

Public Document Pack

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG

Ty Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7PG



www.caerphilly.gov.uk
www.caerffili.gov.uk

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

Dyddiad: Dydd Iau, 13 Gorffennaf 2017

Annwyl Syr/Fadam,

Bydd cyfarfod **Pwyllgor Archwilio a Disgyblu** yn cael ei gynnal yn **Ty Dyffryn, Ystrad Mynach** ar **Dydd Iau, 20fed Gorffennaf, 2017** am **1.30 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 benodi Cadeirydd.
- 2 I dderbyn ymddiheuriadau am absenoldeb.
- 3 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.

A greener place Man gwyrddach

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



I gymeradwyo a llofnodi'r cofnodion canlynol:-

- | | | |
|---|--|--------|
| 4 | Pwyllgor Archwilio a Disgyblu ar 6ed Ebrill 2017. | 1 - 4 |
| 5 | Pwyllgor Archwilio a Disgyblu ar 20fed Ebrill 2017. | 5 - 6 |
| 6 | Pwyllgor Archwilio a Disgyblu ar 2il Mai 2017. | 7 - 8 |
| 7 | 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):- | 9 - 10 |
| 8 | Gweithdrefnau disgyblu ar Gyfer Swyddogion Statudol. | |

Cylchrediad:

Cynghorwyr M.A. Adams, A. Angel, D.T. Davies, N. George, C.J. Gordon, J. Simmonds a J. Taylor

A Swyddogion Priodol



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE MEETING HELD AT DUFFRYN HOUSE, YSTRAD MYNACH ON
6TH APRIL 2017 AT 9.30AM

PRESENT:

Councillor D. Carter - Chair

Councillors:

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

Together with:

L. Donovan (Acting Head of HR and Organisational Development) and S. Isaacs and M. Griffiths (Eversheds).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received

2. DECLARATIONS OF INTEREST

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

3. MINUTES – 6TH MARCH 2017

It was moved and seconded that the minutes of the meeting held on the 6th March 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on the 6th March 2017 (minute nos. 1-17) be agreed as a correct record and signed by the Chair.

4. MINUTES – 7TH MARCH 2017

It was moved and seconded that the minutes for the meeting held on the 7th March 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on the 7th March 2017 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

5. MINUTES – 8TH MARCH 2017

It was moved and seconded that the minutes of the meeting held on the 8th March 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on the 8th March 2017 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

6. MINUTES – 10TH MARCH 2017

It was moved and seconded that the minutes of the meeting held on the 10th March 2017 be approved as a correct record and by show of hands this was unanimously agreed.

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on the 10th March 2017 (minute nos. 1-4) be agreed as a correct record and signed by the Chair.

7. 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 show of hands this was unanimously agreed.

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.

8. FOLLOWING THE DECISION MADE TO REFER MATTERS TO A DESIGNATED INDEPENDENT PERSON (DIP) TO RECEIVE AND CONSIDER CANDIDATES FOR APPOINTMENT AS A DIP AND APPROVE NAMES TO BE PROPOSED FOR AGREEMENT.

Members received and considered candidates for appointment as a Designated Independent Person (DIP) as part of the approved Disciplinary Proceedings for Statutory Officers.

Having fully considered the information as presented it was moved and seconded that the candidates nominated by the Committee for appointment as DIP be sent to the parties concerned for agreement and by show of hands this was unanimously agreed.

RESOLVED that proposed candidates for appointment as Designated Independent Person be sent to the parties concerned for agreement.

9. TO CONSIDER THE TERMS OF REFERENCE FOR THE DIP AND DETERMINE STEPS TO BE TAKEN.

Members received and considered draft terms of reference for the DIP as presented as part of the approved Disciplinary Proceedings for Statutory Officers.

Having fully considered the information as presented and for the reason given at the meeting it was moved and seconded that the terms of reference presented be provided to the Designated Independent Person when appointed.

The meeting closed at 4.00 p.m.

Approved as a correct record, and subject to any amendments or corrections agreed and recorded in the minutes of the next appropriate meeting, they were signed by the Chair.

CHAIR

This page is intentionally left blank



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD AT DUFFRYN HOUSE, YSTRAD
MYNACH ON 20TH APRIL 2017 AT 10.00AM

PRESENT:

Councillor D. Carter - Chair

Councillors:

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

Together with:

L. Donovan (Acting Head of HR and Organisational Development) and S. Isaacs and M. Griffiths (Eversheds)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

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

3. 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 show of hands this was unanimously agreed.

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.

4. TO RECEIVE AND CONSIDER REFERRAL(S) UNDER THE COUNCIL'S DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS AND DETERMINE STEPS TO BE TAKEN.

Members received and considered the information as presented to the Committee as part of

the approved Disciplinary Proceedings for Statutory Officers.

Having fully considered the information as presented it was moved and seconded that this meeting be adjourned until 9.30am on Tuesday 2nd May 2017 and by show of hands this was unanimously agreed.

RESOLVED that the meeting be adjourned until 10.00am on Tuesday 2nd May 2017.

The meeting closed at 3.30 p.m.

Approved as a correct record, and subject to any amendments or corrections agreed and recorded in the minutes of the next appropriate meeting, they were signed by the Chair.

CHAIR



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD AT DUFFRYN HOUSE, YSTRAD
MYNACH ON 2ND MAY 2017 AT 9.30AM

PRESENT:

Councillor D. Carter - Chair

Councillors:

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

Together with:

L. Donovan (Acting Head of HR and Organisational Development) and S. Isaacs and M. Griffiths (Eversheds)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

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

3. EXEMPT ITEM

The Chair reminded Members that as this was a reconvened meeting the Public Interest Test accepted and agreed in the meeting of the 20th April 2017 still applied and the Committee would therefore move directly into exempt session.

4. TO RECEIVE AND CONSIDER REFERRAL(S) UNDER THE COUNCIL'S DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS AND DETERMINE STEPS TO BE TAKEN.

Members received and considered information presented to the Committee as part of the approved Disciplinary Proceedings for Statutory Officers.

Having fully considered matters for the reasons given at the meeting it was moved and seconded that no further formal action was required under this procedure.

RESOLVED that no further action be taken under this procedure.

The meeting closed at 12.30 p.m.

Approved as a correct record, and subject to any amendments or corrections agreed and recorded in the minutes of the next appropriate meeting, they were signed by the Chair.

CHAIR



INVESTIGATING AND DISCIPLINARY COMMITTEE - 20TH JULY 2017

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: 7th July 2017

Signed:

Post: Senior Solicitor



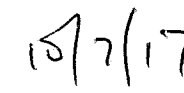
I accept/~~do not accept~~ recommendation made above.

Signed:



Proper Officer

Date:



This page is intentionally left blank