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Date: 17th May 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 **Monday, 23rd May, 2016** at **4.00 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

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.

To approve and sign the following minutes:-

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- 3 Investigating and Disciplinary Committee held on 3rd March 2016. 1 - 2
- 4 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):- 3 - 4
- The following item contains exempt information by virtue of Paragraph 12 of Schedule 12a of the Local Government Act, 1972 (As Amended).
- 5 Update on Disciplinary Proceedings for Statutory Officers (to follow). 5 - 56

Circulation:

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

For information substitute(s) Councillor R.W. Gough, D. Havard and T.J. Williams

And Appropriate Officers



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
ON 3RD MARCH 2016 AT 5:00PM

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.

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

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

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

Signed: 
Proper Officer

Date: 17/5/16

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

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