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Date: 25th October 2016

Dear Sir/Madam,

A meeting of the **Investigating and Disciplinary Committee** will be held in the **Meeting Room 2 - Gateway Centre, Tredomen, Ystrad Mynach** on **Monday, 31st 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

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:-

A greener place Man gwyrddach

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



- 3 Investigating and Disciplinary Committee held on 6th October 2016. 1 - 2
- 4 Reconvened Meeting of the Investigating and Disciplinary Committee held on 10th October 2016. 3 - 4
- 5 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):- 5 - 6
- 6 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 6TH OCTOBER 2016 AT 9:30AM

PRESENT:

Councillor D. Carter - Chair

Councillors:

C. Gordon, N. George, S. Morgan, J.A. Pritchard, D. Rees and J. Taylor

Together with:

D. Street (Corporate Director of Social Services), L. Donovan (Acting Head of HR and Organisational Development), K. Howell (Partner – Geldards) and L. Phillips (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 – 23RD MAY 2016

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on 23rd May 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. DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS

The Committee received an update on the progress of the disciplinary proceedings for statutory officers. Having fully considered the information as presented it was moved and seconded that the meeting be adjourned to 9.30am on Monday 10th October 2016 and by show of hands this was unanimously agreed.

RESOLVED that the meeting be adjourned until 9.30am on Monday 10th October 2016.

The meeting closed at 10.06 a.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

MINUTES OF THE RECONVENED MEETING OF 6TH OCTOBER 2016 HELD AT THE
GATEWAY CENTRE, TREDOMEN PARK, YSTRAD MYNACH
ON 10TH OCTOBER 2016 AT 9:30AM

PRESENT:

Councillor D. Carter - Chair

Councillors:

C. Gordon, N. George, J.A. Pritchard, D. Rees and J. Taylor

Together with:

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

1. APOLOGIES

An apology for absence was received from Councillor S. Morgan.

2. DECLARATIONS OF INTEREST

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

3. EXEMPT ITEM

The Committee having previously considered and accepted the public interest test certificate from the Proper Officer in accordance with Section 100A(4) of the Local Government Act 1972, as identified in paragraph 12 of Part 4 of Schedule 12A of the Local Government Act 1972 moved directly into exempt session.

4. DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS

The Committee received a further update on the disciplinary proceeding for statutory officers and having considered the information as presented it was moved and seconded that the update be noted and by show of hands this was unanimously agreed.

The meeting closed at 10.05 a.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

Agenda Item 5



INVESTIGATING AND DISCIPLINARY COMMITTEE - 31ST OCTOBER 2016

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

SUBJECT: DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND 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 report 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: 25/10/2016

Signed: 

Post: Interim Head of Legal Services and Monitoring Officer

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

Signed: 

Proper Officer

Date: 25/10/16