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

**Dyddiad: Dydd Mawrth, 17 Mai 2016**

Annwyl Syr/Fadam,

Bydd cyfarfod **Pwyllgor Archwilio a Disgyblu** yn cael ei gynnal yn **Ystafell Sirhywi - Tŷ Penallta, Tredomen, Ystrad Mynach** ar **Dydd Llun, 23ain Mai, 2016** am **4.00 pm** i ystyried materion a gynhwysir yn yr agenda canlynol.

Yr eiddoch yn gywir,

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

**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 Cynghorwyr 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 Cynghorwyr 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 Cynhaliwyd y Pwyllgor Archwilio a Disgyblu ar 3ydd Mawrth 2016. 1 - 2

4 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):- 3 - 4

Mae'r eitem ganlynol yn cynnwys gwybodaeth eithriedig yn rhinwedd Paragraff 12 o Atodlen 12a o Ddeddf Llywodraeth Leol 1972 (fel y'i diwygiwyd).

5 Diweddariad ar Weithdrefnau Disgyblu ar Gyfer Swyddogion Statudol (i ddilyn).

**Cylchrediad:**

Cynghorwyr D.G. Carter (Chair), C.J. Gordon, J.A. Pritchard, S. Morgan, D. Rees, J. Taylor a R. Woodyatt

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 PENALLTA HOUSE, YSTRAD MYNACH  
ON 3RD MARCH 2016 AT 5:00PM

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PRESENT:

Councillors:

D.G. Carter, W. David, S. Morgan, Ms J. Pritchard, 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).

### ANNOUNCEMENT

In the absence of a Chair, the Corporate Director – Social Services opened the meeting and sought Members approval to bring forward Agenda Item No. 4 and by a show of hands this was unanimously agreed.

#### 1. TO NOTE THE RESIGNATION OF THE INCUMBENT CHAIR AND APPOINT A CHAIR

Members noted the resignation of the incumbent Chair and nominations were sought for a Chair. It was moved and seconded that Councillor D.G. Carter be appointed as Chair and by a show of hands this was unanimously agreed.

RESOLVED that Councillor D.G. Carter be appointed as Chair.

Councillor Carter thanked Members for their support and took the Chair.

#### 2. APOLOGIES

An apology for absence was received from Councillor D. Rees.

#### 3. DECLARATIONS OF INTEREST

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

#### **4. MINUTES – 14TH DECEMBER 2015**

It was moved and seconded that the minutes of the meeting held on the 14th December 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 14th December 2015 (minute nos. 1 - 5 be approved as correct record and signed by the Chair.

#### **5. 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).

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

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) the Preliminary Investigation continue as agreed;
- (ii) the minor revisions to the Terms of Reference for the Independent Investigator be approved;
- (iii) the revisions to the provisions as presented be approved;
- (iv) the previously agreed information management process continue unchanged;
- (v) a further refresher training session for the Members of the Investigation and Disciplinary Committee be arranged before its next meeting.

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.

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CHAIR



## INVESTIGATING AND DISCIPLINARY COMMITTEE 23RD MAY 2016

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

**SUBJECT: UPDATE ON DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS**

**REPORT BY: PRINCIPAL SOLICITOR**

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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: 17.5.16

Signed: 

Post: Principal Solicitor

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

Signed:   
Proper Officer

Date: 17/5/16