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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Emma Sullivan
(Rhif Ffôn: 01443 864420 Epost: sullie@caerphilly.gov.uk)

Dyddiad: Dydd Gwener, 31 Mawrth 2017

Annwyl Syr/Fadam,

Bydd cyfarfod **Pwyllgor Archwilio a Disgyblu** yn cael ei gynnal yn **Duffryn House, Ystrad Mynach** ar **Dydd Iau, 6ed Ebrill, 2017** am **9.30 am** i ystyried materion a gynhwysir yn yr agenda canlynol.

Yr eiddoch yn gywir,

Chris Burns
PRIF WEITHREDWR DROS DRO

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

Atgoffi'r Cyngorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cyngorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



3	Pwyllgor Archwilio a Disgyblu ar 6fed Mawrth 2017.	1 - 4
4	Pwyllgor Archwilio a Disgyblu a Aildrefnwyd ar 7fed Mawrth 2017.	5 - 6
5	Pwyllgor Archwilio a Disgyblu a Aildrefnwyd ar 8fed Mawrth 2017.	7 - 8
6	Pwyllgor Archwilio a Disgyblu a Aildrefnwyd ar 10fed Mawrth 2017.	9 - 10
7	I dderbyn ac ystyried yr adroddiad(au) canlynol sydd ym marn y Swyddog Priodol yn gallu cael ei drafod pan nad yw'r cyfarfod ar agor i'r cyhoedd ac i ystyried yn gyntaf os yw lles y cyhoedd yn golygu y dylai'r cyfarfod gael ei gau i'r cyhoedd ar gyfer ystyriaeth o'r eitem(au):-	11 - 12

Achos Disgyblu Swyddogion Statudol

- 8 Yn dilyn y penderfyniad a wnaed i gyfeirio materion at Berson Dynodedig Annibynnol (PDA) i dderbyn ac ystyried ymgeiswyr ar gyfer penodiad fel PDA a chymeradwyo'r enwau arfaethedig a'u cytuno.
- 9 Ystyried cylch gorchwyl ar gyfer y PDA a phenderfynu ar y camau i'w cymryd.

Cylchrediad:

Cynghorwyr D.G. Carter (Cadeirydd), N. George, C.J. Gordon, J.A. Pritchard, S. Morgan a J. Taylor

Er gwybodaeth i'r cynghorydd amnewid R.W. Gough, D. Havard a T.J. Williams.

A Swyddogion Priodol



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE MEETING HELD AT DUFFRYN HOUSE, YSTRAD MYNACH ON 6TH MARCH 2017 AT 9.45AM

PRESENT:

Councillor D. Carter - Chair

Councillors:

N. George, C. Gordon, S. Morgan, J.A. Pritchard, J. Taylor

Together with:

L. Donovan (Acting Head of HR and Organisational Development) and S. Isaacs and M. Griffiths (Eversheds).

1. CHAIR'S ANNOUNCEMENT

The Chair apologised for the change of venue and in order to accommodate any members of the public wishing to attend and having to be re-directed felt it prudent to delay the start of the meeting by 15 minutes.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Mr D. Street (Corporate Director Social Services).

3. DECLARATIONS OF INTEREST

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

4. MINUTES – 2ND DECEMBER 2016

It was moved and seconded that the minutes of the meeting held on the 2nd December 2016 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on the 2nd December 2016 (minute nos. 1-7) be agreed as a correct record and signed by the Chair.

5. MINUTES – 15TH DECEMBER 2016

It was moved and seconded that the minutes of the meeting held on the 15th December 2016 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on the 15th December 2016 (minute nos. 1-5) be agreed as a correct record and signed by the Chair.

6. MINUTES – 19TH DECEMBER 2016

It was moved and seconded that the minutes of the reconvened meeting held on the 19th December 2016 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 19th December 2016 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

7. MINUTES – 20TH DECEMBER 2016

It was moved and seconded that the minutes of the reconvened meeting held on the 20th December 2016 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 20th December 2016 (minute nos.1-4) be agreed as a correct record and signed by the Chair.

8. MINUTES - 21ST DECEMBER 2016

It was moved and seconded that the minutes of the reconvened meeting held on the 21st December 2016 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 21st December 2016 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

9. MINUTES - 11TH JANUARY 2017

It was moved and seconded that the minutes of the reconvened meeting held on the 11th January 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 11th January 2017 (minutes nos. 1-4) be agreed as a correct record and signed by the Chair.

10. MINUTES - 18TH JANUARY 2017

It was moved and seconded that the minutes of the reconvened meeting held on the 18th January 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 18th January 2017 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

11. MINUTES - 7TH FEBRUARY 2017

It was moved and seconded that the minutes of the reconvened meeting held on the 7th February 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 7th February 2017 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

12. MINUTES – 8TH FEBRUARY 2017

It was moved and seconded that the minutes of the reconvened meeting held on the 8th February 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 8th February 2017 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

13. MINUTES – 16TH FEBRUARY 2017

It was moved and seconded that the minutes of the reconvened meeting held on the 16th February 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 16th February 2017 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

14. MINUTES – 17TH FEBRUARY 2017

It was moved and seconded that the minutes of the reconvened meeting held on the 17th February 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 17th February 2017 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

15. MINUTES – 2ND MARCH 2017 (TO FOLLOW)

It was noted that due to publication deadlines the minutes from the 2nd March 2017 had been marked to follow on the agenda, copies were circulated at the meeting and Members advised that they had been made publicly available.

It was moved and seconded that the minutes of the reconvened meeting held on the 2nd March 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the reconvened Investigating and Disciplinary Committee held on the 2nd March 2017 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

16. EXEMPT ITEM

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information. By show of hands this was unanimously agreed.

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraph 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

17. DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS

Members received and considered the information as presented to the Committee as part of the approved Disciplinary Proceedings for Statutory Officers.

Having fully considered the information as presented it was moved and seconded that this meeting be adjourned until 9.30am on Tuesday 7th March 2017 and by show of hands this was unanimously agreed.

RESOLVED that the meeting be adjourned until 9.30am on Tuesday 7th March 2017.

The meeting closed at 4.30 p.m.

Approved as a correct record, and subject to any amendments or corrections agreed and recorded in the minutes of the next appropriate meeting, they were signed by the Chair.

CHAIR



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD AT DUFFRYN HOUSE, YSTRAD MYNACH ON 7TH MARCH 2017 AT 9.30AM

PRESENT:

Councillor D. Carter - Chair

Councillors:

N. George, C. Gordon, S. Morgan, J.A. Pritchard, J. Taylor

Together with:

L. Donovan (Acting Head of HR and Organisational Development) and S. Isaacs and M. Griffiths (Eversheds)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

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

3. EXEMPT ITEM

The Chair reminded Members that as this was a reconvened meeting the Public Interest Test accepted and agreed in the meeting of the 6th March 2017 still applied and the Committee would therefore move directly into exempt session.

4. DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS

Members received and considered the information as presented to the Committee as part of the approved Disciplinary Proceedings for Statutory Officers.

Having fully considered the information as presented it was moved and seconded that this meeting be adjourned until 9.30am on Wednesday 8th March 2017 and by show of hands this was unanimously agreed.

RESOLVED that the meeting be adjourned until 9.30am on Wednesday 8th March 2017.

The meeting closed at 3.30 p.m.

Approved as a correct record, and subject to any amendments or corrections agreed and recorded in the minutes of the next appropriate meeting, they were signed by the Chair.

CHAIR



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD AT DUFFRYN HOUSE, YSTRAD MYNACH ON 8TH MARCH 2017 AT 9.45AM

PRESENT:

Councillor D. Carter - Chair

Councillors:

N. George, C. Gordon, S. Morgan, J.A. Pritchard, J. Taylor

Together with:

L. Donovan (Acting Head of HR and Organisational Development) and S. Isaacs and M. Griffiths (Eversheds)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

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

3. EXEMPT ITEM

The Chair reminded Members that as this was a reconvened meeting the Public Interest Test accepted and agreed in the meeting of the 6th March 2017 still applied and the Committee would therefore move directly into exempt session.

4. DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS

Members received and considered the information as presented to the Committee as part of the approved Disciplinary Proceedings for Statutory Officers.

Having fully considered the information as presented it was moved and seconded that this meeting be adjourned until 2pm on Friday 10th March 2017 and by show of hands this was unanimously agreed.

RESOLVED that the meeting be adjourned until 2.00pm on Friday 10th March 2017.

The meeting closed at 3.30 p.m.

Approved as a correct record, and subject to any amendments or corrections agreed and recorded in the minutes of the next appropriate meeting, they were signed by the Chair.

CHAIR



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD AT DUFFRYN HOUSE, YSTRAD MYNACH ON 10TH MARCH 2017 AT 2.00PM

PRESENT:

Councillor D. Carter - Chair

Councillors:

N. George, C. Gordon, S. Morgan, J.A. Pritchard, J. Taylor

Together with:

S. Isaacs (Eversheds) and M. Griffiths (Eversheds)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

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

3. EXEMPT ITEM

The Chair reminded Members that as this was a reconvened meeting the Public Interest Test accepted and agreed in the meeting of the 6th March 2017 still applied and the committee would therefore move directly into exempt session.

4. DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS

Members received and considered the information as presented to the Committee as part of the approved Disciplinary Proceedings for Statutory Officers.

Having fully considered the information as presented and for the reasons given at the meeting it was moved and seconded that in accordance with the Disciplinary Proceedings for Statutory Officers the Committee was satisfied that there were allegations that required formal investigation and that the matter should be referred to a Designated Independent Person (DIP) for this purpose; the parties concerned should also be informed of the decision of the

Committee and by show of hands this was unanimously agreed.

RESOLVED that

The Committee being satisfied that there were allegations that required formal investigation and that the matter be referred to a Designated Independent Person to undertake a comprehensive investigation in accordance with the Disciplinary Proceedings for Statutory Officers and the parties concerned be informed of the decision of the Committee.

The meeting closed at 3.00 p.m.

Approved as a correct record, and subject to any amendments or corrections agreed and recorded in the minutes of the next appropriate meeting, they were signed by the Chair.

CHAIR



INVESTIGATING AND DISCIPLINARY COMMITTEE - 6TH APRIL 2017

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

SUBJECT: DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

I have considered grounds for exemption of information to be presented to the Committee and make the following recommendations to the Proper Officer:-

EXEMPTIONS APPLYING TO THE REPORT:

Information relating to a particular individual(s) (para 12).

FACTORS IN FAVOUR OF DISCLOSURE:

There is a public interest in the way in which the Council deals with staffing issues.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The report contains detailed information regarding personal information which affects a particular individual/s and the affairs of that individual/s.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraph 12 should apply. My view on the Public Interest Test is that whilst there is a need to ensure transparency and accountability of a Public Authority for decisions taken in relation to staffing issues, this must be balanced against the fact that these matters have not yet been concluded at this stage outweigh the need for the information to be made public.


The information is not affected by any other statutory provision, which requires the information to be publicly registered. The information contains personal data of staff members which is protected by the Data Protection Act 1998.

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.

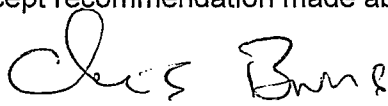
Date: 29th March 2017

Signed: 

Post: Interim Head of Legal Services and Monitoring Officer

I accept/~~do not~~ accept recommendation made above.

Signed:



Proper Officer

Date: 29/3/17 