

# Public Document Pack

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG

Ty Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG



[www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)  
[www.caerffili.gov.uk](http://www.caerffili.gov.uk)

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

**Date: 15th January 2015**

Dear Sir/Madam,

A meeting of the **Investigating and Disciplinary Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 21st January, 2015** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## AGENDA

	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.	
To approve and sign the following minutes: -	
3 Investigating and Disciplinary Committee held on the 15th September 2014 (minute nos. 1-7).	1 - 4

**A greener place Man gwyrdach**

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



- 4 To receive and consider the following item which in the opinion of the proper officer is an exempt item taking into account consideration of the public interest test and that the press and public should be excluded from this part of the meeting. The public interest test is attached.

5 - 6

The following item contains exempt information by virtue of Paragraph 12 of Schedule 12a of the Local Government Act, 1972 (As Amended).

- 5 To consider referral(s) under Caerphilly County Borough Council Disciplinary Procedure for Statutory Officers (verbal update).

**Circulation:**

Councillors W. David (Chair), N. George, S. Morgan, J.A. Pritchard, D. Rees, J. Taylor and R. Woodyatt

For information substitutes Councillors R.W. Gough, Ms R. Passmore and Mrs J. Summers

And Appropriate Officers



## INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH  
ON 15TH SEPTEMBER 2014 AT 5:00PM

---

PRESENT:

Councillors:

W. David, N. George, S. Morgan, Ms J. Pritchard, D. Rees and R Gough (attending as substitute for J. Taylor)

Together with:

L. Donovan (HR Service Manager), A. Price (Interim Head of Democratic Services and Deputy Monitoring Officer) L. Lane (Solicitor) and E. Sullivan (Democratic Services Officer)

### 1. APPOINTMENT OF THE CHAIR

It was moved and seconded that Councillor W. David be appointed Chair and by a show of hands this was unanimously agreed.

### 2. APOLOGIES

Apologies for absence were received from Councillors J. Taylor and R. Woodyatt and R. Passmore.

### 3. DECLARATIONS OF INTEREST

A. Price (Interim Head of Democratic Services and Deputy Monitoring Officer) declared an interest in Agenda Item No. 5 details are minuted with the respective item.

### 4. MINUTES - 3RD APRIL 2014

RESOLVED that the minutes of the Investigation and Disciplinary Committee held on 3rd April 2014 (minute nos. 1 - 4), be approved as correct record and signed by the Chair.

### 5. PROPOSED CHANGES TO THE PROCEDURES IN THE TERMS OF REFERENCE AS A RESULT OF LOCAL AUTHORITIES (STANDING ORDERS) (WALES) (AMENDMENT) REGULATIONS 2014

A. Price declared an interest as the Interim Head of Democratic Services the proposed changes directly affect that post and left the meeting room when the item was discussed.

L. Lane (Solicitor) introduced the report which informed members of proposed amendments to the disciplinary procedures set out in the Investigating and Disciplinary Committee Terms of Reference as a result of changes made to the Local Authorities (Standing Orders) (Wales) Regulations 2006 by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 in relation to the dismissing and conducting of disciplinary investigations of certain Officers of the Council.

Members were referred to Appendix 1 and Appendix 2 of the report and the changes to be made to Disciplinary Procedure A and Disciplinary Procedure B were highlighted and confirmed. The Officer advised that the Head of Democratic Services post would now be included within Disciplinary Procedure A and subsequently Disciplinary Procedure B had also been amended to incorporate this change. In addition both procedures would now extend to an officer who was at the time of the alleged misconduct in one of the positions referred to in the relevant procedure even if they are no longer in that post when the disciplinary procedures commenced. Minor and consequential amendments to the procedures were confirmed and noted.

The Officer confirmed that a separate report would be presented to Council to propose additional and consequential amendments to the Constitution and the Committees Terms of Reference.

The Chair thanked the Officer for her report and full discussion ensued.

Clarification was sought as to the impact of these procedural changes on ongoing cases and Officers confirmed that the changes detailed would be followed in relation to any current proceedings. Reassurances were given that the Officers concerned had been informed of the proposed changes and been given the opportunity to comment on them. Officers also confirmed that these were legally required changes.

Having reviewed the proposed changes and for the reasons given in the Officer's report it was moved and seconded that the recommendations contained therein be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (1) the Council's Interim Head of Legal Services and Monitoring Officer be authorised to make the changes to Disciplinary Procedures A and B as set out in Appendix 1 and 2 of the Officer's Report.
- (2) the changes to be made in accordance with paragraph 9.1 of the Officer's Report be followed in relation to the current proceedings.
- (3) the committee noted that a separate report be presented to Council to propose additional and consequential amendments to the Constitution and Committees Terms of Reference
  - (a) to reflect the requirements of the 2014 Regulations and
  - (b) to reflect a review of current procedures.

## **6. EXEMPT MATTER**

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 may be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraph 12 of Schedule 12A of the Local Government Act 1972 (As Amended).

**7. TO RECEIVE AN UPDATE ON REFERRAL(S) PREVIOUSLY MADE UNDER THE COUNCIL'S DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS**

Having considered the update received from Officers it was moved and seconded that unless there was a significant change to proceedings following the court hearing on the 3rd October 2014 the Investigating and Disciplinary Committee would not meet again until the resolution of the external investigation and by a show of hands this was unanimously agreed.

RESOLVED that unless there was a significant change to proceedings following the court hearing on the 3rd October 2014 the Investigating and Disciplinary Committee would not meet again until the resolution of the external investigation

Members reviewed the referrals previously accepted and having fully considered the issues involved it was moved and seconded that the provisions previously agreed continue unchanged pending the outcome of the ongoing external investigations and that the parties concerned be informed of the decision of the committee and by a show of hand this was unanimously agreed.

RESOLVED that the referrals and provisions previously accepted continue unchanged.

The meeting closed at 5:35 p.m.

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

---

CHAIRMAN

This page is intentionally left blank



## INVESTIGATING AND DISCIPLINARY COMMITTEE - 21ST JANUARY 2015

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

**SUBJECT: TO CONSIDER REFERRAL(S) UNDER CAERPHILLY COUNTY  
BOROUGH COUNCIL DISCIPLINARY PROCEDURE FOR STATUTORY  
OFFICERS**

**REPORT BY: INTERIM DEPUTY 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 reports 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:** 5 January 2015

**Signed:**

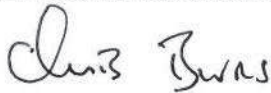


**Post:** Interim Deputy Monitoring Officer

---

I accept/do not accept recommendation made above.

**Signed:**



**Proper Officer**

**Date:**

12/1/15