insurance liabilities. She had also proposed the correction of a trivial classification error within the service lines expenditure on the face of the Comprehensive Income and Expenditure Statement which has no impact on the net expenditure figure or Council Fund. All other amendments proposed related to minor presentational issues.

It was also reported that Lynn Pamment had not yet had sight of the Equal Pay report presented to Council today and that she would need to review the content before she was able to provide the audit memorandum to the Appointed Auditor, Anthony Barrett, to sign the audit opinion.

RESOLVED

- **To confirm acceptance of the 2012-13 Statement of Accounts, subject to PWC being content with the contents of the Equal Pay report presented to Council today;**
- **To accept the contents of the Annual Governance Statement.**

4 POLITICAL ADVISERS/RESEARCHERS

Reported by the Chief Executive upon an application by the Plaid Cymru Political Group for the assistance of a researcher/political advisor to assist the Group to operate effectively within the Council.

As there was no precedent to this type of post within this Council, nor was there provision in the current budget to sustain a post offering support to political groups, the matter was presented to the Council for determination.

The Head of Function (Legal and Administration) said she had reviewed the requirements under the Local Government and Housing Act, 1989, which could have a direct bearing upon today's decision. As applied to this Council, the parameters in the Act would necessitate allocating at least three political researcher posts, if the general principle were to be adopted. This was because each one of the Political Groups on this Council would be entitled to such a post to support them. They would not be under an obligation to fill these posts but the Council itself would have to make an equal allocation based on the number of the Members and the composition of the Groups. The maximum salary lever permitted for each post would be £37,500, or pro rata, if the Council decided to appoint to the three posts on a part-time basis. They would all be fixed term contracts which would have to end between the date of the next election and the date of the subsequent Annual Meeting of the Council. The appointments would effectively be made by the Political Groups themselves, although the appointees would be employees of the Council. Standing Orders would also have to be amended to accommodate the introduction of political advisors/researchers.

Councillor Bob Parry, OBE, in response stated that the Plaid Cymru Group were not looking for a full-time post, probably only two days per week. He requested the Council to give consideration to the proposal and that such appointment(s) be effective in the current financial year.

Discussion took place at the meeting as to the merits or otherwise of the application.

RESOLVED not to support the application in view of the financial pressures currently facing this Authority.

(Councillors G.O.Jones and A.Morris Jones wished it to be recorded that they had abstained from voting on the matter).

5 TO ESTABLISH COMMITTEES

Submitted – The report of the Chief Executive upon proposed amendments to the Council Constitution to establish a standing Investigation Committee and a standing Disciplinary Committee in order to deal with any relevant issues, as and when they arise, regarding the conduct/performance of statutory officers which may sometimes require further investigation in compliance with the statutory procedures in the Local Authorities Standing Orders (Wales) Regulations 2006.

RESOLVED

1. **That a standing Investigation Committee be established to exercise the functions described in Regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and as reflected in the Officer Employment Procedure Rules in paragraph 4.10 of the Council's Constitution;**

2. That the Investigation Committee shall consist of three Members, and be politically balanced in accordance with Section 15 of the Local Government and Housing Act 1989; with one Member being a Member of the Executive. It is suggested that this should not be the Leader or any of those who hold the Portfolios for the statutory officers;
3. That the Council delegates to the relevant Statutory Officer, authority to appoint the Members of the Investigation Committee, following consultation with the political Group Leaders;
4. That a standing Disciplinary Committee be established and Members appointed to it. (This would accord with JNC Guidance in relation to Chief Executives and avoid the need for the Council to separately establish a Disciplinary Committee, should one be required in any case where allegations have been made against a statutory officer and which require consideration under this process);
5. That the Disciplinary Committee shall consist of three Members and be politically balanced in accordance with Section 15 of the Local Government and Housing Act 1989; with one Member being a Member of the Executive. (It is suggested that this should not be the Leader or any of those who hold the Portfolios for the statutory officers. It is further recommended that the Members of the Disciplinary Committee shall not include any Members of the Investigation Committee);
6. That the Council delegates to the relevant Statutory Officer, authority to appoint the Members of the Disciplinary Committee, in consultation with the political Group Leaders;
7. That the Council delegates to any of the three statutory officers in consultation with the Leader, the authority to incur the expenditure necessary to discharge this statutory/contractual obligation. This may include the engagement of external specialist Solicitors to advise in relation to employment issues, and may involve the appointment of an investigator/independent expert, together with arrangements for interim cover in the event of any period of suspension.

6 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

“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 items on the grounds that they may involve the disclosure of exempt information as defined in Schedule 12A of the said Act and in the attached Public Interest Tests.”

7 PIT TEST - HEADS OF SERVICE REVIEW - STRUCTURE CONSIDERATIONS

The contents were considered by Council.

8 HEADS OF SERVICE REVIEW -STRUCTURE CONSIDERATIONS

- (a) Reported - That the Executive upon consideration of the above at its meeting on 9th September, 2013, had resolved as follows:-

“to recommend to the County Council that it endorses the recommendations contained within the report.”

- (b) Submitted -The report of the Deputy Chief Executive.

RESOLVED

- To endorse the pay structure as set out in paragraph 6.5 of the report;
- That the Head of Service Learning post is advertised with a market supplement on a salary Circa £70,000;
- That a 180 degree performance assessment process for Heads of Service is developed;
- That arrangements are made for the Appointments Panel to appoint to the new Heads of Service posts from October 2013.

(Councillor R.Meirion Jones wished it to be recorded that he had not taken part in any discussion or voting on this matter)

9 PIT TEST - EQUAL PAY CLAIM

The contents were considered by Council.

10 EQUAL PAY CLAIM

Submitted - The report of the Deputy Chief Executive on the Equal Pay Claim.

Prior to consideration of the matter, the Head of Function (Legal and Administration) provided legal advice to Members as to whether or not Members should declare an interest in the matter.

In view of the fact that so many Members had declared an interest and had left the Chamber, Councillor Ann Griffith suggested that the Head of Function (Legal and Administration) should contact those Members with a view to ascertaining whether or not they were actually required to declare an interest on the matter at any future meetings.

(Councillor A.Morris Jones wished it to be minuted that the Portfolio Holder was unable to be present today as his wife had a prior hospital appointment)

RESOLVED

- That authority be given to Officers to proceed to negotiate the settlement of equal pay claims but that no final settlement be agreed without prior Council approval;
- That officers be requested to submit an update report to the next scheduled meeting of the County Council on 10th October, 2013 (or to a later extraordinary meeting of the Council in October/November 2013) upon progress made, including the implications to this Authority with regard to external advice provided;
- That in the meantime, the Head of Service (Resources) be requested to contact the Welsh Government seeking their views as to whether or not they would consider an application for capitalisation and to obtain any other relevant financial information which the Council might reasonably require to make its decision.

The meeting concluded at 12.40 pm

**COUNCILLOR G O JONES
CHAIR**