

COUNCIL

Monday, 13 February 2012

Present: The Mayor (Councillor Moira McLaughlin) in the Chair
Deputy Mayor (Councillor Gerry Ellis)

Councillors	RL Abbey	T Harney	D Realey
	T Anderson	P Hayes	L Rennie
	C Blakeley	A Hodson	D Roberts
	E Boulton	M Hornby	L Rowlands
	A Bridson	P Johnson	J Salter
	A Brighthouse	M Johnston	H Smith
	S Clarke	AER Jones	T Smith
	W Clements	C Jones	W Smith
	A Cox	P Kearney	J Stapleton
	J Crabtree	J Keeley	A Sykes
	G Davies	S Kelly	S Taylor
	P Davies	B Kenny	J Walsh
	WJ Davies	I Lewis	G Watt
	D Dodd	A McArdle	S Whittingham
	P Doughty	D McCubbin	R Wilkins
	D Elderton	AR McLachlan	I Williams
	S Foulkes	C Meaden	KJ Williams
	P Gilchrist	D Mitchell	P Williams
	P Glasman	B Mooney	S Williams
	JE Green	S Mountney	K Wood
	P Hackett	S Niblock	
	J Hale	C Povall	

103 DECLARATIONS OF INTEREST

The Mayor, in opening this extraordinary meeting, made the following statement to the Council:

“I’m aware that there may be some concern about my involvement in this part of tonight’s meeting, and whether or not there is a requirement of me to declare a prejudicial interest. I am going to make a statement which sets out what my position will be, and the thinking and the advice I have had which has influenced me in reaching the decision as to what my involvement should properly be. It is a statement by me, and not part of any debate which may follow. In reaching my decision, I’ve consulted the Director of Law, who at my request will repeat the advice he gave me in a few moments. I have taken advice from an advisor from Standards for England, which accords with that given to me by the Director of Law, and I have consulted the Mayor’s Guidance Hand book, Paul Millwards “Civic Ceremonial”.

The events covered in this part of the Klonowski report have been the subject now of several internal investigations, three external investigations, a grievance hearing and a disciplinary hearing. Quite a number of members will have been involved with it in some way, whether through involvement with the working party on charging, in one of the internal or external investigations, have given evidence to the Klonowski enquiry

or as part of the panel for the grievance hearing or disciplinary hearing, and they may well have sought advice as I have.

I was the Lead Member for part of the time covered by the report. I gave evidence at the disciplinary hearings at the request of the members' panel, and I am currently Mayor, and these are the areas on which I sought advice.

Also I have previously declared a prejudicial interest on the advice of the Director of Law because of my friendship with a former Director of Social Services. My friendship with him continues.

I declared a prejudicial interest through the period covered by the disciplinary hearing against Officers, which followed from the publication of the PIDA in 2008 until that process was completed in 2009, at which point the former Director made it clear he would have no further involvement in any investigation, and I was then advised that I was no longer required to declare a prejudicial interest, but should continue to declare a personal interest.

At the first opportunity available to me after that, which was in November 2009, I made a speech to Council in which I set out what I had known about the charging policy and related issues, when I became aware of problems and my actions up to that time.

On that occasion I apologised to those people who had been affected by service failure that had taken place "on my watch" as Cabinet Lead.

I repeated that apology on two further occasions, once in 2010 and again in 2011.

Those apologies were sincerely given, and were an acceptance by me of a failure to be aware of the full extent of the problem. That failure by me was, and is, a matter great regret to me. Accepting that failure, however, is very different from demonstrating a lack of integrity.

I completely reject that at any time in this matter I have been involved in any deliberate wrong doing, any attempt to cover up wrong doing, or to protect others.

Allegations of this nature have been made against me, unbeknown to me, and similar ones against three other Councillors. They were looked at and dismissed by Standards Board for England, as not warranting further investigation with the judgement, and I'm quoting from the judgement statement "no cogent evidence was produced to support the allegations". Tonight members will discuss the part of the Klonowski report which covers Social Services. The section of the AKA report which covers corporate governance may also be discussed, as may the Martin Smith report on allegations of bullying by officers of the Council, and the PIDA.

I have not been involved in the evidence gathering process for any of these reports and was not asked to be and though the Klonowski report has been redacted, I can tell you, I'm not referred to in it.

So to my position to day as Mayor, which is very different form the one I had 6 years ago or even last year. Indeed the Mayor's Guidance hand book clearly states, and

I'm quoting "Being Mayor is very different to being a Councillor. The role has different rules and different restraints. "

As Mayor, it is my duty to Chair meetings of this Council and to do so in a fair way. The responsibility I have, during the whole year, and at all times when I'm performing my duties, and again I'm quoting from the guidance is "To be politically neutral and step back from politics for the term of office ", and a Mayor is obviously excluded from participation in any debate. In this respect, it is different from the position of Deputy Mayor who only has that requirement at times when they are acting for the Mayor. I have, during my term of office rigorously fulfilled the requirement to be impartial.

While Chairing meetings of this Council I have done everything I can to facilitate open and respectful debate between the parties, and I have been even-handed at times when I have had to remind members of their responsibility not to overstep the boundary of proper behaviour in this chamber. And I will continue to Chair Council in this way.

Similarly, when I'm engaged on civic duties, I have remained completely apolitical. I have treated all elected members in the same way, and I hope they will agree, all with courtesy, and have made no political comment on any subject.

Making the decision as to what is the proper position for me to take at this meeting has been difficult. I have listened carefully to the advice I've been given and I have balanced up different factors. I am in a different position now than I have been in before.

I have not been involved in the production of any of the internal or external reports which have lead to the Klonowski report being commissioned, nor have I been asked to, and I have not been involved in the production of the Klonowski report itself, nor was I asked to be, and I have not been referred to in it.

But I have a continuing friendship with someone who features heavily in the report, though I have not discussed the content with him. The guidance on this is the test as to whether or not an association with a person involved in an issue would be viewed by a member of the General public as likely to influence the judgement of a member. The final responsibility, of course, in making a decision rests with the member, and so I feel I must err on the side of caution by declaring a personal prejudicial interest by virtue of the fact that I have a friendship with an interested party, and pass over the chairing of this part of the meeting to the Deputy Mayor.

I believe this is the correct decision and would be supported as such in the event of challenge."

The Director of Law, HR and Asset Management confirmed that this was his advice to the Mayor that she should declare a personal prejudicial interest by virtue of her friendship with an interested party.

Councillor Mrs P M Williams, having then also taken advice from the Director of Law, HR and Asset Management, declared a personal interest in this item due to issues which concerned her being currently dealt with and left the chamber for the duration of discussion on this item (see minute 104 post).

The Mayor, having vacated the Chair for this item and having left the chamber, the Deputy Mayor, Councillor G Ellis, took the Chair for this item.

104 **ANNA KLONOWSKI ASSOCIATES LTD (AKA) - INDEPENDENT REVIEW OF THE COUNCIL'S RESPONSE TO CLAIMS MADE BY MARTIN MORTON (AND OTHERS)**

Councillor Jeff Green, having received advice that all Members would be entitled to receive an un-redacted version of the AKA report suggested that it would not be appropriate to debate this matter until an un-redacted copy had been circulated and moved –

‘That in accordance with Standing Order 9(k) this meeting stands adjourned until 7.00pm on Monday 20 February, 2012.’

This motion was seconded by Councillor Tom Harney.

The Leader of the Council, in response, commented that irrespective of redaction or not there were issues around the report which wouldn't go away. An Action Plan had been agreed by the Cabinet and it would be a negation of democracy not to allow every single Member to comment on this.

The motion was then put and it was –

Resolved (34:29) (One abstention) - That in accordance with Standing Order 9(k) this meeting stands adjourned until 7.00pm on Monday 20 February, 2012.

105 **AUDIT COMMISSION HESPE PIDA FOLLOW UP REPORT**

This item was deferred until a future meeting.