

Barry Davies LL.B (Hons)
Solicitor/Cyfreithiwr
Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a
Democrataidd



TO: ALL MEMBERS OF THE COUNCIL

Your Ref /
Eich Cyf

Our Ref / Ein Cyf

Date / Dyddiad 10/12/2010

Ask for / Gofynner am Ceri Owen

Direct Dial / Rhif Union 01352 702350

Fax / Ffacs

Dear Sir / Madam,

A **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL** will be held in the **ALYN & DEESIDE ROOM, COUNTY HALL, MOLD** on **THURSDAY, 16 DECEMBER 2010** at **14:00** to consider the following items.

Yours faithfully

Democracy and Governance Manager

AGENDA

1. **PRAYERS**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**
4. **TO CONSIDER THE SUSPENSION OF COUNCIL PROCEDURE RULE 14**
In view of new developments following the Council's decision on the 7th December, 2010, the Chairman, on advice from the Democracy and Governance Manager has decided to convene a special meeting to give the Council the opportunity to reconsider its previous decision. Rule 14 normally prevents a Council decision being rescinded within six months and would therefore need to be suspended under Rule 21 for the duration of this meeting.

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
Ffôn 01352 702400 DX 708591 Mold 4
www.siryfflint.gov.uk

The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO
CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

The following item is considered to be exempt by virtue of Paragraph(s) 12, 16 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

5. **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**

Independent legal advice has been sought and this together with a covering report will be circulated to Members prior to the meeting

FLINTSHIRE COUNTY COUNCIL - EXEMPT INFORMATION SHEET

COMMITTEE: Special Meeting of the Flintshire County Council

DATE: 16/12/2010



AGENDA ITEM NO: 5

REPORT OF: Head of Legal and Democratic Services

SUBJECT:

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 report on this item is NOT FOR PUBLICATION because it is considered to be exempt information in accordance with the following paragraph(s) of Schedule 12A to the Local Government Act 1972.

	Para	
Information relating to a particular individual *	12	
Information likely to reveal the identity of an individual *	13	
Information relating to financial/business affairs of a particular person * See Note 1	14	
Information relating to consultations/negotiations on labour relations matter *	15	
Legal professional privilege	16	
Information revealing the authority proposes to:	17	
(a) give a statutory notice or		
(b) make a statutory order/direction *		
Information on prevention/investigation/prosecution of crime *	18	
<u>For Standards Committee meetings only:</u>	Sec.	
Information subject to obligations of confidentiality	18a	
Information relating to national security	18b	
The deliberations of a Standards Committee in reaching a finding	18c	

Confidential matters which the County Council is not permitted to disclose Sec. 100A(3)

PLEASE TICK APPROPRIATE BOX

* Means exempt only if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Note 1: Information is not exempt under paragraph 14 if such information is required to be registered under Companies Act 1985, the Friendly Societies Acts of 1974 and 1992, the Industrial and Provident Societies Act 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.

**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

REPORT: 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

AUTHOR:

**MEETING AND DATE
OF MEETING:** Special Meeting of the Flintshire County
Council on 16/12/2010

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Paragraphs 12 and 16,

Factors in favour of disclosure:

Transparency

Prejudice which would result if the information were disclosed:

Disclosure could prejudice the Council's ability to defend judicial review proceedings as well as the Adjudication Panel process and fair consideration of Councillor Heesom's request.

My view on the public interest test is as follows:

It is in the public interest that the Council receives legal advice without such advice being available to the other potential party to any judicial review proceedings. Therefore the information should be exempt in the public interest.

Recommended decision on exemption from disclosure:

To treat the information and report as exempt.

Date: 09/12/2010



Post: Team Manager - Committee Services

I Accept the recommendation made above.

A handwritten signature in black ink, appearing to be a stylized name, positioned above a horizontal line.

Proper Officer

Date: 09/12/2010