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For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 30th August 2019

Dear Sir/Madam,

A meeting of the **Investigating and Disciplinary Committee** will be held in **Unit 5, Woodfieldside Business Park, Penmaen Road, Pontllanfraith, NP12 2DG** on **Thursday, 5th September, 2019** at **10.30 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

A G E N D A

- | | Pages | |
|---|-----------------------------------|--|
| 1 | To receive apologies for absence. | |
| 2 | Declarations of Interest. | |

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach

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



To approve and sign the following minutes:-

- | | | |
|---|---|---------|
| 3 | Investigating and Disciplinary Committee held on 13th June 2019. | 1 - 2 |
| 4 | Investigating and Disciplinary Committee held on 17th June 2019. | 3 - 4 |
| 5 | Investigating and Disciplinary Committee held on 27th June 2019. | 5 - 6 |
| 6 | Investigating and Disciplinary Committee held on 18th July 2019. | 7 - 8 |
| 7 | Investigating and Disciplinary Committee held on 29th July 2019. | 9 - 10 |
| 8 | To receive and consider the following report(s) which in the opinion of the Proper Officer may be discussed when the meeting is not open to the public and first to consider whether the public interest requires that the meeting should be closed to the public for consideration of this item(s):- | 11 - 12 |
| 9 | Disciplinary Proceedings - Chief Executive. | |

Circulation:

Councillors M.A. Adams, A. Angel, D.T. Davies, N. George, C.J. Gordon, J. Simmonds and J. Taylor

And Appropriate Officers

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INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
ON 13TH JUNE 2019 AT 2:30PM

PRESENT:

Councillors:

A.P. Angel, D.T. Davies, N. George, C. Gordon, J. Simmonds and J. Taylor

Together with:

L. Donovan (Head of People Services) R. Tranter (Head of Legal Services and Monitoring Officer) and S. Isaacs (Eversheds)

1. TO APPOINT A CHAIR FOR THE ENSUING YEAR

It was moved and seconded that Councillor C. Gordon be appointed as Chair of the Committee for the ensuing and by a show of hands this was unanimously agreed.

RESOLVED that Councillor C. Gordon be appointed as Chair for the ensuing year.

2. APOLOGIES

An apology for absence was received from Councillor M. Adams.

3. DECLARATIONS OF INTEREST

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

4. 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 a show of hands this was unanimously agreed and it was:-

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.

5. TO CONSIDER THE REPORT FROM THE DESIGNATED INDEPENDENT PERSON

Members received the report from the Designated Independent Person and were reminded of the confidential nature of its content and the consequences should that information be disclosed.

Having received the report and the matters contained therein it was moved and seconded that the meeting be adjourned to Monday 17th June 2019 to allow Members to further consider its content and by a show of hands this was unanimously agreed.

RESOLVED that the meeting be adjourned until 10.30am on Monday 17th June 2019.

The meeting closed at 4.00 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

MINUTES OF THE RECONVENED MEETING HELD AT PENALLTA HOUSE, YSTRAD
MYNACH
ON 17TH JUNE 2019 AT 10:30AM

PRESENT:

Councillors:

M. Adams, A.P. Angel, D.T. Davies, N. George, J. Simmonds and J. Taylor

And
S. Issacs (Eversheds)

For Part of the Meeting:

Councillor C. Gordon, L. Donovan (Head of People Services) R. Tranter (Head of Legal Services and Monitoring Officer).

1. APOLOGIES

It was noted that Councillor C. Gordon had advised that he would be arriving late to the meeting in the absence of the Chair Councillor J. Simmonds presided as Chair.

2. DECLARATIONS OF INTEREST

As this was a reconvened meeting the Chair reconfirmed that there were no declarations of interest received.

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 13th June 2019 still applied and the committee would therefore move directly into exempt session.

4. TO CONSIDER THE REPORT FROM THE DESIGNATED INDEPENDENT PERSON

Members further considered the report of the Designated Independent Person, the information as presented and the next steps to be taken and agreed that a letter be sent to the Appellant in this regard and the matter be adjourned to a future date to be agreed by the Committee and by a show of hands this was unanimously agreed.

RESOLVED that the meeting be adjourned.

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 PENALLTA HOUSE, YSTRAD
MYNACH
ON 27TH JUNE 2019 AT 2:00PM

PRESENT:

Councillor C. Gordon - Chair

Councillors:

M. Adams, A.P. Angel, D.T. Davies, J. Simmonds and J. Taylor

And

S. Issacs (Eversheds), M. Griffiths (Eversheds), R. Tranter (Head of Legal Services and Monitoring Officer).

1. APOLOGIES

Apologies for absence were received from Councillor N. George and L. Donovan (Head of People Services)

2. DECLARATIONS OF INTEREST

As this was a reconvened meeting the Chair reconfirmed that there were no declarations of interest received.

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 13th June 2019 still applied and the committee would therefore move directly into exempt session.

4. TO CONSIDER THE REPORT FROM THE DESIGNATED INDEPENDENT PERSON

Members further considered the report of the Designated Independent Person, the information as presented in this regard and the next steps to be taken and agreed that the matter be adjourned to a future date to be agreed by the Committee and by a show of hands this was unanimously agreed.

RESOLVED that the meeting be adjourned.

The meeting closed at 3.10 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 PENALLTA HOUSE, YSTRAD MYNACH ON 18TH JULY 2019 AT 3:30PM

PRESENT:

Councillor C. Gordon - Chair

Councillors:

M. Adams, A.P. Angel, D.T. Davies, J. Simmonds and J. Taylor

And

S. Issacs (Eversheds), M. Griffiths (Eversheds), R. Tranter (Head of Legal Services and Monitoring Officer) and L. Donovan (Head of People Services).

1. APOLOGIES

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

As this was a reconvened meeting the Chair reconfirmed that there were no declarations of interest received.

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 13th June 2019 still applied and the committee would therefore move directly into exempt session.

4. TO CONSIDER THE REPORT FROM THE DESIGNATED INDEPENDENT PERSON

Members further considered the report of the Designated Independent Person, the information as presented in this regard and the next steps to be taken and agreed that the matter be adjourned to a future date to be agreed by the Committee and by a show of hands this was unanimously agreed.

RESOLVED that the meeting be adjourned.

The meeting closed at 4.15 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 PENALLTA HOUSE, YSTRAD
MYNACH
ON 29TH JULY 2019 AT 10:30AM

PRESENT:

Councillor C. Gordon - Chair

Councillors:

M. Adams, A.P. Angel, D.T. Davies, J. Simmonds and J. Taylor

And

S. Issacs (Eversheds)

1. APOLOGIES

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

As this was a reconvened meeting the Chair reconfirmed that there were no declarations of interest received.

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 13th June 2019 still applied and the committee would therefore move directly into exempt session.

4. TO CONSIDER THE REPORT FROM THE DESIGNATED INDEPENDENT PERSON

Members further considered the report of the Designated Independent Person and the response of the Appellant as presented and agreed that the matter progress to the next stage of the proceedings and by a show of hands this was unanimously agreed.

RESOLVED that the matter be progressed to the next stage in the proceedings.

The meeting closed at 15.25 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

Agenda Item 8



INVESTIGATING AND DISCIPLINARY COMMITTEE – 5TH SEPTEMBER 2019

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

SUBJECT: DISCIPLINARY PROCEEDINGS - CHIEF EXECUTIVE

REPORT BY: HEAD OF LEGAL SERVICES & 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) - (paragraph 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 personal information of particular individuals .

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 the council for decisions taken in relation to staffing issues, this must be balanced against the information being made public whilst the disciplinary process is ongoing.

The information is not affected by any other statutory provision which requires the information to be publicly available. The information contains personal information of staff member(s) which is protected by the Data Protection Act 2018.

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 press and 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.

Signed:

Date

21/8/19

Post:

Head of Legal Services & Monitoring Officer

I accept/do not accept recommendation made above.

Signed:

D. M. Steff
Proper Officer

Date:

21/8/19

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