

• **Appendix**  
**32B**

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CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

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DAVID J BOWLES, C.P.F.A., B.Sc.  
Rheolwr Gyfarwyddwr Dros Dro  
Interim Managing Director

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Eich Cyf - Your Ref.

15/02/11

Dear Councillor

As you will be aware when I joined the Council as Interim Managing Director there had been a breakdown in relationships between the Executive and the Corporate Management Team. Indeed the breakdown was so severe that there were open discussions about "a hit list" of officers.

Clearly such a breakdown in relationships between officers and Members has potentially serious implications for the Council. Members have obligations as an employer and staff are entitled to expect that their employer will protect them from bullying and harassment.

There is a widely held view by officers within the Council that their job could be at risk if they cross certain Members. I make no comment on whether there is justification for such a view but I can assure you it is prevalent.

Given that the Council has been highly criticised for its failure to embrace good governance one has to consider how one would expect an elected Member and particularly one who leads the largest political group to behave in such circumstances. There will be an expectation that such a Member seeks to be an exemplar in corporate governance.

I have had cause to look at the conduct of two Members in particular. Both were Members of the Original Independents. After extensive external review there was evidence to make serious allegations to the Ombudsman for a full and proper investigation. The Ombudsman is satisfied that such evidence exists and two investigations are presently ongoing.

The allegations are, as you are aware, very serious and relate to behaviour which appears to be of a bullying, vexatious nature and of harassment. In both cases they involve the Monitoring Officer. In one case it involves other officers and Members. In one case in particular many members have seen much correspondence from the Councillor concerned and in the other it is now common knowledge that the Councillor I referred to in my letter of 19<sup>th</sup> February, 2010 who made serious allegations about the Monitoring Officer was Cllr Schofield.

Your Group Leader, Cllr Owen, personally committed to 3 documents.

**1 Code of Conduct**

This places the onus and obligation upon all members to report any Members for breaches of the national Code of Conduct (Paragraph 6 (1) (c)).

**2 Self-regulation Protocol**

This was considered by the Full County Council on 4<sup>th</sup> March 2010 and was unanimously approved. It places obligations upon individual Members and Group Leaders.

**3 Paragraph 85 retraction**

This is a document a number of Members signed which included an undertaking to support and protect the Monitoring Officer. I enclose a further copy for your information and draw attention to paragraph 4. Most of those Members who signed it have abided by it and genuinely regret the way this matter was handled. Corporate Directors have acknowledged their part in the problems which arose.

You have committed to the first two.

The reporting of Councillors Durkin and Schofield to the Ombudsman is not a presumption of guilt but an acknowledgement that there is evidence which needs to be examined properly. Any determination of guilt will be as a result of that examination and if appropriate Adjudication Panel Hearing.

There is much talk in the Council about personality politics. I want no part in that. On a personal level Cllr Owen has many qualities but I am not concerned about personality but issues which are of relevance to corporate governance such as personal values, conducts and behaviours. My comments below need to be read in that context.

Unfortunately your Group Leader Cllr Owen, has made it clear to me that he refuses to support the reporting of Councillor Durkin and Councillor Schofield to the Ombudsman for such an investigation. He has fallen back on a line of 'not opposing the Ombudsman's findings' which with all due respect is well short of his obligations above where he should positively support such a reference. I regret that his approach falls well below any reasonable expectation of any Member of any Council let alone the Leader of the largest political group in a Council in recovery for serious failures of Corporate Governance. Indeed, Cllr Owen's indifferent attitude merely lends weight to one of the judgments which brought about the Intervention in the first place; namely, the inability of Members to regulate their own behaviour.

Cllr Owen's actions in refusing to actively support the reporting of Councillors Durkin and Schofield to the Ombudsman can at best be interpreted as turning a blind eye, at worst condoning, encouraging or supporting harassment of officers. I am sure that this is something you would find wholly unacceptable in any organisation, much less one in Intervention which, if not properly resolved, is likely to result in the loss of sovereignty.

I used the signed Paragraph 85 undertaking to ask the Ombudsman to consider discontinuing a complaint which involved Cllr Owen. I have reason to consider that it was a significant factor in its discontinuation. I take personal affront that Cllr Owen has taken the benefit of something I facilitated and then reneged upon it. Cllr Owen's failure to comply with either the spirit or the written letter supported by his own signature provides little confidence that he understands his obligations and undermines the most essential elements of trust and confidence between officers and Members, and Members and their electorate. I regret that I have had to make it clear to Cllr Owen that I would have difficulty working with him if he were in any senior capacity as that may be construed as my condoning his conduct.

You will also be aware of the concerns expressed by staff generally about the conduct of Members. We have 3000 staff who expect that Members would act appropriately.

My reason for writing to you is that I have never been clear as to whether Cllr Owen, in word or deed, has been representing your views as a Member of the Original Independent Group. .

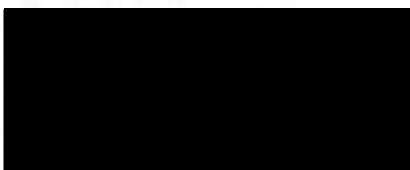
I am sure that like me you would not wish to condone or support conduct which could be interpreted as turning a blind eye to harassment and flies in the face of obligations in the national Code of Conduct and elsewhere.

I would be grateful therefore if you would clarify your personal position by signing the attached and returning it to me in the prepaid envelope within the next seven days. A nil response will I am afraid be interpreted as supporting the line taken by Cllr Owen.

I think that our 3000 staff, and your electorate, are entitled to know where individual Members stand on this matter and whether it is generally a line taken in the Original Independent Group.

I have written to all members of your Group in similar terms except for Cllrs Ieuan Williams and Gwilym Jones and those who joined via Anglesey Forward as they have already made their positions clear.

Yours sincerely,



**DAVID J BOWLES**  
**INTERIM MANAGING DIRECTOR**

I support the submission of a complaint to the Ombudsman about Councillors Durkin and Schofield in order for there to be a full and proper investigation.

Signed \_\_\_\_\_ Date \_\_\_\_\_

RESOLUTION OF THE ISSUE OF THE PARAGRAPH 85 LETTER

The Executive and CMT acknowledge that during 2008 the relationship between senior members and senior officers had, for a number of reasons including poor communications and poor joint working, become dysfunctional. This created inevitable tensions and frustrations for both the member and officer leadership of the Council and both the Executive and CMT regret allowing this position to arise.

The tensions came to a head with a letter dated 18<sup>th</sup> December 2008 on behalf of the Executive to the Welsh Audit Office. The Executive accept that, when preparing the letter, they did not have all the facts and individually and collectively apologise for the letter and its contents and furthermore individually and collectively retract the allegations contained therein and withdraw the letter in its entirety.

CMT recognises the need to adapt the way they work with each new Executive and apologise for any failings on their part which contributed toward the problem. The CMT confirm that it never was their intention to wish that the Executive or any member of the Executive would fail and are committed to working with this Executive and future Executives in the best interest of the Council. This commitment is accepted by the Executive.

The Executive recognise that officers work for the council as a whole and must work within the context of the Council's constitution and scheme of delegation. The Executive individually and collectively recognise that the statutory roles of Monitoring Officer and Section 151 Officer are key to ensuring strong and effective governance within the Council. The Executive individually and collectively will support and protect these officers as a key safeguard for the Council and individual members.

The Executive and CMT confirm their joint commitment to work together to transform the Council and responding effectively to the issues raised in the Corporate Governance Inspection Report.

Both the Executive and CMT regard this matter as closed and will make no further comment.

[REDACTED] OLIVE MCGREGOR.

[REDACTED] R.G. PARRY.

[REDACTED] R.G. PARRY.

[REDACTED] I WILLIAMS.

[REDACTED]

[REDACTED] PAUL FOWLER

[REDACTED] E. SCHOFIELD.

[REDACTED] B. OWEN.

[REDACTED] R. L. HUGHES.

[REDACTED] E. G. DAVIES.