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**Date: 28th September 2016**

Dear Sir/Madam,

A meeting of the **Investigating and Disciplinary Committee** will be held in the **Conference Room - Gateway Centre, Tredomen, Ystrad Mynach** on **Thursday, 6th October, 2016** at **9.30 am** 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:-

A greener place Man gwyrdach



- 3 Investigating and Disciplinary Committee held on 23rd May 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
- 5 Disciplinary Proceedings for Statutory Officers.

**Circulation:**

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

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 23RD MAY 2016 AT 4:00PM

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PRESENT:

Councillor D. Carter - Chair

Councillors:

C. Gordon, S. Morgan, J.A. Pritchard, D. Rees, J. Taylor, R. Woodyatt.

Together with:

D. Street (Corporate Director of Social Services), L. Donovan (Acting Head of HR and Organisational Development), K. Howell (Partner – Geldards) and C. Bradbury (Solicitor – Geldards)

### 1. APOLOGIES

There were no apologies for absence received

### 2. DECLARATIONS OF INTEREST

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

### 3. MINUTES – 3RD MARCH 2016

Subject to the amendment of the list of attendees to remove Councillor W. David and C. Lotwick (Solicitor) who were not in attendance and include Councillor D. Havard and C. Bradbury (Solicitor) who were in attendance it was moved and seconded that the minutes of the 3rd March 2016 be approved as a correct record and by a show of hands this was unanimously agreed.

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on 3rd March 2016, be approved as correct record and signed by the Chair.

### 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. UPDATE ON DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS**

The report provided an update on the progress of the disciplinary proceedings for Statutory Officers.

Having fully considered the content of the report it was moved and seconded that the recommendation contained therein be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the report be noted;
- (ii) the revised Schedule of Disciplinary Proceedings as presented be agreed.

The meeting closed at 17.42 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 - 6TH OCTOBER 2016

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

**SUBJECT: 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: 28/9/16

Signed: 

Post: Principal Solicitor

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

Signed:   
Proper Officer

Date: 28/9/16