



## SPECIAL COUNCIL

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON THURSDAY 17TH JANUARY 2013 AT 5.00 PM

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#### PRESENT:

Councillor Mrs. G. Oliver - Mayor  
Councillor D.M. Gray - Deputy Mayor

#### Councillors:

Miss. L. Ackerman, M. Adams, Mrs. E.M. Aldworth, H.A. Andrews, A.P. Angel,  
Mrs. K.R. Baker, Mrs. G. Bevan J. Bevan, P.J. Bevan, L. Binding, Mrs. A. Blackman, D. Bolter,  
Mrs. A. Collins, P. Cook, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies,  
R.T. Davies, N. Dix, C. Durham, C. Elsbury, Mrs. C. Forehead, Mrs. J. Gale, N. George,  
C.J. Gordon, Mrs. P. Griffiths, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James,  
M.P. James, Mrs. B.A. Jones, G. Jones, Ms. J.G. Jones, S. Kent, G. Kirby, A. Lewis, K. Lloyd,  
C.P. Mann, S. Morgan, Mrs. R. Passmore, D.V. Poole, D.W.R. Preece, M.J. Prew,  
Mrs. D. Price, J. Pritchard, J.A. Pritchard, D. Rees, K.V. Reynolds, J.E. Roberts,  
Mrs. M.E. Sargent, Mrs. E. Stenner, J. Taylor, T.J. Williams, R. Woodyatt

#### Together with:-

A. O'Sullivan (Chief Executive) and D. Perkins (Head of Legal and Governance/Monitoring Officer) - Part of Meeting

G. Williams (Principal Solicitor, Deputy Monitoring Officer), J. Jones (Democratic Services Manager), L. Donovan (Personnel Manager) and Stephen Harris (Financial Services Manager)

Mrs K Howell (Geldards), Ms Tess Burgess (Geldards), J. Gay (Hay Group) and Ms L. Pamment (Price Waterhouse Cooper)

#### 1. APOLOGIES

Apologies for absence were received from Councillors D.G. Carter, K. Dawson, Mrs. D. Ellis, Ms. E.E. Forehead, J.E. Fussell, L. Gardiner, R.W. Gough, D. T. Hardacre, G. Johnston, R. Saralis, Mrs. J. Summers and L.G. Whittle.

#### 2. BEREAVEMENT

The Mayor referred to the recent death of Councillor Stan Jenkins and the mother of Councillor Rob Gough. Members and officers stood in silence as a mark of respect and extended their condolences to the bereaved families. Members referred to the late member's long and distinguished career in local government and paid tribute to the manner in which he had carried out his duties during his years of office.

### **3. DECLARATIONS OF INTEREST**

There were no declarations of interest received at the beginning or during the course of the meeting.

### **REPORT OF OFFICERS**

Consideration was given to the following report.

### **4. PROCEDURAL ISSUES**

Mr. Perkins, the Council's Head of Legal and Governance/Monitoring Officer, outlined several procedural issues regarding the conduct of the meeting. Mr. Perkins explained that due to the subject matter of the meeting and following advice received from the Council's external auditors, Price Waterhouse Coopers, with the exception of the Chief Executive Officer and himself, no other Chief Officers would be in attendance.

Mr. Perkins advised that he would leave the meeting himself, following the determination of the Public Interest Test (Item 2 on the Agenda). Mr. Perkins further advised that Members should not debate the Chief Executive's remuneration whilst he was present at the meeting. If Members wished to refer to the Chief Executive's remuneration they should give notice and he would leave the meeting. Mr. Perkins advised that once he has left the meeting, the Council's Deputy Monitoring Officer, Mrs. Williams will become the acting Monitoring Officer for the remainder of the meeting, with responsibility for ensuring the probity and integrity of the meeting. It was further explained that for this period of the meeting, and as acting as the Monitoring Officer she would be afforded the statutory protection of that position. Mr. S. Harris, Financial Services Manager, would deputise for Mrs. N. Scammell, Head of Corporate Finance and S151 Officer and that he would be afforded the statutory protection available to the Council's S.151 Officer.

Mr. Perkins introduced Mrs. K. Howell (Geldards), Ms. T. Burgess (Geldards), Mrs. L. Pamment (Price Waterhouse Cooper), Mr. J. Gay (Hay Consultant) and Ms. L. Donovan, (Personnel Manager), deputising for Mr. G. Hardacre, (Head of People Management and Development).

Mr. Perkins confirmed that none of the Council's Officers acting as deputies were affected by the Senior Officer Remuneration Report.

Mr. Perkins advised Members that Mrs. Howell of Geldards, Solicitors would make a presentation in the exempt part of the meeting, outlining salient points of her advice. Mr. Perkins further advised that for Members to reach an informed decision it was essential that they have the opportunity to question Mrs. Howell in an exempt session where it would be possible to ask detailed questions on the options outlined in the Senior Officer Remuneration Report, specifically with regard to the legal position of any option that Members may wish to follow.

Mr. Perkins also reminded and advised Members that there should be no discussion regarding the references that have been made to the Public Services Ombudsman for Wales, regarding alleged breaches of the Member Code of Conduct. This advice was given on the basis that any Members involved in such references are advised by the Ombudsman not to make any statement or comment until the investigation process is concluded.

Members discussed the advice received from Mr. Perkins and sought clarification on a number of issues. Mr. Perkins confirmed that due to an administrative error advance notice of the meeting of the Senior Remuneration Panel held on the 5th September, 2012 had not been

given as required by Section 100(B) of the Local Government Act 1972. He apologised unreservedly for this oversight.

## **5. CONSIDERATION AND DETERMINATION OF THE PUBLIC INTEREST TEST EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

Mr. Perkins gave detailed advice on the Public Interest Test and explained the reasons why he had recommended that Appendices 3 and 5 to the Report entitled "Senior Officer Remuneration" should be considered in an exempt session of Council.

He drew Members attention to the grounds for exemption set out in the Public Interest Test.

Members discussed the advice received from Mr. Perkins and sought clarification on a number of issues.

It was moved and seconded that Appendices 3 and 5 should be dealt with as exempt items, and in accordance with Rule of Procedure 15.4 (1), a request was made for a recorded vote.

### **For the Motion**

M. Adams, Mrs. E.M. Aldworth, H.A. Andrews, Mrs. G. Bevan J. Bevan, P. Cook, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, R.T. Davies, N. Dix, C. Durham, Mrs. C. Forehead, Mrs. J. Gale, N. George, C.J. Gordon, D.M. Gray, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, Mrs. B.A. Jones, G. Jones, Ms. J.G. Jones, G. Kirby, A. Lewis, S. Morgan, Mrs. R. Passmore, D.V. Poole, D.W.R. Preece, Mrs. D. Price, J. Pritchard, K.V. Reynolds, Mrs. E. Stenner, T.J. Williams and R. Woodyatt (39)

### **Against the Motion**

Miss. L. Ackerman, A.P. Angel, Mrs. K.R. Baker, P.J. Bevan, L. Binding, Mrs. A. Blackman, D. Bolter, Mrs. A. Collins, C. Elsbury, Mrs. P. Griffiths, M.P. James, S. Kent, K. Lloyd, C.P. Mann, M.J. Prew, J.A. Pritchard, D. Rees, J.E. Roberts, Mrs. M.E. Sargent and J. Taylor. (20)

### **Abstain**

Mrs. G. Oliver (1)

Members concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was:

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the part of the meeting where discussions take place on the contents of the exempt Appendices 3 and 5. This is because of the likely disclosure to the public of exempt information as identified in the Public Interest Test and at this point Mr. Perkins left the meeting.

## **6. SENIOR OFFICER REMUNERATION REPORT**

The meeting continued in open session and consideration was given to the report which outlined the decision taken by the Senior Remuneration Committee and the options available to Members to rescind the decision. Mrs. Williams reminded Members that Mr. O'Sullivan must leave the meeting if they wished to discuss his salary. Members indicated that they wanted to discuss the salaries of all Chief Officers, therefore, Mr. O'Sullivan left the meeting. There followed a detailed discussion on the contents of the Report.

In order to discuss the contents of the Appendices 3 and 5 and following the decision to approve the Public Interest Test to exempt appendices 3 and 5, the meeting then moved into exempt session. The Mayor declared a short recess while members of the public were

excluded.

Mrs. Howell outlined in detail the relevant issues and the options available to rescind the decision of the Senior Remuneration Committee. Members had a full discussion about the available options and their advantages and disadvantages. Members held a detailed discussion around the actions of the Senior Remuneration Committee and the legal advice prepared by Geldards.

The Meeting moved into open session and there was a further detailed discussion on the Report following this it was proposed and seconded that:

The Senior Remuneration Committee be disbanded.

Following a show of hands, it was RESOLVED that the Senior Remuneration Committee be disbanded.

It was proposed and seconded that the decision of the Senior Remuneration Committee be rescinded and all Chief Officers be re-engaged on their previous terms and conditions.

An amendment was moved and seconded:

To rescind the decision of the Senior Remuneration Committee by a negotiated agreement as follows:-

- The new pay structure is retained but with Chief Officers moving to the lowest increment level rather than the highest (or the next highest increment where the lowest increment in the new structure is lower than current pay) within a reasonable timescale, with incremental steps not commencing until April 2014.
- The Chief Executive Officer salary increase is set at a one off 4% on a spot salary of £137,000.
- The Chief Executive Officer salary to remain frozen for the period of the current administration.
- The higher band A+ will not be used for the period of the current administration.
- A one off saving of £418,000 will be made over the four years and returned to the Council.
- The issue of Chief Officer pay will not be revisited in the lifetime of the current administration unless required by law or Local Government regulations. Any future proposal at any time would require a final decision by Full Council.

There followed a further detail discussion on the Report and in accordance with Rule of Procedure 15.4 (1) a request was made for a recorded vote.

**For the Amendment**

M. Adams, Mrs. E.M. Aldworth, H.A. Andrews, Mrs. G. Bevan J. Bevan, P.J. Bevan, Mrs A. Blackman, P. Cook, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, R.T. Davies, N. Dix, C. Durham, Mrs. C. Forehead, Mrs. J. Gale, N. George, C.J. Gordon, D.M. Gray, Mrs P.A. Griffiths, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, Mrs. B.A. Jones, G. Jones, Ms. J.G. Jones, G. Kirby, A. Lewis, S. Morgan, Mrs. R. Passmore, D.V. Poole, D.W.R. Preece, Mrs. D. Price, J. Pritchard, D. Rees, K.V. Reynolds, Mrs. E. Stenner, T.J. Williams, and R. Woodyatt (43)

**Against the Amendment**

Miss. L. Ackerman, A.P. Angel, Mrs. K.R. Baker, L. Binding, Mrs. A. Collins, M.P. James, S. Kent, K. Lloyd, C.P. Mann, M.J. Prew, J.A. Pritchard, J.E. Roberts, Mrs. M.E. Sargent and J. Taylor (14)

**Abstain**

D. Bolter, C. Elsbury and Mrs. G. Oliver (3)

The amendment was carried and became the substantive motion. A further vote took place on the substantive motion by a show of hands and it was carried and RESOLVED that the decision of the Senior Remuneration Committee should be rescinded by a negotiated agreement as follows:-

- The new pay structure is retained but with Chief Officers moving to the lowest increment level rather than the highest (or the next highest increment where the lowest increment in the new structure is lower than current pay) within a reasonable timescale, with incremental steps not commencing until April 2014.
- The Chief Executive Officer salary increase is set at a one off 4% on a spot salary of £137,000.
- The Chief Executive Officer salary to remain frozen for the period of the current administration.
- The higher band A+ will not be used for the period of the current administration.
- A one off saving of £418,000 will be made over the four years and returned to the Council.
- The issue of Chief Officer pay will not be revisited in the lifetime of the current administration unless required by law or Local Government regulations. Any future proposal at any time would require a final decision by Full Council.

The meeting closed at 20.13 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 29th January 2013 on they were signed by the Mayor.

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