

FLINTSHIRE COUNTY COUNCIL
THURSDAY 16TH DECEMBER, 2010

Minutes of the special meeting of Flintshire County Council held at County Hall, Mold on Thursday 16th December, 2010.

PRESENT: Councillor W.O. Thomas (Chairman)

Councillors: Eng. K. Armstrong-Braun, J.B. Attridge, S.R. Baker, D. Barratt, G.H. Bateman, M. Bateman, R.C. Bithell, C.S. Carver, J.C. Cattermoul, E.G. Cooke, D.L. Cox, R. Davies, A.J. Davies-Cooke, Q.R.H. Dodd, C.J. Dolphin, C.A. Ellis, E.F. Evans, J.E. Falshaw, V. Gay, F. Gillmore, A.M. Halford, P.G. Heesom, C. Hinds, H.T. Howorth, H.D. Hutchinson, C.M. Jones, R.B. Jones, S. Jones, R.P. Macfarlane, D. McFarlane, A. Minshull, W. Mullin, E.W. Owen, P.R. Pemberton, N. Phillips, H.G. Roberts, I.B. Roberts, L.A. Sharps, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas, D.E. Wisinger and A. Woolley.

APOLOGIES:

Councillors: L.A. Aldridge, H. Brown, P.J. Curtis, R. Dolphin, B. Dunn, R.J.T. Guest, R.G. Hampson, G. Hardcastle, R. Hughes, N. Humphreys, H.T. Isherwood, R. Johnson, C. Legg, D.I. Mackie, D.L. Mackie, N.M. Matthews, H.J. McGuill, M.A. Reece and D.T. Williams.

IN ATTENDANCE:

Chief Executive, Head of Legal and Democratic Services, Head of Finance and Democracy and Governance Manager

106. PRAYERS

The meeting was opened with Prayers said by Councillor N. Phillips.

107. PETITIONS

Councillor C.S. Carver submitted a petition objecting to the reduction in the service at the Flintshire Records Office.

108. DECLARATIONS OF INTEREST

Councillors C.A. Ellis and A. Woolley said that they would withdraw from the meeting during consideration of the following item:-

- To re-consider Councillor Heesom's request under the Council's Indemnity in the light of further correspondence between Councillor Heesom's Legal Representative and the Head of Legal and Democratic Services.

Councillor L.A. Sharps said that he would also withdraw from the meeting during consideration of this item due to an allegation of apparent bias made by Councillor Heesom's Solicitor following the last meeting. He explained that he had not been biased but had been concerned at the potential expense to Flintshire residents. He suggested that representations

be made to the Welsh Assembly Government for alternative funding to be put in place instead of Council taxpayers having to meet the cost for such cases.

Councillor P.G. Heesom asked whether he could remain in the meeting during consideration of his request. The Head of Legal and Democratic Services advised that Councillor Heesom had not sought dispensation from the Standards Committee to remain in the meeting and therefore should withdraw from the meeting.

109. TO CONSIDER THE SUSPENSION OF COUNCIL PROCEDURE RULE 14

The Head of Legal and Democratic Services reported that following legal advice received since the preparation of the agenda the suspension of Council Procedure Rule 14 would no longer be required.

Councillor J.B. Attridge raised concern that this legal advice had not been shared with Members and that Members were receiving advice from the Chief Executive and Head of Legal and Democratic Services who would be attending and giving evidence at Councillor Heesom's hearing.

The Democracy and Governance Manager advised that the independent legal advice could be circulated to Members following consideration of the exclusion of the press and public. He also explained that there was nothing inappropriate in the Chief Executive and Head of Legal and Democratic Services advising Members on the specific agenda item as their proper officers.

Councillor A.P. Shotton referred to the draft minutes of the last meeting of the County Council held on 7th December, 2010, which were circulated to Members before the start of the meeting, and sought clarification that they could not be used in any legal action against the Council. The Head of Legal and Democratic Services confirmed that the draft minutes could not be used in any legal action against the Council as they had not been confirmed as a correct record. The draft minutes had been circulated to Members to assist their consideration.

110. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting as the following item was considered to be exempt by virtue of paragraphs 12 and 16 of Schedule 12A of the Local Government Act 1972 (as amended).

111. TO RE-CONSIDER COUNCILLOR HEESOM'S REQUEST UNDER THE COUNCIL'S INDEMNITY IN THE LIGHT OF FURTHER CORRESPONDENCE BETWEEN COUNCILLOR HEESOM'S LEGAL REPRESENTATIVE AND THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

The Head of Legal and Democratic Services introduced the independent legal advice, copies of which had been circulated to Members and suggested an adjournment so Members could read it.

Councillor J.B. Attridge proposed that the meeting be adjourned. The Chairman put this to the Council and it was agreed.

Following a 25 minute adjournment the meeting was reconvened by the Chairman. Councillor J.B. Attridge withdrew his earlier comments and apologised if they had caused any offence.

Councillor K. Armstrong-Braun proposed, in light of the legal advice circulated to Members that the County Council resolves:-

- a) To approve Cllr Heesom's representation at the Adjudication Panel for Wales (APW) hearing by solicitors and counsel.
- b) That approval be limited to a partner rate of £225 per hour plus VAT and appropriate rates thereunder as determined by the Monitoring Officer, and subject to confirmation by the Monitoring Officer that the matter has not been unreasonably protracted as a consequence of Cllr Heesom or his legal team.
- c) Such indemnity being limited to fees reasonably incurred for advice and representation but not before 13 December 2010 (Monitoring Officer to satisfy himself on this point before authorising the payment of any invoice); and
- d) Councillor Heesom to be advised that the Council will now review its indemnity resolution and so the current resolution shall not bind the authority to reimburse any costs which Councillor Heesom may incur in respect of any appeal against the decision of the APW.

This proposal was seconded by Councillor N. Steele-Mortimer.

Councillor R.B. Jones proposed that paragraph d) be amended to:-

- d) Councillor Heesom to be advised that the Council will now review its indemnity resolution forthwith to ensure that the indemnity can not be used to cover the costs of any appeal against the decision of the APW. Any request Cllr Heesom might wish to make in relation to any costs of such an appeal will be dealt with separately by the Council at the time of the request and in accordance with the indemnity in force at that time.

The proposed amendment was seconded by Councillor J.C. Cattermoul. Councillor K. Armstrong-Braun supported the proposed amendment.

Councillor R.C. Bithell requested that a review of the Indemnity Policy be considered at a special meeting of the County Council in January, 2011 prior to any further requests being submitted. The Head of Legal and Democratic Services advised that a review of the indemnity policy would be carried out as soon as possible with a report being submitted to a meeting of the County Council early in the New Year.

Councillor A.P. Shotton asked that, when reviewing the Indemnity Policy, consideration be given to increasing the powers of the Standards Committee to enable that committee to consider and approve future requests. The Head of Legal and Democratic Services advised that consideration could be given to providing the Standards Committee with a budget for the future.

A number of Members raised concern that the written legal advice had been circulated outside of the meeting, during the adjournment. The Chief Executive suggested that the meeting be adjourned in order for him to investigate whether the written legal advice had been circulated.

Following a 5 minute adjournment the meeting was reconvened by the Chairman. The Chief Executive assured Members that he had retrieved all copies of the written legal advice circulated outside the meeting. The Chairman suggested that all copies of the written legal advice be collected from Members at the end of the meeting.

RESOLVED

Following the receipt of independent legal advice the Council resolved:-

- a) To approve Cllr Heesom's representation at the Adjudication Panel for Wales (APW) hearing by solicitors and counsel.
- b) That approval be limited to a partner rate of £225 per hour plus VAT and appropriate rates thereunder as determined by the Monitoring Officer, and subject to confirmation by the Monitoring Officer that the matter has not been unreasonably protracted as a consequence of Cllr Heesom or his legal team.
- c) Such indemnity being limited to fees reasonably incurred for advice and representation but not before 13 December 2010 (Monitoring Officer to satisfy himself on this point before authorising the payment of any invoice); and
- d) Councillor Heesom to be advised that the Council will now review its indemnity resolution forthwith to ensure that the indemnity will not be used to cover the costs of any appeal against the decision of the APW. Any request Cllr Heesom might wish to make in relation to any costs of such an appeal will be dealt with separately by the Council at the time of the request and in accordance with the indemnity in force at that time.

112. DURATION OF MEETING

The meeting commenced at 2.00 p.m. and ended at 3.50 p.m.

113. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC

There was one member of the press present until minute number 111.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

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| FLINTSHIRE COUNTY COUNCIL | 16TH DECEMBER 2010 |
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| MEMBER | ITEM | MIN. NO. REFERS |
|---|--|------------------------|
| Councillors: C.A. Ellis, P.G. Heesom and A. Woolley | To re-consider Councillor Heesom's request under the Council's Indemnity in the light of further correspondence between Councillor Heesom's Legal Representative and the Head of Legal and Democratic Services | 111. |