MINUTES of a MEETING of the PEMBROKESHIRE COUNTY COUNCIL held in the COUNCIL CHAMBER, COUNTY HALL, HAVERFORDWEST on THURSDAY, 16 OCTOBER 2014 at 10.00 a.m.

Present:


Apologies for Absence:

Apologies for absence were received from Councillors R G Bowen, J T Davies, N P Harries, D J Neale, R Owens and M Williams.

Officers in attendance:

Dr B Pykett, Deputy Chief Executive
Dr S P Jones, Director of Development
Mrs P Marsden, Director of Adult Care and Leisure
Mr J Morgan, Director for Children and Schools
Mr I Westley, Director of Transportation, Housing and Environment
Mr J Haswell, Chief Finance Officer
Mr C Davies, Head of Human Resources
Mr L Harding, Monitoring Officer
Mrs C Incledon, Principal Advocate
Mrs S Sanders, Committee Services Officer
Mrs E Prout/Miss J Cobham, Committee Clerk

63. Chairman’s Announcements/Personal Matters

Having welcomed Members to the Meeting, the Chairman of Council made the following announcements:

(a) Library Service

The Chairman announced that a Welsh Government inspection body had praised the Authority’s Library Service which, out of nine set national standards, had achieved six, an increase of three on last year. He stated that the service had also partly met the requirements of two of the remaining three standards.

(b) Pembrokeeshire Streets

The Chairman stated that it had recently been announced that Pembrokeeshire’s streets were officially the cleanest in Wales; and that the Council had came top in the Keep Wales Tidy Cleanliness Index for 2013 – 2014.
(c) National White Ribbon campaign

The Chairman announced that the Council’s work had been recognised in the national White Ribbon Campaign which aimed to educate men and boys in making a stand against all forms of violence towards women and girls.

He reported that the Authority had been granted ‘Town Awards’ status for demonstrating a commitment to reducing domestic related violence.

Council noted that the White Ribbon Ambassadors for Pembrokeshire included Councillor Simon Hancock and Dr Ben Pykett, Deputy Chief Executive.

(d) Family Intervention Team

The Chairman announced that at the Annual Welsh Social Work Awards held last week in Cardiff Bay, the Authority’s Family Intervention Team had been runners-up to Swansea in the Social Work Team Awards while senior social worker Trish Mellor had been runner-up in the Practice Teacher Award section. The Chairman expressed his congratulations to them.

(e) Small Village Trophy in Wales in Bloom

The Chairman also expressed his congratulations to the community of Wolfscastle which had scooped the Small Village Trophy in Wales in Bloom for the tenth year and had also received a Silver Gilt.

(f) Giltar Hotel, Tenby

The Chairman announced that congratulations were also in order for the Giltar Hotel in Tenby, which had secured its fourth consecutive win in the hotel and pub category.

(g) Young Pembrokeshire Musicians

The Chairman proudly announced that next month, some of Pembrokeshire’s young musicians would be performing at the Royal Albert Hall in London.

He also stated that the Pembrokeshire Schools’ Symphonic Brass Ensemble had been invited to perform at the National Schools Prom Concert on 11 November.

On behalf of Council, the Chairman wished them all the very best.

(h) Ironman Wales

The Chairman paid tribute to all those who had taken part in the fourth Ironman Wales triathlon held in the County in September. By those talking part, the Chairman stated that he not only meant the 2,000 plus brave, driven competitors, but those working behind the scenes – including some of the Authority’s employees – and, of course, the great Pembrokeshire public who, once again, had turned out in force to cheer on the participants.
Along with many tens of thousands of people, the Chairman stated that he had witnessed the event at first hand this year and he further stated that it was a truly awe-inspiring experience which provided a wonderful showcase for the County.

Before closing his announcements, the Chairman stated that it was his intention to adjourn the meeting at a convenient point around 1.00 pm so that Members could have time for a short lunch break and for the meeting to reconvene at 2.00 pm.

64. Declarations of Interest

Councillor D R Sinnett declared a personal interest in Agenda Item No. 5 - Health Services in Pembrokeshire, by virtue of his employment with NHS Wales and his wife’s employment with Hywel Dda University Health Board.

Councillor W E Evans declared a personal interest in Agenda Item No. 5 - Health Services in Pembrokeshire, by virtue of his membership of the Wales Ambulance Service Trust and the Community Health Council.

Councillor G Woodham declared a personal interest in Agenda Item No. 14 - Proposal to Review Primary Education Provision in the Milford Haven Area, by virtue of being Chairman of the Board of Governors of Milford Haven Junior School.

Councillor S Yelland declared a personal interest in Agenda Item No. 5 - Health Services in Pembrokeshire, by virtue of his membership of the Community Health Council; and in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of Tasker Milward School.

Councillor S L Hancock declared a personal interest in Agenda Item No. 5 - Health Services in Pembrokeshire, by virtue of being an Independent Member of Hywel Dda University Health Board; and also in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of Sir Thomas Picton School.

Councillor T B Tudor declared a personal interest in Agenda Item No. 5 - Health Services in Pembrokeshire, by virtue of his employment with Hywel Dda University Health Board; and also in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of Sir Thomas Picton School.

Councillor S G Joseph declared a personal interest in Agenda Item No. 14 - Proposal to Review Primary Education Provision in the Milford Haven Area, by virtue of being a Governor of The Meads School.

Councillor P J Morgan declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of Tasker Milward School and Broad Haven Primary School.

Councillors R P Kilmister and Pat Davies each declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being Governors of Ysgol Bro Gwaun.
Councillors S T Hudson, D K Howlett and D M Edwards each declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being Governors of Sir Thomas Picton School.

Councillor D G B Lloyd declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being Chairman of the Governing Body of Ysgol Dewi Sant.

Councillor Lyn Jenkins declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of Solva School.

Councillor D G M James declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of St Dogmaels School.

Councillor D M W Rees declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of Croesgoch School.

Councillor P N Miller declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of Tasker Milward School.

Councillor P A Stock declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of his daughters being employed at Tasker Milward School.

Councillor K Lewis declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of Ysgol Preseli.

Councillor G Price declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being a Governor of Ysgol Goodwick.

Councillor J L Adams declared a personal interest in Agenda Item No. 13 - Review of Secondary Education in Mid and North West Pembrokeshire, by virtue of being the Chairman of the Governing Body of Roch School.

Councillors W J A Williams and J A R Nutting declared personal interests as Governors of Schools in Pembroke.

65. Minutes of Previous Meetings

Council considered the Minutes of the Meeting held on 17 July 2014 and the Extraordinary Meeting held on 12 September 2014 for approval as a correct record.

Moved by Councillor B J Hall; Seconded by Councillor H M George
RESOLVED

That the Minutes of the Meeting held on 17 July 2014 be approved as a correct record.

Moved by Councillor J L Adams; Seconded by Councillor H M George

RESOLVED

That the Minutes of the Extraordinary Meeting held on 12 September 2014 be approved as a correct record.

66. Health Services in Pembrokeshire

[Councillor W E Evans declared a personal interest in this item of business by virtue of being a member of the Deanery of Medicine.]

Council recalled that at its meeting held on 17 July 2014, it had been resolved that the Chairman and Chief Executive of Hywel Dda University Health Board be invited to a meeting with Members of the Council to explore their vision for the future of Health Services in Pembrokeshire.

In accordance with that resolution, the Chairman was pleased to welcome Bernadine Rees (Chairman) and Karen Miles (Director of Planning and Finance) from Hywel Dda University Health Board to give a presentation on the future of Health Services in Pembrokeshire.

Mrs Rees, Chairman, addressed Council and she stated that she was delighted to accept Council’s invitation. In commencing her presentation, Mrs Rees stated that she would outline the new Health Service proposals and describe how they would be achieved. Mrs Rees stated that as a starting point it was necessary to look at events over the past five years in Pembrokeshire; and in doing so she referred to the pride and emotion around services in primary, mental health and acute services. She advised Council that there would inevitably be changes to services to ensure that future services were safe and sustainable across the Hywel Dda Health Board area and for NHS Services across Wales. She advised Council that there needed to be a frank and informed debate on how services would be provided and she pointed out that this would be tough especially in rural areas and those furthest west.

Mrs Rees acknowledged that communication had been patchy in the past and that the realignment of staff could have been handled better, but she stated that it had been done so as to ensure safety and quality of services. She advised Council that she wanted to open new dialogue to ensure clarity on what would be provided in Pembrokeshire. Mrs Rees assured Council that Withybush Hospital would not close, as it was vital and strategically important to how Health Services would be delivered in the Hywel Dda area and important in the Welsh NHS. Council was informed that there was a lot of partnership working taking place and noted that there was good evidence of innovative care and investment in supporting individuals in their own environment. Mrs Rees stated that specialist interventions would be provided elsewhere, which was no different to previous ways of delivering those services. She pointed out that Pembrokeshire had a healthy approach to the way it delivered services, but acknowledged that new
dialogue with the public and the County Council was necessary to ensure confidence in the Health Service.

Mrs Rees also referred to difficulties in recruiting doctors and she stated that she wanted Withybush Hospital and Pembrokeshire Health Services to become an employer of choice; and she wished to give a commitment to being the best in the west in recruiting doctors and to do that Mrs Rees stated that a collective approach was necessary. She acknowledged that some decisions had been wrong, but that work needed to take place with the public, clinicians and others to open up the debate on Pembrokeshire service delivery.

Council was advised that the Health Board was looking at planning for difference utilising all sites and fixed points (hospitals); and that details would be provided of what was planned at each of those sites in the plan. To sum up, Mrs Rees once again assured Members that Withybush Hospital was not closing and she stated that the message needed to be relayed that safe, sustainable services were required for the people of Pembrokeshire. She advised that the future of Health Services in Pembrokeshire was rosy and she pointed out that the Health Board’s responsibility to deliver safe, sustainable services in a mature and statesmanlike way needed to be recognised.

Karen Miles, Director of Planning and Finance, then addressed Council and she reported that she had recently taken on the additional responsibility for Planning; and as part of that role she would be looking at aligning intentions with resources and mapping capabilities in the locality in order to take the next steps to facilitate discussions with partners. In undertaking that piece of work, Mrs Miles advised that it was necessary to be aware of external influences and service changes across the three Counties and to allocate services accordingly. Council was advised that the Health Board’s three year Plan was required to be responsive to those external influences, as well as the challenges of demographics and social inequalities, amongst others. She advised that the new Plan now aligned capacity and capability which had not been done in the past.

Mrs Miles advised that the five concepts that would feature throughout the plan were as follows: care closer to home, determined by clinical set up and framework; focus on quality, safety and improving outcomes, explaining what the network solution would look like; flexible, skilled and motivated workforce; health promotion and prevention; and elimination of waste and duplication. Council was advised that services in Pembrokeshire would be described in the Plan, including those services to be provided in both the north and the south of the County.

The Health Board Representatives responded to questions and points of clarification put by Members accordingly.

The Leader of Council thanked the speakers for their honesty in recognising the challenges in terms of the issues of recruitment, peripherality and providing access to services. He advised that the Authority would work with the Health Board to meet the needs of those people in financial difficulties who could not afford to travel for services, in order to ensure those people had access to the very best health care. The Leader suggested that Health Services be placed on the Agenda of Council meetings as a standing item of business to provide Council with a quarterly update on work, changes and proposals, to ensure
Council was apprised of developments; and that the Health Board be invited to make a further presentation at some point in the future.

On behalf of the Health Board, Mrs Rees agreed to provide a quarterly report to Council and she accepted the Leader’s invitation to come back to Council at its invitation in the future. She advised Council that the next quarterly report would address the issues and concerns raised by Members.

On behalf of Council, the Chairman of Council thanked the Chairman and Director of Planning and Finance of Hywel Dda University Health Board for attending the meeting and for giving Members the opportunity to raise their concerns.

67. Notice of Motion relating to the Public Filming of Council Meetings

Council considered a report by the Head of Legal and Committee Services setting out the recommendation of the Corporate Governance Committee arising out of a Notice of Motion submitted by Councillor D K Howlett; such motion being to the effect that members of the public be allowed to film public Council meetings as long as they do not impede or obstruct proceedings.

Council was advised that in considering the matter, the Committee had noted the following:

- On 7 July 2014, the Committee had resolved that the Notice of Motion be supported in principle, subject to a protocol to implement the proposal being drafted and submitted to the next meeting of the Committee for consideration.

- A draft Protocol was presented for consideration, as attached at Appendix 2.

- Paragraph 8 of the Protocol, relating to editing of filming, was essentially unenforceable. However, Members considered that it should remain. As a consequence of the discussion, it was proposed that Paragraph 8 of the Protocol be amended as follows:

  “8. In permitting the filming or audio recording of the proceedings at a public meeting, those filming or recording agree not to edit the film/recording in a way that could lead to misinterpretation of the proceedings or could infringe upon the rights of individuals. This includes refraining from editing images or views expressed in a way that may ridicule or demonstrate a lack of respect to those individuals being filmed or recorded.”

- That Committees should have the discretion to determine whether the filming or audio recording of a meeting should take place or cease if there was any disruption to the meeting, rather than the Chairman having that power.

The Committee’s Decision was to recommend that the Protocol for filming and audio recording at public meetings be adopted, subject to point 2 being amended so that the word “Committee” replaces the words “Chairman of a meeting”.
Councillor Howlett advised Council that he welcomed the Protocol.

Moved by Councillor D K Howlett; Seconded by Councillor D M Bryan

RESOLVED

That the Protocol for filming and audio recording at public meetings be adopted, subject to point 2 being amended so that the word “Committee” replaces the words “Chairman of a meeting”.

68. Notice of Motion relating to Haverfordwest Library, Tourist Information Centre and Youth Club

Council considered a report by Cabinet setting out its recommendation arising out of a Notice of Motion submitted by Councillor T B Tudor and referred to Cabinet by Council; such motion being to the effect that the Tourist Information Centre (TIC), Library and Youth Club in Haverfordwest be returned to their former locations within the town.

Council was advised that in considering the matter, Cabinet had noted the following:

County Library and Tourist Information

- In December 2013, Cabinet had resolved to integrate provision of tourist information in Haverfordwest with the County Library to create efficiencies for the Authority.
- The current location of the County Library was temporary and a preferred location for a new County Library had been identified as part of the Conygar Haverfordwest Ltd town centre development plans which would place the Library including tourist information in the heart of the town, where it could make a full contribution to town centre regeneration.
- In the meantime, options for a temporary seasonal tourist information point in the town centre were being considered in partnership with members of the Haverfordwest Chamber of Commerce; and greater facilities for providing tourist information could also be provided within County Hall during normal office hours.
- Making a temporary return of the Library back to the Dew Street site and the Tourist Information Centre back to the Old Bridge site would represent a significant initial and ongoing cost to the Authority at a time of financial constraint and budget reductions.

Youth Services

- Cabinet had received a report on the review of open-access youth provision in September 2014.
- The review of open-access youth provision report and decision had been subject to the call-in procedure.
- If the space previously occupied by the youth club was to become available again it was likely that the service would use it, but the conclusion of the
A youth service review had been that a dedicated centre in Haverfordwest was not as critical to the Authority’s plans as was the case 12-18 months ago.

- That the youth service would continue to offer two nights a week of provision in the town.

Cabinet’s Decision was to recommend that the Notice of Motion be not adopted; that work towards delivering a new County Library and Information Service in Haverfordwest Town Centre be progressed, whilst maintaining the current temporary arrangements; and that the current review of youth provision being undertaken across the County be noted.

Councillor T B Tudor addressed Council in support of his Notice of Motion and he stated that since submitting his Notice of Motion it had come to light that the Library had been closed due to the condition of the building and the fact that the building would require significant investment. Councillor Tudor requested that details of the level of investment required to refurbish the building to enable the Library to be reinstated to its former premises be provided.

With regard to the TIC building, Councillor Tudor stated that he had been informed that it was not possible to return the TIC to its former premises without the building being refurbished. He stated that as no work had been done to the building since the TIC had vacated therefrom, he considered that the TIC should be allowed to return thereto.

In terms of Haverfordwest Youth Club, Councillor Tudor stated that the Club had been decanted to rehouse the temporary Library. He referred to the review of provision being undertaken and he stated that he would welcome sight of the figures in respect of declining attendance. He pointed out that he had been advised that declining numbers had been due to the new Skatepark and he took the opportunity to praise the Haverfordwest Skatepark Association for the facility. Councillor Tudor questioned the consultation arrangements on the preferred location of the Library that had been undertaken with local Members and trade associations and the timescale for the development.

In response, the Leader of Council advised that the state of the Library building was regrettable in that the service had been required to be moved out in order to ascertain the level of asbestos therein and its effect on the structure of the building. He pointed out that the cost of those works had proved prohibitive. The Leader stated that one of the aspirations for the Library and TIC was to address the issue of declining footfall in the County Town. He advised Council that given the significant budgetary cuts, the Authority was not in a position to provide enhanced services or continue with bespoke centres. He further advised that there was evidence to support the fact that TICs were being used by locals, rather than tourists, with the exception of Tenby; and that such information was available at other locations, including the Contact Centres, Leisure Centres and County Hall.

The Leader stated that the Conygar development could provide the ideal opportunity to increase footfall in the town and he advised that the options were at the preliminary stage. Furthermore, he stated that there was a desire to provide a County facility and it was important for the location to be in the town centre.
With regard to youth provision, the Leader advised that Cabinet would be considering evidence provided by the Children and Families Overview and Scrutiny Committee following a call-in of Cabinet’s decision on the review of Open Access Youth Provision. He advised that the intention was to review youth provision which was largely situated in bespoke buildings with declining numbers and he pointed out that the cost of youth services was tied up in buildings with attendance of users having halved in the last three years. The Leader reminded Council that the Authority now had to concentrate on its core functions of education and social services, and be mindful of its future considerations for funding, which included the C21 School Programme.

The Recommendation set out in the report was Moved by Councillor J L Adams; Seconded by Councillor H M George.

Members took the opportunity to express their views on the terms of the Notice of Motion.

Some Members expressed concern regarding the aspiration to provide the Library in the town centre for the purpose of increasing footfall without proper consultation having taken place with the trade and local Members.

Councillor Tudor moved an Amendment that a comprehensive report on the work required to enable Haverfordwest Library to be reinstated be provided, including options to improve footfall in the town centre; and details of work undertaken on exploring the relocation of the Library to the Shire Hall be also provided; Seconded by P N Miller.

Councillor E A Morse, the relevant Cabinet Member, stated that the relevant forum for the discussion was the Haverfordwest Town Team meetings. Councillor Tudor requested that the matter be brought back to Council for an update and this was agreed. On being put to the vote, the Amendment was carried.

RESOLVED

That a comprehensive report on the work required to enable Haverfordwest Library to be reinstated to its former premises be provided; and that details of work undertaken on exploring the relocation of the Library to the Shire Hall be also provided.

69. **Notice of Motion relating to the proposed Footway Link from Castle Lake Car Park and Castle Square**

Council considered a report by Cabinet setting out its recommendation arising out of a Notice of Motion submitted by Councillor T B Tudor and referred to Cabinet by Council; such motion being to the effect that the Council compulsory purchases the land required to carry out the long awaited works for a foot way/pedestrian link from Castle Lake Car Park to Castle Square.

Council was advised that in considering the matter, Cabinet had noted the following:
• On 23 May 2011, Cabinet had approved a report regarding the acquisition of land for construction of a pedestrian link between Castle Lake Car Park and Castle Square.

• That whilst Cabinet had approved the report and authorised the Director of Development to make use of Compulsory Purchase powers, it was usual for the matter to progress to negotiation in the first instance.

• The land required for the Castle Link access had landlord and tenant interests. Contact had been made with both parties and negotiations had been entered into with their respective appointed agents, concluding with a Director of Development Delegated Decision of 15 February 2013 regarding the payment to be made to the parties. Solicitors had then been instructed in the matter.

• Whilst the Council’s Legal Department had been actively pursuing the documentation, the transaction had relied upon two further sets of solicitors (one for the Landlord and one for the Tenant) and the matter was yet to be completed by them.

• As the matter had been dealt with by negotiation, no Compulsory Purchase Order had been drafted or confirmed. The option was available to the Council, but was likely to delay matters. To follow that route would result in no more than the current position being achieved many months from now and solicitors then being re-instructed causing even greater delay in bringing this matter forward.

Cabinet’s Decision was to recommend that the Notice of Motion be not adopted; and that effort be renewed to bring this matter to a conclusion by actively pursuing the Solicitors and Agents appointed in respect of the two other parties involved; and that the matter be reviewed in six months’ time.

Councillor T B Tudor addressed Council in support of his Notice of Motion and advised that he had brought the matter forward due to the frustration amongst residents, including Haverfordwest Councillors. He Moved that the Recommendation set out in the report be accepted, subject to the matter being reported back in six months’ time; Seconded by Councillor A W Wilcox.

The Leader of Council stated that a CPO was not appropriate in the first place and that engagement and negotiation with the landowner had been sought. He advised that efforts needed to be stepped up to negotiate with the interested parties and to agree a way forward. The Leader advised that he would provide Councillor Tudor with monthly updates, as the local Member, rather than report back to Council. Councillor Tudor advised that he welcomed the monthly update, but wished that the matter be reported back to Council.

On being put to the vote the Motion was declared lost.

Moved by Councillor J L Adams; Seconded by Councillor H M George
RESOLVED

(a) That Council be recommended that the Notice of Motion be not adopted.

(b) That effort be renewed to bring this matter to a conclusion by actively pursuing the Solicitors and Agents appointed in respect of the two other parties involved; and that the matter be reviewed in six months’ time.

70. Notice of Motion relating to the Collection of Grass Cuttings

Council considered a report by Cabinet setting out its recommendation arising out of a Notice of Motion submitted by Councillor T B Tudor and referred to Cabinet by Council; such motion being to the effect that the Authority and its municipal services attaches grass cutting collection buckets on all its grass cutting machinery and disposes of the grass accordingly at the Authority’s flora recycling facilities.

Council was advised that in considering the matter, Cabinet had noted the following:

- That there was no known grass collection kit that could be fitted to the strimmers used by the Authority.

- In addition to strimmers, the Council currently operated six large grass mowers plus a range of other hand operated mowers. In terms of the larger grass cutting machines, quotations had been obtained for fitting collection kit in the sum of £6,663 per machine, a total of nearly £40,000.

- The grass collection equipment would add approximately 400kg to each mower. This would impact adversely upon fuel consumption and the additional weight would exceed the Gross Vehicle Weight for the two existing 3.5 tonne transporters. Consequently, they would also have to be upgraded to accommodate the heavier mowers and there would be potential changes to driving licence categories for drivers.

- Assuming that the grass was collected, there would be the additional logistical issues and costs associated with bulking the grass and transportation. As the amount of grass that would be collected was unknown, it was not possible to give a reasonable estimate of those additional costs.

- There were two grass cutters fitted with collectors which were only used in areas of high amenity value because of the cost and time factors, with any additional clearing of grass from play areas, walkways etc. being undertaken by blowers.

- The proposal would result in significant costs when the Authority was facing considerable financial pressures and, consequently, it was
Cabinet recommended that the Notice of Motion be not adopted and the current arrangements be continued.

Cabinet’s Decision was to recommend that the Notice of Motion be not adopted; but that the Director of Transportation, Housing and Environment be asked to explore the specific concerns raised in the matter.

Councillor Tudor advised Council that he accepted the cost implications identified in the report and he welcomed the opportunity to liaise with the Director of Transportation, Housing and Environment on specific matters and he urged Members of Council to do the same.

A Member requested that when old mowers were replaced, that mulching mowers be purchased, as the concerns raised in the Notice of Motion were valid points.

Moved by Councillor T B Tudor; Seconded by Councillor H M George

RESOLVED

That the Notice of Motion be not adopted; but that the Director of Transportation, Housing and Environment be asked to explore the specific concerns raised in the matter.

71. Notice of Motion relating to the Recent Conviction of Michael Smith

Council considered a report by Cabinet setting out its recommendation arising out of a Notice of Motion submitted by Councillor Tessa Hodgson and referred to Cabinet by Council; such motion being to the effect that the Authority produces a full and detailed report for Members into all the events surrounding the recent conviction of Michael Smith, including the investigation in 2005 of the allegations of inappropriate behaviour made against him.

Council was advised that in considering the matter, Cabinet had noted the following:

- That it was not the role of the Local Authority to produce a report relating to the recent conviction.
- That the events leading to the conviction had taken place when Mr Smith was not employed by the Council. However, a report to Councillors relating to the investigation in 2005 was appropriate and possible.
- The Director for Children and Schools had reported that the information provided to Members on this case at a range of briefings could provide the basis for a full report for Members, together with details of the measures put in place to ensure the same scenario did not happen again.

Cabinet’s Decision was to recommend that the Notice of Motion be not adopted; but that a full report be prepared for Members into the investigation in 2005 of the allegations of inappropriate behaviour made against Michael Smith.
Councillor Hodgson advised Council that she supported the recommendation and, in addition, she sought assurance that Members would receive the report in a speedy timeframe to enable examination of the report before the next meeting of Council. Councillor Susan Perkins, the relevant Cabinet Member, gave that assurance.

Moved by Councillor Tessa Hodgson; Seconded by Councillor J A Brinsden

RESOLVED

That the Notice of Motion be not adopted; but that a full report be prepared for Members into the investigation in 2005 of the allegations of inappropriate behaviour made against Michael Smith.

72. **Proposed Designated Public Place Order (DPPO) to Apply to the Centre of Tenby**

Council considered a report by the Director of Development advising that the ‘Safer Pembrokeshire’ Community Safety Partnership had recently given in principle support for an Alcohol Consumption in Designated Public Places Order (DPPO) in relation to parts of Tenby town centre.

Council was advised that the proposal was aligned with both the ‘Safer Pembrokeshire’ Action Plan and the Single Integrated Plan; and that it would complement other work being undertaken as part of the Home Office Local Alcohol Action Area Programme.

Council was further advised that the power to make an Order was vested in the Council and was set out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

The details of the Order, evidence gathered and consultation that had taken place were set out in the report for Council’s consideration.

In presenting the report, Councillor H M George, the relevant Cabinet Member, advised Council that the Order would improve safety in Tenby and was a positive step forward.

Councillor M L Evans, as the local Member, welcomed the report and he paid tribute to the relevant Officer in achieving full support from interested parties for the Order.

Moved by Councillor H M George; Seconded by Councillor M L Evans

RESOLVED

That a Designated Public Place Order with respect to the centre of the town of Tenby be made, as identified within the area edged in bold on the plan attached as an Appendix to the report, under the Local Authorities (Alcohol Consumption in a Designated Public Places) Regulations 2007.
73. **Revocation of the Direction to Pembrokeshire County Council by the Welsh Ministers under Section 497A of the Education Act 1996**

Council recalled that in July 2013, the Welsh Government Minister had exercised powers under Section 497A of the Education Act 1996 to intervene in relation to the education functions of the Authority.

The Leader reported that written confirmation had now been received from Huw Lewis AM, Minister for Education and Skills to formally confirm revocation of the Direction. The revocation of the Direction was appended to the report.

The Leader advised Council that he was pleased to report that following a number of difficult decisions and actions to move education and safeguarding forward in the Authority, that the Direction had now been revoked by the Welsh Ministers.

He thanked all those involved in the improvement process, including elected Members, Officers, teachers, parents and pupils.

Council was advised that the revocation recognised that there was still more work to be done, but gave assurance to Council that the Authority was well placed to meet the challenges in the future.

Moved by Councillor J L Adams; Seconded by Councillor H M George

**RESOLVED**

That the revocation of the Direction be noted.

74. **Review of Secondary Education in Mid And North West Pembrokeshire**

Council considered a report by the Director for Children and Schools on proposals to review education provision in Mid and North West Pembrokeshire.

Council was advised that the report represented the next step in relation to the review of secondary education in Mid and North West Pembrokeshire and that it proposed parameters for further detailed consideration to develop an appropriate strategy for the future.

Councillor Susan Perkins, the relevant Cabinet Member, presented the report on the comprehensive review and, in doing so, she advised Council that the review would provide an exciting opportunity for the C21 for people in the Mid and North West Pembrokeshire area.

Council was advised that preliminary consultation had taken place between Autumn 2013 and Spring 2014 in the St Davids and Haverfordwest areas following consideration of reports by Cabinet in November 2013 and February 2014 respectively.

Council noted that five options for change had been identified and the details thereof were set out in the report.
Council was further advised that the next step in the process would include a detailed appraisal of the options for change, including the establishment of a Stakeholder Group. That the aim would be to develop one option which would form the basis of a strategy for secondary education provision in Mid and North West Pembrokeshire for the future. It was noted that an extraordinary meeting of Council would be required to be convened in January 2015 to consider the options, with approval being sought to commence the statutory consultation process.

Councillor Perkins advised that the review to date had been undertaken on a school by school basis, but now required a wider area approach for Mid and North West Pembrokeshire in order to move forward and agree a strategy for the future. She advised Council that any delay in the process could jeopardise the C21 programme and that the status quo was not an option for consideration, due to issues relating to education standards, surplus school places and the condition of some buildings which needed to be addressed.

Details relating to the appraisal of options and areas for consideration were set out in the report for Council's consideration.

In response to a question on the lack of information provided, Council was advised that significant background information had been provided to Members in the supplementary Agenda pack. However, Council noted that the report for consideration set out the guiding principles for the review; and that the detail would be provided in the next stage of the process which would be presented to Council in January. Similarly, Council was advised that concerns raised in relation to infrastructure for the proposed options would be addressed in the next report to be presented in January.

A Member referred to Welsh Language secondary education provision for the south of the County given the growth in demand for such provision. In response, the relevant Cabinet Member reported that such provision would be considered as part of the options proposed for the Haverfordwest area.

Moved by Councillor Susan Perkins; Seconded by Councillor H M George

RESOLVED

That further appraisal on the list of possible options set out in Appendix 1 to the report be undertaken by the Director for Children and Schools, with a view to developing a proposal for consideration by Council in January 2015.

Proposal to Review Primary Education Provision in the Milford Haven Area

Council considered a report by the Director for Children and Schools advising that it was appropriate to undertake a strategic review of primary education provision in the Milford Haven area based on the evidence set out in the report.

Council was advised that the review would identify a range of options for the future education provision in the area for further consideration by Council prior to any preliminary consultation. Details of the objectives and aspects of the review were set out in the report.
Councillor Susan Perkins, the relevant Cabinet Member, reported that a desktop review would be undertaken and a report would be made to Council in due course.

A Member pointed out that infrastructure issues needed to be addressed as part of the review.

Council noted that there were insufficient school places in the Milford Haven area which necessitated the review.

Moved by Councillor Susan Perkins; Seconded by Councillor H M George

RESOLVED

That primary education provision in the Milford Haven area be reviewed with a report being presented to Council in due course outlining options and recommendations.

76. Pembrokeshire County Council Improvement Review 2013/2014

Council was informed that under the Local Government (Wales) Measure 2009, the Council had a statutory duty to account for the success of each previous year’s improvement activity. The Authority was obliged to publish that information before 31 October each year.

Council considered the Improvement Review for 2013/2014 bringing together information related to the Authority’s achievements during the financial year.

Cabinet had considered the draft Improvement Review at its meeting held on 6 October 2014 and had recommended that the document be approved.

The Leader welcomed the report as evidence of continuous performance improvement and he drew Members’ attention to the good performance achieved in education and waste services; and he also referred to poor performance in respect of Disabled Facilities Grants which he assured Council would be addressed.

Members took the opportunity to seek clarification regarding a number of detailed issues within the Improvement Review document, to which relevant Cabinet Members and Officers responded accordingly.

Moved by Councillor J L Adams; Seconded by Councillor H M George

RESOLVED

That the Pembrokeshire County Council Improvement Review 2013/2014 be approved.
Council considered a report by the Deputy Chief Executive advising that on 8 July 2014, Welsh Government had published the Reforming Local Government White Paper.

Details of Welsh Government’s initial response to the Williams Commission’s recommendations concerning the future of local government in Wales were summarised in the report for Council’s information.

Council was advised that the White Paper had set out Welsh Government’s intention to publish two Bills during 2015 to facilitate a programme of mergers. The first Bill, to be published in January 2015, would provide the powers necessary to enable and facilitate preparatory work for the programme of mergers. The Bill would not contain specific merger proposals. However, it would include a power for Welsh Ministers to merge Authorities who wished to do so voluntarily.

The second Bill, to be published in Autumn 2015, would in due course establish the new Authorities to be created through merger. In the case of Pembrokeshire, Welsh Government had indicated its preference that the Authority should be merged with Ceredigion County Council.

The key milestones for the proposals were set out in the report.

Council was advised that the Minister for Public Services, Mr Leighton Andrews, had informed the Welsh Assembly that the current configuration of 22 local authorities was unsustainable and that there would be change, voluntary or not.

The Leader of the Council stated that he did not believe in reorganisation and he considered that the Authority provided efficient and effective services for the people of Pembrokeshire; but he advised Members to be under no illusion that the Minister was determined to consider the recommendations of the Williams Commission on local government reorganisation.

Council noted that if it was minded to support a voluntary merger, which would require the agreement of the other local authority, it had until 28 November to submit an expression of interest.

The Leader advised Council that the best option was to take charge of its own destiny and engage in discussions with Ceredigion County Council, rather than leave it to the Minister to impose it on the Authority. The Leader pointed out that the special identity and culture of Pembrokeshire needed to be maintained at all costs and that an informed discussion and decision needed to take place with the best interests of the Pembrokeshire people in mind. Accordingly, he Moved that a cross-party working group of Members be established to scope out work prior to holding discussions with Ceredigion County Council; Seconded by Councillor B J Hall.

Members took the opportunity to express their views on the matter.
Some Members expressed their concern over the proposal to agree any merger and considered that decisions affecting Pembrokeshire should be taken locally. It was suggested that lessons should be learnt from the previous mergers of the Health Service.

Other Members welcomed the proposal to establish a cross-party working group of Members to commence discussions. In supporting discussions, a Member referred to the synergy between Pembrokeshire and Ceredigion in terms of tourism and agriculture as a basis for discussions.

It was pointed out that Pembrokeshire would prefer to retain the status quo, but that Members should be realistic that if the Authority commenced discussions it would have more control of its destiny rather than be directed by the Minister. It was noted that amalgamation was not the panacea for cost savings.

In summing up the debate, the Leader recognised the points made by Members and he questioned the evidence and rationale provided for amalgamation. However, he stated that the pragmatic approach was to commence discussions with Ceredigion County Council.

**RESOLVED**

That the implications of local government reorganisation be noted; and that a cross-party working group of councillors be established to progress discussions with Ceredigion County Council on the potential option of a voluntary early merger of the Councils.

[Councillors R P Kilmister, J A R Nutting, P A Stock, D M Bryan, D K Howlett and S T Hudson wished that their vote against the above be recorded.]

**78. Adjournment of Meeting**

As indicated earlier in the meeting, the Chairman announced that the meeting would now be adjourned and that the order of business would be changed so that Agenda Item Nos. 52 and 51 would be considered next when the meeting reconvened; and that the remaining business would be considered thereafter.

The meeting adjourned at 1.05 pm and reconvened at 2.00 pm

**Present:**

Apologies for Absence:

Apologies for absence were received from Councillors R G Bowen, J T Davies, N P Harries, D J Neale, R Owens and M Williams.

Officers in attendance:

Dr S P Jones, Director of Development *(part of meeting – not present for Minute Nos. 79 - 81)*
Mr I Westley, Director of Transportation, Housing and Environment *(part of meeting – not present for Minute Nos. 79 - 81)*
Mr J Haswell, Chief Finance Officer
Mr C Davies, Head of Human Resources
Mr L Harding, Monitoring Officer
Mrs C Incledon, Principal Advocate
Mrs S Sanders, Committee Services Officer
Mrs E Prout/Miss J Cobham, Committee Clerk

Mr Huw Rolant Jones, Eversheds
Ms Sally Isaacs, Eversheds
Mr Adam Barker, Local Government Association (LGA) Consultant

79. Chief Executive/Head of Paid Service

The Chairman welcomed Legal Representatives Mr Huw Rolant Jones, Ms Sally Isaacs and Mr Adam Barker to the meeting for this item of business.

Council considered an exempt paper produced by Eversheds Solicitors which contained legally privileged advice in respect of the proposed settlement of the employment dispute between the County Council and the Chief Executive by means of a Settlement Agreement.

The document set out the current position relating to the Chief Executive, the proposed Settlement Agreement, the basis for the Settlement, the Designated Independent Person (DIP) process and recommendations for Council’s consideration.

Council was advised that during its consideration of this item of business, Members would receive legally privileged advice and would be discussing the personal circumstances of the Chief Executive.

On that basis, Councillor J L Adams Moved that the public be excluded from the meeting during consideration of this item of business under the terms of Paragraphs 12 and 16 of Part 4 of the Local Government Act 1972; Seconded by Councillor H M George.

Members of Council debated whether the matter should be considered in open session given the wider public interest in the matter, particularly if a Settlement figure was being proposed which could be at significant cost to the Authority and which had not been budgeted for. It was suggested that Council could resolve to exclude the public as necessary during the meeting in order to receive and consider exempt information. Council was reminded that the public interest test
was not applied in respect of Paragraph 16 due to legally privileged information being provided.

The Monitoring Officer advised Council that legal advice would be provided throughout the consideration of the matter and, therefore, it would be difficult to identify those exempt matters during the debate and there could be a danger of legally privileged information being discussed in open session, which could cause embarrassment and affect that legal advice. He reminded Council that discussion of the matter in public would cause problems for the Council in terms of the legally privileged advice and also in terms of discussing matters relating to an individual, given that the Chief Executive was entitled to have his personal information protected. Council was advised that if legally privileged information was leaked the information could jeopardise the Authority’s case in the matter.

In response to a question, the Monitoring Officer advised that the legal advice that Council was going to receive related to the allegations made against the Chief Executive; that the legal advice was from experts in employment law matters; and that the advice would relate to the Council’s position and the options available to the Council in order to make a decision.

The Leader of Council advised that the law must be complied with in this matter or the Council could be put at risk by discussing the matter in the public domain.

In response to a further question, the Monitoring Officer stated that the two documents listed in the Agenda as ‘to be tabled at the meeting’ had been sent to all Members in advance of the meeting as the information had been available earlier than anticipated. One report related to a document without legal privilege and the other document was from Counsel on detailed legal advice. The Monitoring Officer advised Council that it was critical to the decision making process to demonstrate that the legal advice given was appropriate and that the advice given had been taken into account.

A Recorded Vote having been requisitioned in support of the public being excluded from the meeting, votes were recorded as follows:

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The vote having been carried, it was

RESOLVED

That the public be excluded from the meeting during consideration of the following item of business under the terms of Section 100A(4) of the Local Government Act 1972 as it involved the likely disclosure of exempt information as defined in Paragraphs 12 and 16 of Part 4 of Schedule 12A to the Act.

Council convened in private session under the terms of Paragraphs 12 and 16 of Part 4 of Schedule 12A to the Local Government Act 1972 to consider the matter.

Councillor P N Miller Moved that there be no settlement and the Disciplinary Investigation Committee be allowed to run its course; Seconded by Councillor J A R Nutting.

The Leader advised Council that it was a grave situation that now faced the Authority in its relationship with the Chief Executive and he advised Members that they now had the opportunity to resolve the matter in the interest of moving the Authority forward.

He reminded Council of the decision made at the Extraordinary Meeting of Council on 12 September 2014, where it had been resolved to establish a Disciplinary Investigation Committee; and also to task the Leader with holding discussions with the Chief Executive and his representative in terms of a settlement agreement. The Leader advised that with the assistance of the LGA
Consultant and the Legal Representatives present, he had held discussions with the Chief Executive and he stated that details of those discussions and the proposed Settlement would be provided to Council during consideration of the matter.

The LGA Consultant highlighted the current position relating to the dispute between the Council and the Chief Executive and the process undertaken to date; outlined details of the proposed Settlement Agreement and the basis of the Settlement; and explained the Designated Independent Person process. The Legal Representatives provided an analysis of the allegations; and advised Council on the options available and the legal issues relating thereto for consideration of the way forward.

Members of Council took the opportunity to express their views on the information provided and to seek clarification on various points made in the presentation regarding the Settlement and the process undertaken. The LGA Consultant and the Legal Representatives responded to questions accordingly.

Some Members expressed concern that the Settlement had clouded the issue of the Disciplinary Process and considered that the process should be allowed to continue, as it could strengthen the Council’s case in further negotiations. It was also stated that the Committee’s decision to appoint a DIP had not been factored into the Settlement Agreement and was relevant to the level of Settlement. Furthermore, it was stated that justice would be denied if the Disciplinary Process was not allowed to continue.

[The Vice-Chairman left the meeting at this juncture and Councillor W J A Williams undertook his functions in supporting the Chairman. Having previously left the meeting, Councillor T B Tudor returned to the meeting and he advised Council that he was leaving the meeting to escort the Vice-Chairman to hospital.]

In summing up, Councillor P N Miller stated that he agreed with the sentiments that the Authority needed to move on, but he considered that the Settlement was out of kilter with the earnings of those people elected Members represented. He considered that the evidence Councillors Edwards and Morgan had provided to the Disciplinary Investigation Committee did amount to misconduct, as did seeking to influence the democratic process for the Chief Executive’s own financial benefit. He also considered that the overwhelming vote of no confidence in the Chief Executive demonstrated lack of trust and confidence and he stated that the Disciplinary Process should be allowed to continue on the grounds of loss of trust and confidence. Furthermore, Councillor Miller stated that the Severance Policy was meant to protect staff made redundant and not for those facing allegations of misconduct; and he called for the Policy to be reviewed.

The meeting then resumed in open session to take the vote on the Motion that no settlement be paid and that the Disciplinary Process be continued.
A Recorded Vote having been requisitioned, the Motion on being put to Council was declared lost; votes being recorded as follows:

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In recognition of the difficulties that had arisen in the relationship with the Chief Executive and Council, it was Moved by Councillor J L Adams that the Settlement Agreement be accepted between Pembrokeshire County Council and the Chief Executive as outlined previously; Seconded by Councillor H M George.

An Amendment was then Moved by Councillor M L Evans that Recommendations 5.1 and 5.3 as set out in the legal document by Eversheds Solicitors be adopted; that Recommendation 5.2 be not adopted and be referred back for further negotiation; Seconded by Councillor Jacob Williams.
A Recorded Vote having been requisitioned, the Amendment on being put to Council was declared lost; votes being recorded as follows:

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The substantive Motion was then put to the vote that the Recommendations set out in Paragraph 5 of the legal document by Eversheds Solicitors be accepted.

A Recorded Vote having been requisitioned, the substantive Motion on being put to Council was carried; votes being recorded as follows:

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RESOLVED

(a) That it be noted that it was entirely a matter for the Council whether or not to approve the Settlement Agreement.

(b) That the Settlement Agreement being approved; it be noted that the Chief Executive will leave employment at the Council with effect from the end of this month (31 October 2014) and this will enable the Council to put in place interim arrangements for the management of the Council and to commence the process of putting in place more permanent arrangements.

(c) That it be noted that the Settlement was being considered by the Wales Audit Office.

Councillor K Lewis, the Chairman of the Disciplinary Investigation Committee, advised Council that following the above resolution, there was no requirement for the Disciplinary Investigation Committee scheduled for the following day to take place.

[At this point, the meeting adjourned for a break of five minutes. Councillor Tessa Hodgson advised that she was leaving the meeting.]

80. Exclusion of the Public

RESOLVED

That the public be excluded from the meeting for the following items of business in accordance with Section 100A(4) of the Local Government Act 1972 as they involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A to the Act; and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

81. Acting Head of Paid Service

Council convened in private session under the terms of Paragraph 12 of Part 4 of Schedule 12A to the Local Government Act 1972 to consider a joint report by the Head of Human Resources and Head of Legal and Committee Services on arrangements to designate an Acting Head of Paid Service.

Council was advised that as had been reported to the Disciplinary Investigation Committee meeting on 6 October 2014, the Chief Executive had relinquished certain powers set out in the Constitution and vested in him as the Chief Executive/Head of Paid Service, until 31 October 2014.

Council was advised that it was necessary for those powers to be undertaken by another Officer until 31 October 2014. Those powers were as follows:
Article 11.01(c) – The number of Corporate Directors, Heads of Service and other staff, together with their respective portfolios of responsibilities (including such statutory and Proper Officer roles not determined under this Article) may vary from time to time as determined by the Chief Executive.

Article 11.02(a) - The Head of Paid Service will undertake those responsibilities assigned to him/her by statute and will be responsible for the overall operational management of the Council; the management of all staff and the determination of all employment matters with the exception of the appointment and terms of conditions of employment of staff within the remit of the Senior Staff Committee and those matters which are the statutory responsibility of school governing bodies.

Council was further advised that, as a consequence of its earlier decision, it was also necessary for an Acting Head of Paid Service to be designated as from 1 November 2014 and for the powers contained in Article 11.01(c) to be vested in the Acting Head of Paid Service.

A Member referred to the level of remuneration paid to Senior Officers in the Authority and suggested that a review be undertaken. In response, the Leader of Council advised that a review of Senior Management would be undertaken with a view to having permanent arrangements in place prior to Christmas. With reference to the payment for the Acting Head of Paid Service, the Leader stated that the pay level recommended had taken into consideration pay levels across Welsh Authorities and that paid to other Directors. The Leader agreed to discuss the Senior Manager structure and pay levels with Members.

Moved by Councillor J L Adams; Seconded by Councillor B J Hall

RESOLVED

(a) That the Director of Transportation, Housing and Environment be designated as Acting Head of Paid Service as from 1 November 2014 at a fixed remuneration as set out in the report of the Head of Human Resources and Head of Legal and Committee Services.

(b) That as from 1 November 2014, the powers vested in the Chief Executive by virtue of Article 11.01(c) of the Constitution be vested in the Acting Head of Paid Service.

(c) That the powers set out in Article 11.01(c) and 11.02(a), in the names of the Chief Executive and the Head of Paid Service respectively be vested in the Director of Transportation, Housing and Environment until 31 October 2014.

82. **Senior Staffing Arrangements - Children's Services and Schools**

Council convened in private session under the terms of Paragraph 12 of Part 4 of Schedule 12A to the Local Government Act 1972 to consider a report by the Head of Human Resources on senior staffing arrangements in the Children’s Services and Schools Directorate.
Council was advised that it was necessary to ensure that robust management arrangements were in place following the intended departure of the Director for Children and Schools in November 2014. It was noted that those arrangements were important given the concerns initially identified in 2011 by the Inspectorates; and that the new Directorate for Children and Schools established in 2012 had ensured an integrated response across the work undertaken to address those concerns. As a result of all of the evidenced improvements, Council noted that Estyn had removed the Authority from special measures in June 2014.

Council was advised that the Chief Education Officer and the Director of Social Services were two statutory roles that needed to be in place in the Authority.

Details of the proposed restructuring and the financial implications thereof were set out in the report for consideration.

Some concerns were expressed over the capacity of the Chief Education Officer to take on the additional duties proposed. In response, the Leader advised Council that he had been assured that there was capability to undertake the functions; and in terms of school reorganisation matters, he advised that some additional capacity was under consideration. He acknowledged the concerns raised and assured Members that the matter would be kept under review.

Moved by Councillor J L Adams; Seconded by Councillor H M George

RESOLVED

(a) That the Chief Education Officer be appointed as Director for Children and Schools for a period of up to 12 months on the terms outlined in the report, to ensure continuity around the effective strategic planning and co-ordination of children’s services; and that proposals for a permanent arrangement be submitted to Council within the 12 month period.

(b) That the strategic function of the current Chief Education Officer be subsumed into the Director role for that period of time.

(c) That the Director for Adult Care and Leisure be allocated the role of statutory Director of Social Services and associated duties on a permanent basis; and be redesignated as the Director for Social Services and Leisure.

(d) That the Director for Adult Care and Leisure be responsible for professional management of the Head of Children’s Services.

The meeting then resumed in open session.
83. **Allocation of Committee Seats**

Council was advised that there were a number of vacant seats on Committees that were required to be allocated to Members not in a political group, as indicated on the schedule attached to the report of the Head of Legal and Committee Services.

Council was also advised that as a consequence of Councillor D Simpson’s resignation from the Independent Plus Group it was also necessary to appoint a Member of that Group to the vacant seat on the Audit Committee.

With regard to the vacant seat on the Disciplinary Investigation Committee, Council was advised that it was no longer necessary to make an appointment to that vacant seat, as there was no further business for the Committee to transact.

Moved by Councillor J L Adams; Seconded by Councillor H M George

**RESOLVED**

That Councillor R G Summons be appointed to the Audit Committee.

Moved by Councillor Jacob Williams; Seconded by Councillor R M Stoddart

**RESOLVED**

That Councillor S G Joseph be appointed to the Environment Overview and Scrutiny Committee.

Moved by Councillor R M Stoddart; Seconded by Councillor S G Joseph

**RESOLVED**

That Councillor Alison Lee be appointed to the Licensing Committee.

Moved by Councillor Pat Davies; Seconded by Councillor D R Sinnett

**RESOLVED**

That Councillor P R Baker be appointed to the Safeguarding Overview and Scrutiny Committee.

84. **Appointment of Independent Person to Serve on the Council’s Standards Committee**

Council considered a report by the Monitoring Officer advising that Mr Ian Williams, the former Chairman of the Standards Committee for 2013/2014, had now served two terms as an Independent Member on the Standards Committee and could not be appointed for a further term.
A recruitment process had been undertaken to seek candidates as detailed in the report. In his report, the Monitoring Officer advised that five applicants had submitted completed applications and had been interviewed by the Appointment Panel on 3 October 2014.

Council was advised that the Appointment Panel had recommended to Council that Mrs Patricia Anne Barker of Haverfordwest be appointed, having regard to her compliance with the personal specifications for the position and her general experience.

Moved by Councillor S T Hudson; Seconded by Councillor T J Richards

**RESOLVED**

That Mrs Patricia Anne Barker be appointed as an Independent Person to serve on the Council’s Standards Committee for a period of four years expiring on 16 October 2018.

85. **Chief Officer Posts**

Council considered a report by the Head of Human Resources advising that determination of terms and conditions for three Chief Officer posts as set out in the report was required, in accordance with the resolution of Council on 6 March 2014.

Details of the pay level, Job Description and Person Specification for each post were set out in the report for consideration. Council was advised that the posts were subject to JNC terms and conditions agreed at national level.

A Member expressed concern that the resolution of Council had not been adhered to in respect of the Head of Adult Care and Head of Planning posts and, consequently, that they had been advertised and one had been shortlisted. In response, the Leader stated that this had been an oversight and that the report now rectified the position. Council was advised that there had been a misunderstanding of the terms of the resolution and the Leader assured Council that this would not happen again.

Moved by Councillor J L Adams; Seconded by Councillor H M George

**RESOLVED**

That the terms and conditions for the Head of Adult Care, Head of Planning and Head of Legal and Committee Services as detailed in the report be approved.

[At this point it was noted that Councillors Susan Perkins, H M George and S L Hancock had left the meeting to attend other engagements.]
86. **Question submitted by Councillor J A R Nutting under Council Procedure Rule 9.2 - Cleddau Bridge Toll Charges**

The Leader of Council responded to a question submitted by Councillor J A R Nutting prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*In response to a recent Freedom of Information request about when this Council had formally considered and determined not to increase Cleddau Bridge toll charges, the Council has confirmed that it does not hold any such reports. Is this still the case?*

Section 14(1) of the Dyfed Act 1987 sets out that “If at any time it appears to the County Council that under the circumstances then existing or in prospect all or any of the tolls …. should be revised. etc

*Can the Leader please clarify under the Council’s Constitution, who the relevant decision makers were or are on behalf of the Council in relation to toll charging under the Dyed Act 1987?*

The Leader responded that the Authority did not hold any such reports.

Secondly, the Leader stated that Section 14 of the Dyfed Act 1987 gave the Authority the power to set and revise tolls on the bridge; and that there was no specific definition that the term related to full Council.

He further stated that the Council’s Constitution provided that any function under a local Act should be undertaken by the Executive; and that the Dyfed Act 1987 was a local Act, but was not within the specified exception in the Local Authorities (Executive Arrangements) (Function and Responsibilities) (Wales) Regulations 2007. Therefore, it was a Cabinet function to revise tolls.

87. **Question submitted by Councillor J A R Nutting under Council Procedure Rule 9.2 - Cleddau Bridge Trading Account**

The Leader of Council responded to a question submitted by Councillor J A R Nutting prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*The Council’s Accounts 2012/13 Page 67, records a number of Trading Services of a commercial nature Accounts, including one for the Cleddau Bridge. This shows Expenditure for that year amounted to £7,171,000, offset by turnover or income of £2,897,000 resulting in a net annual LOSS of £4,274,000.*

*The relevant Cabinet out-turn Monitoring report for 2012/13 shows expenditure for that year at £1,085,000, income at £2,978,000 resulting in a net annual PROFIT of £1,893,000. This “profit” from toll charges reduces the Council tax requirement.*

a. *Can he state what the true annual 2012/13 profit or loss is under the provisions of The Dyfed Act 1987?*
b. Will the Leader please explain how an annual Loss of £4.2m can become regarded as an annual profit of £1.9m, and why annual gross expenditure figure is changed?

With regard to (a) above, the Leader advised that the outturn position for 2012/13 was a surplus of £1,893,000, as reported to Council on 17 October 2013.

With regard to (b) above, the Leader explained that the net expenditure of £4,274,000 incorporated notional accounting entries for depreciation; the real value of the interest-free loan in accordance with the Code of Practice on Local Authority Accounting and the 10% interest charge, prescribed by the Dyfed Act 1987, on the accumulated deficit.

88. Question submitted by Councillor J A R Nutting under Council Procedure Rule 9.2 - Cleddau Bridge Accumulated Deficit

The Leader of Council responded to a question submitted by Councillor J A R Nutting prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

The Council’s Memorandum Account for the Cleddau Bridge 2012/13 show that at 31 March 2012 the Accumulated operational deficit stood at £53,446,000. During the year a contribution of £1,893,000 was made from the Trading Surplus or profit, reducing this deficit to £51,553,000. However under the terms of the Dyfed Act 1987 Section 24, this outstanding debt also attracted an interest charge penalty of £5,334,000, leaving the Accumulated operational deficit or debt at 31 March 2013 standing at £56,887,000, an annual net increase in debt of £3,441,000.

The Council, on re-organisation, inherited an Accumulated Deficit of £17,900,000. Will the Leader please give estimates of the total projected Accumulated deficit in:-
  a. 5 years time.
  b. 10 years time.
  c. Why is this issue not being addressed?

The Leader responded as follows:

(a) End of term 2018-19 - £86.5m
(b) End of term 2023-24 - £128.5m
(c) That the accounting requirements for the Cleddau Bridge were laid down by the Dyfed Act 1987.

89. Question submitted by Councillor J A R Nutting under Council Procedure Rule 9.2 - Cleddau Bridge - Representation by the Haven Enterprise Zone Committee

The Leader of Council responded to a question submitted by Councillor J A R Nutting prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:
Has there been any representation by the Haven Enterprise Zone Committee to the Welsh Government asking for the bridge and adjacent road to be trunked and the toll abolished? If not why not?

In response, the Leader stated that there had not been any such representation and that it was not his responsibility to account for the actions of the Haven Enterprise Zone Committee.

In response to a supplementary question, the Leader stated that he could not give an assurance that tolls for the Cleddau Bridge would not increase at some point in the future. He advised that the Bridge was a specific box girder section type of construction which was expensive to maintain; but he assured Council that the robust way in which the Authority managed the Bridge and the financial capacity and accountability would ensure that toll users would not be subject to significant increases in the future.

In response to a further supplementary question on whether there would be a future plan for the Bridge, the Leader stated that in terms of the management and governance of the Bridge, the Authority's performance had been successful. In terms of the long term future, the Leader stated that the Bridge would not last for ever and that consideration of the long term view of means of crossing the Haven would be required in due course.

The Leader responded to a further supplementary question regarding the trunking of the A477 and he stated that the Dyfed Act controlled the part of the A477 from Waterloo Roundabout to the Westfield Pill Bridge. He advised Council that he was confident that the Authority's management of the Bridge allowed for rises in the toll; but that he was not confident that a change in the management of the Cleddau Bridge, through trunking arrangements, would provide better accountability for users of the Bridge.

90. **Question submitted by Councillor M Williams under Council Procedure Rule 9.2 - Streetscape Paint Scheme**

Council was advised that the question submitted by Councillor M Williams prior to the meeting in relation to the Streetscape Paint Scheme had been submitted in email format. However, a signed copy had not been provided before the commencement of the meeting in accordance with Council Procedure Rule 9.2 (a) and was therefore invalid for consideration.

91. **Question submitted by Councillor M Williams under Council Procedure Rule 9.2 - Report by the Information Commissioner**

Council was advised that the question submitted by Councillor M Williams prior to the meeting in relation to matters reported to the Information Commissioner had been submitted in email format. However, a signed copy had not been provided before the commencement of the meeting in accordance with Council Procedure Rule 9.2 (a) and was therefore invalid for consideration.
92. **Question submitted by Councillor M Williams under Council Procedure Rule 9.2 - Upgrade of Withybush Airport**

Council was advised that the question submitted by Councillor M Williams prior to the meeting in relation to Haverfordwest Airport had been submitted in email format. However, a signed copy had not been provided before the commencement of the meeting in accordance with Council Procedure Rule 9.2 (a) and was therefore invalid for consideration.

93. **Question submitted by Councillor Mrs V M Stoddart under Council Procedure Rule 9.2 - Purchase and Refurbishment Costs of Cherry Grove, Haverfordwest**

The Leader of Council responded to a question submitted by Councillor Mrs V M Stoddart prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

> My conservative estimate is that the Council has racked up costs of over £2 million for the purchase and refurbishment of the former tax office at Cherry Grove, Haverfordwest. Will the Leader itemise the costs incurred so far, including the purchase price; legal, architect's and consultants' fees; commercial rates on empty business properties; contract to refurbish the building; maintenance costs and security costs whilst the building was empty; furnishing the office space, and relocating expenses?

The Leader reported that the combined capital costs for Cherry Grove purchase and refurbishment and revenue costs for usage of the building to date totalled £2.355m. Furthermore, he advised Councillor Mrs Stoddart that he would provide a breakdown of those costs when known, if required.

Councillor Mrs Stoddart stated that she would welcome a report on the breakdown of those costs.

94. **Question submitted by Councillor Mrs V M Stoddart under Council Procedure Rule 9.2 - Relocation of Departments to Cherry Grove, Haverfordwest**

The Leader of Council responded to a question submitted by Councillor Mrs V M Stoddart prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

> Several Council Departments have already been moved in to Cherry Grove. What other Departments are scheduled to move in, and from what locations?

In response, the Leader stated that it had not yet been decided which staff might move to Block C at Cherry Grove. He advised that those decisions would be influenced by numbers which would be dependent upon potential retention of some fixed furniture, requirements for general areas (meeting rooms, welfare facilities and storage) and Fire Officer recommendations.

Based on average occupancy levels for Blocks A and B, the Leader reported that Block C could accommodate approximately 78 staff, in generally open plan office
space. That occupation of Block C would require further fit out and would support the general approach to centralising office accommodation.

In response to a supplementary question, the Leader stated that his recent Press Release in respect of the building had not been spin. He stated that the building now provided an opportunity for disparate sections to be situated together in one location in modern facilities and relevant Heads of Service had welcomed that development.

In response to a further supplementary question, the Leader assured Council that all the staff that had been relocated to Cherry Grove had been from Offices within the town of Haverfordwest. He acknowledged the points made regarding potential loss of footfall in satellite towns by centralising services and he stated that Officers would accept those points; and he assured Council that local Members would be consulted accordingly.

[Councillor S Yelland left the meeting at this juncture.]

95. **Question submitted by Councillor R M Stoddart under Council Procedure Rule 9.2 - Pembroke and Pembroke Dock Commercial Property Grant Scheme - Repayment of Monies**

The Leader of Council responded to a question submitted by Councillor R M Stoddart prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

1. **Has the Authority repaid, or agreed to repay, any monies to the Wales European Funding Office with regard to irregularities in the Pembroke and Pembroke Dock Commercial Property Grant Scheme?**

2. **If the answer to Q1 is yes, what is the sum of money involved?**

In response, the Leader reported that in any case where Wales European Funding Office (WEFO) had paid European Regional Development Fund (ERDF) monies in respect of expenditure that was subsequently deemed to be irregular, that WEFO adjusted future claims so that the final position was that only the amount of ERDF appropriate to the amount of regular expenditure claimed was paid.

The Leader stated that this case was no different. Furthermore, he stated that to be clear, and to update the answer given to Councillor Stoddart at the last Council meeting on 17 July 2014, the Authority had not repaid any sum to WEFO. All that would happen was that future claims would be adjusted.

On that basis, Council noted that no answer was required to question 2 above.

In response to a supplementary question on how much future claims would be adjusted, the Leader reported that that information could not be provided at this stage as the position was not fully understood, but would form part of discussions with WEFO.
96. **Question submitted by Councillor R M Stoddart under Council Procedure Rule 9.2 - Pembroke and Pembroke Dock Commercial Property Grant Scheme - Recovering Money Paid**

The Leader of Council responded to a question submitted by Councillor R M Stoddart prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*How much of the sum repaid is recoverable from the developer Mr Cathal McCosker and companies under his control?*

The Leader responded that whilst no sum had been repaid, action to recover grants paid to Mr McCosker and companies under his control had commenced. In addition, and as outlined in the response to Councillor Stoddart's question to Council on 17 July 2014, the Council had a Local Land Charge registered on relevant properties.

In response to a supplementary question, the Leader stated that he was unaware of the amount of money being reclaimed from Mr McCosker and his associated companies; and he stated that he would ask the Director of Development to provide that information.

97. **Question submitted by Councillor R M Stoddart under Council Procedure Rule 9.2 - Councillor P J Morgan's attendance at the Disciplinary Investigation Committee**

The Leader of Council responded to a question submitted by Councillor R M Stoddart prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*According to a report on the Pembrokeshire Herald website, Cllr Peter Morgan told the newspaper: “I spoke with David [Simpson] last night and said that Rob Lewis has spoken to me about appearing before the investigatory committee. My position is that pressure won’t work on me. I will do what is right. When I spoke to Jamie Adams last night, I told him the same thing.” Does the Leader agree that, if Cllr Morgan felt he was being put under “pressure” by Cllr Lewis regarding his appearance before the Disciplinary And Investigatory Committee, this would amount to unacceptable interference with a witness?*

The Leader stated that whether any witness had been put under pressure in matters relating to the Disciplinary Investigation Committee was a matter for the Committee. He further stated that he was confident that the Committee would determine whether any unacceptable interference with a witness had occurred.

Furthermore, the Leader stated that as he was not a member of that Committee and as its business was conducted in private and confidential session that he could not comment any further.

In response to a supplementary question, the Leader stated that he had taken the opportunity to speak to both named Members and that he had been assured, as late as the previous day, that such interference had not been the case; and that both he and the Chairman of the Disciplinary Investigation Committee had
received categoric assurance on that point. He also pointed out that the Vice-Chairman of the Disciplinary Investigation Committee had also sought and had been given that clarity.

98. **Question submitted by Councillor P N Miller under Council Procedure Rule 9.2 - Chief Officers leaving the Authority**

The Leader of Council responded to a question submitted by Councillor P N Miller prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*Could the Leader provide Council with the number of staff classed as Chief Officers and the number who have either left the organisation or signalled their intention to leave the organisation (formal notice or notification of intention to retire) in the last 18 months?*

The Leader responded that there were currently 27 posts within the Authority’s organisation that were subject to the terms and conditions of service laid down by the Joint Negotiating Committee for Chief Officers of Local Authorities.

Council was advised that in the period from 1 April 2013 to date, nine chief Officers had either left the Authority’s employment, or had indicated their intention to do so.

In response to a supplementary question, the Leader stated that five of those Chief Officers had retired and four had moved to other employment opportunities. In terms of why that had happened, the Leader stated that Members needed to look at themselves as part of the solution and to take the events of today as an opportunity to engage positively with other Members of Council and staff at all levels. He pointed out that earlier events had been a watershed moment for the Council and he hoped that relationships could move forward within the Council in a constructive manner.

99. **Question submitted by Councillor P N Miller under Council Procedure Rule 9.2 - Appointment of Lay Member of the Audit Committee**

The Leader of Council responded to a question submitted by Councillor P N Miller prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*Could the Leader explain to Council why it was felt appropriate to ask the Council Urgency Committee, in possession of no information other than a recommendation from the Appointments Panel (Cllr Stanley Hudson, Cllr Thomas Richards and an independent member), to approve the appointment of the Lay Member to the Audit Committee?*

The Leader reported that at the Annual meeting of Council in 2012, Members had considered a report presented by the Chief Executive, drafted by the Head of Legal and Committee Services, in which the Appointment Panel was established to interview and appoint the Lay Member to the Audit Committee and cited the recommendation in the Welsh Government’s guidance.
Council was advised that recently a Member had queried the appointment process of the lay person to the Audit Committee, and the Wales Audit Office had been informed of that concern. As the Audit Committee had a meeting scheduled for the following Monday, it had been felt that to give assurance to Members on the appointment of the lay person and ensure that an important meeting should proceed, the Urgency Committee, representing the Council, would meet to confirm the appointment by the Panel.

Although the Council had delegated the appointment to the Appointments Panel, the Council, through the Urgency Committee, could still exercise the powers that it had delegated. The Leader advised that a Member of the Appointments Panel was also a Member of the Urgency Committee and had been able to provide the Committee with the unanimous view of the Panel on the successful candidate.

In response to a supplementary question, the Leader stated that Council had earlier in the meeting ratified a decision of the Appointments Panel in respect of an appointment to the Standards Committee; and he stated that this was no different in respect of the Audit Committee Lay Member. He reminded Council that authority had been delegated to the Appointments Panel to interview candidates and he pointed out that it would be difficult for 60 Members of Council to interview every candidate.

100. **Question submitted by Councillor P N Miller under Council Procedure Rule 9.2 - Head of Paid Service - Disciplinary Process**

The Leader of Council responded to a question submitted by Councillor P N Miller prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*Does the Leader agree with me (and would he state for the record) that any attempt to improperly influence or subvert the disciplinary process currently ongoing with regards to the Head of Paid Service would be a gross breach of the Officer or Member Code of Conduct?*

The Leader stated that any attempt to improperly influence or subvert the disciplinary process was a matter for the Disciplinary Committee of which he was not a Member.

He advised Council that it was a fact that every employee was entitled to have any allegations made against them fairly and impartially considered and decisions made on the merits of the information attained. That those taking part in the proceedings, either as witness or decision maker, who did not behave in the correct manner would leave any determination open to challenge. He stated that any Member who failed to comply with the required impartiality would be in breach of a number of paragraphs of the Code of Conduct, for example 4(a), (b) and (d), 6(1)(a); 7(a) and 11. The Leader reported that any employee in a similar position would be in breach of a number of paragraphs of the Code of Conduct, for example 1, 3.1 and 3.2.

In response to a supplementary question, the Leader stated that there were a range of disciplinary issues and that the response to such issues would be proportionate.

The Leader of Council responded to a question submitted by Councillor P N Miller prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*Could the Leader explain who was responsible for allowing 2 job adverts to go out (and in the case of the Head of Adult Care the shortlisting exercise to have taken place and a final interview schedule) without approval by Council of the advertised terms and conditions?*

The Leader responded that the advertisement of any Chief Officer posts were ultimately authorised by the Chief Executive. In the case of the Head of Adult Care, advertisements had been placed following discussions with the relevant Directors.

He stated that regrettably, the requirement arising from a resolution of Council in March 2014 to obtain the prior approval of Council for the terms and conditions for Chief Officer appointments had been inadvertently overlooked.

The Leader assured Members that neither appointment had progressed beyond the recruitment advertising stage pending Council’s consideration of the matter.

In response to a supplementary question, the Leader stated a report by the Monitoring Officer was not necessary, as the matter had been a simple oversight and, on that basis, he assured Council that the matter would not be forgotten by himself, the Director of Transportation, Housing and Environment or other Directors. He stated that the point had been well made during Council’s discussions thereon.

102. **Question submitted by Councillor Jacob Williams under Council Procedure Rule 9.2 - Councillor David Simpson**

The Leader of Council responded to a question submitted by Councillor Jacob Williams prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*Could the Leader explain all of the reasons why he no longer wished for Cllr. David Simpson to serve in his Cabinet?*

The Leader stated that the selection of Members to serve on the Cabinet was entirely a matter for the Leader and did not require justification at Council meetings. He further stated that he would not be goaded into any character assassination.

In response to a supplementary question, the Leader stated that he was determined to work with all groups to move the Council forward and that he would not place any pressure or requirement on Councillor Alison Lee to become a Member of the Independent Plus Group.
103. **Question submitted by Councillor Jacob Williams under Council Procedure Rule 9.2 - Letter from John Evans MBE, former Chairman and Lay Member of the Audit Committee**

The Leader of Council responded to a question submitted by Councillor Jacob Williams prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

At the last meeting of full Council, the Leader was asked a question about the circumstances surrounding the shock resignation of the lay-member of the Authority’s Audit Committee, John Evans MBE. Mr. Evans cited disagreement with two Council Officers regarding the Committee’s investigation into the Pembroke Dock grant schemes as contributing to his decision to resign the following day.

In answering the question, the Leader explained that Mr. Evans had indeed attended a meeting with the two Officers immediately prior to his resignation, but that “the meeting concluded without obvious disagreement.”

This version of events was, presumably, provided to the Leader by the two Officers, however the leader failed to mention that he was also in receipt of a letter from Mr. Evans which set out his own version of events.

Could the Leader explain why he deliberately concealed this from Councillors?

The Leader responded that the version of events described at Council on 17 July 2014 had been provided to him by the Chief Finance Officer and the Head of Revenues and Assurance, and had been an accurate reflection of their meeting with the former Chairman of the Audit Committee, John Evans.

He advised that the letter he had received from John Evans had explained his own version of events in respect of the meeting with the Chief Finance Officer and the Head of Revenues and Assurance.

The Leader stated that both accounts referred to the discussions held, from the Officers’ perspective, ensuring that the Audit Committee acted within its Terms of Reference and the Internal Audit Charter; and in terms of the Question and Answer session from John Evans’ perspective, his disappointment at those limitations.

In response to a supplementary question on why the Leader had deliberately concealed the fact that he had been in possession of Mr Evans’ letter, the Leader stated that he did not refer to the letter as he had not been asked about the letter.

104. **Notice of Motion relating to Answers to Questions to Council**

A Notice of Motion was submitted by Councillor D M Bryan to the effect that any question asked in Full Council be answered in the Chamber that day regardless of whether the questioner was present or not.
Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor D M Bryan; Seconded by Councillor D K Howlett, then stood referred to Corporate Governance Committee.

105. **Notice of Motion relating to the Social and Economic Impact of Second Homes**

A Notice of Motion was submitted by Councillor M Williams to the effect that the Economy Overview and Scrutiny Committee undertakes a detailed investigation into the social and economic impact of second homes on communities in Pembrokeshire.

Council was advised that in accordance with Council Procedure Rule 10.1, the motion had not been signed and was not valid.

However, Councillor M J John, Chairman of the Economy Overview and Scrutiny Committee, advised that he would put the matter on the agenda of that Committee.

106. **Notice of Motion relating to the Use of 'Mosquito' Sonic Deterrent Devices**

A Notice of Motion was submitted by Councillors D R Sinnett and Susan Perkins to the effect that the Council does not in any way support the use of ultrasonic youth deterrent devices such as the ‘Mosquito’ and resolves to ban such uses from property that it owns. Furthermore, that Council will encourage partner organisations with which it works to follow its lead and refuse to endorse the use of such devices in Pembrokeshire.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor D R Sinnett; Seconded by Councillor R P Kilmister, then stood referred to Cabinet.

107. **Notice of Motion relating to Chief Officer Employment and the Senior Staff Committee**

A Notice of Motion was submitted by Councillor P N Miller to the effect that the Council amends the delegated authority of the Head of Paid Service (and where necessary the terms of reference and delegated authority of the Senior Staff Committee) to provide for the following:

- A requirement for Senior Staff Committee to consider the creation, re-designation or redundancy of any Chief Officer post, prior to implementation.
- A requirement for Senior Staff Committee to consider the terms and conditions attached to any creation, re-designation or redundancy of any Chief Officer post where the overall value of such terms and conditions will not exceed £100,000.
- A requirement for Council to consider the terms and conditions attached to any creation, re-designation or redundancy of any Chief Officer post where the overall value of such terms and conditions shall exceed £100,000.
In each of the above cases no such creation, re-designation or redundancy shall be permitted without the approval of the respective body (Senior Staff Committee / Council).

Further, that Council amends the previous resolution of Council (6 March 2014 – Pay Policy Statement 2014/15) in line with the above, such that recruitment to any vacant Chief Officer post shall be on terms and conditions approved by the Senior Staff Committee (<£100,000 total value of terms and conditions) or Council (>£100,000 total value of terms and conditions). To ensure that Member oversight of appointments to Chief Officer position continues beyond the end of the 2014-15 financial year.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor P N Miller; Seconded by Councillor Pat Davies, then stood referred to Corporate Governance Committee.

108. Notice of Motion relating to Pembroke and Pembroke Dock Commercial Property Grant Scheme Correspondence

A Notice of Motion was submitted by Councillor R M Stoddart to the effect that Council resolves that Members shall have access to all correspondence between the Authority and both WEFO and Mr Cathal McCosker (including companies which he has an interest) regarding the repayment of grant monies received by Mr McCosker and his associated companies under the Pembroke and Pembroke Dock Commercial Property Grant Scheme.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor R M Stoddart; Seconded by Councillor J A Brinsden, then stood referred to Audit Committee.

109. Notice of Motion relating to Questions submitted under Council Procedure Rule 9.2

A Notice of Motion was submitted by Councillor R M Stoddart to the effect that Members submitting questions under Section 9.2 Part 4/page 8 of the Constitution shall have the option to read out the question at the meeting where it falls to be answered.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor R M Stoddart; Seconded by Councillor J A Brinsden, then stood referred to Corporate Governance Committee.

110. Notice of Motion relating to the Audit Committee

A Notice of Motion was submitted by Councillor R M Stoddart to the effect that the Audit Committee shall consist of seven members comprising three from the Majority Independent Plus Group, three members of the opposition and one Lay Member.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor R M Stoddart; Seconded by Councillor J A Brinsden, then stood referred to Corporate Governance Committee.
111. Notice of Motion relating to the Constitutional Issues Working Group

A Notice of Motion was submitted by Councillor P N Miller to the effect that Council requires the Constitutional Issues Working Group to report with an agreed draft constitution on or prior to 19 December.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor P N Miller; Seconded by Councillor Pat Davies, then stood referred to Corporate Governance Committee.

112. Notice of Motion relating to changes to the Housing Revenue Account

A Notice of Motion was submitted by Councillor P N Miller to the effect that Council requires the formation of a politically balanced cross party working group to have oversight of the changes to the Housing Revenue Account and consider, in the first instance, recommendations for projects funded by and re-allocations within the HRA.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor A W Wilcox; Seconded by Councillor P N Miller, then stood referred to Cabinet.

113. Notice of Motion relating to Questions and Notices of Motion to Council

A Notice of Motion was submitted by Councillor P N Miller to the effect that any Questions and Notices of Motion to Council, received before the 5pm deadline, shall that day and before 5:30pm, be circulated to all Members of Council.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor P N Miller; Seconded by Councillor G Price, then stood referred to Corporate Governance Committee.

114. Notice of Motion relating to the Time to Care Charter

A Notice of Motion was submitted by Councillor P N Miller to the effect that Council formally adopts the Time to Care Charter.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor P N Miller; Seconded by Councillor G Price, then stood referred to Cabinet.

115. Notice of Motion relating to Election of Leader of Council

A Notice of Motion was submitted by Councillor Jacob Williams to the effect that the Authority’s existing Constitution be amended so that the position of ‘Council Leader’ will be elected every year by a majority vote of Councillors at the Annual Meeting, and that nominations for the Leader post can be made during the Annual Meeting without any requirement for due notice to be provided. Furthermore, that Council agrees that, following discussion of this proposal at Corporate Governance Committee, this Notice of Motion be referred back to the December (or soonest) full Council meeting, and not to the Constitutional Issues Working Group or any other Committee, Sub-Committee or Panel.
Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor Jacob Williams; Seconded by Councillor R M Stoddart, then stood referred to Corporate Governance Committee.

The meeting ended at 6.45 p.m.