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Date: 26th February 2016

Dear Sir/Madam,

A meeting of the **Investigating and Disciplinary Committee** will be held in the **Sirhowy Room - Penallta House, Tredomen, Ystrad Mynach** on **Thursday, 3rd March, 2016** 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 14th December 2015.	1 - 2
4 To note the resignation of the incumbent Chair and to appoint a Chair.	

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



- 5 To receive and consider the following items which in the opinion of the proper officer are exempt items 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.

3 - 4

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

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

Circulation:

Councillors D.G. Carter, D. Havard, J.A. Pritchard, S. Morgan, D. Rees, J. Taylor and R. Woodyatt

For information substitute Councillor R.W. Gough

And Appropriate Officers



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
ON 14TH DECEMBER 2015 AT 4:00PM

PRESENT:

Councillors:

D Carter, W. David, S. Morgan, Ms J. Pritchard, D. Rees, R. Woodyatt, and J. Taylor

Together with:

L. Donovan (Acting Head of Human Resources and Organisational Development), D. Street (Corporate Director - Social Services), K. Howell, Partner, Geldards, C. Lodwick, Solicitor, Geldards

CHAIR'S ANNOUNCEMENT

The meeting opened at 4.30pm and the Chair apologised for the late start to the proceedings.

1. APOLOGIES

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

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

3. MINUTES – 1ST SEPTEMBER 2015

Subject to the inclusion of L. Donovan in the apologies for absence it was moved and seconded that the minutes of the meeting held on the 1st September 2015 be approved and by a show of hands this was unanimously agreed.

RESOLVED that the minutes of the Investigation and Disciplinary Committee held on 1st September 2015 (minute nos. 1 - 5), be approved as correct record and signed by the Chair.

Councillor D. Rees joined the meeting at this point in the proceedings and apologised for his late arrival.

4. 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).

5. TO CONSIDER REFERRAL(S) UNDER THE COUNCIL'S DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS (VERBAL UPDATE).

Members received a verbal update and were advised that the dismissal applications of each of the Officers had been heard at Bristol Crown Court on 16th October 2015 and their applications had succeeded.

Members received a verbal update on the progression of the internal investigation process and having fully considered the issues involved and the advice of Officers and Legal Advisors it was moved and seconded that the recommendations made be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) all Committee Members sign a Confidentiality Agreement in relation to the referrals received;
- (ii) the referrals as presented be investigated;
- (iii) the appointment of Mr M. Clarke of Blake Morgan LLP to undertake the Preliminary Investigation be continued;
- (iv) the revised terms of reference for the Independent Investigator be agreed;
- (v) the provisions previously agreed continue unchanged and the parties concerned be informed of the decision of the committee;
- (vi) Councillor W. David continue as Chair of the Committee.

The meeting closed at 6:15 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.

CHAIR



INVESTIGATING & DISCIPLINARY COMMITTEE 3RD MARCH 2016

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: ACTING HEAD OF HR AND ORGANISATIONAL DEVELOPMENT

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: 23 February 2016

Signed: *[Signature]*

Post: Interim Head of Legal Services and Monitoring Officer

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

Signed: *Wade Scummett*
Proper Officer

Date: 23/2/16