

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

For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 6th October 2017

Dear Sir/Madam,

A meeting of the **Investigating and Disciplinary Committee** will be held in **Conference Room, First Floor, Penallta House, Ystrad Mynach on Thursday, 12th October, 2017 at 9.30 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

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 gwyrddach

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



- 3 Investigating and Disciplinary Committee held on 20th July 2017. 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 M.A. Adams, A. Angel, D.T. Davies, N. George, C.J. Gordon, J. Simmonds and J. Taylor

And Appropriate Officers



INVESTIGATING AND DISCIPLINARY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
ON 20TH JULY 2017 AT 1:30PM

PRESENT:

Councillors:

M. Adams, A.P. Angel, N. George, C. Gordon, J. Simmonds and J. Taylor

Together with:

L. Donovan (Acting Head of HR and Organisational Development) and S. Isaacs and J Pedersen (Eversheds Sutherland)

1. TO APPOINT A CHAIR

It was moved and seconded that Councillor M. Adams be appointed Chair for the ensuing year and by show of hands this was unanimously agreed.

2. APOLOGIES

An apology for absence was received from Councillor D.T. Davies.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received at the start or during the course of the meeting. Councillor C Gordon raised the fact that as Cabinet member for Corporate Services Human Resources came within his remit.

4. MINUTES – 6TH APRIL 2017

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on 6th April 2017 be approved as correct record and signed by the Chair.

5. MINUTES – 20TH APRIL 2017

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on 20th April 2017 be approved as a correct record and signed by the Chair

6. MINUTES - 2ND MAY 2017

RESOLVED that the minutes of the Investigating and Disciplinary Committee held on 2nd May 2017 be approved as a 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

Members received an update on the Disciplinary Proceedings for Statutory Officers as part of the approved process including the current position of the proposed candidates for appointment as Designated Independent Person.

Having fully considered the information as presented it was moved and seconded that the update be noted and that a further update be brought back to the next appropriate meeting of this committee and by show of hands this was unanimously agreed.

RESOLVED that the update be noted.

The meeting closed at 2.45 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 – 12TH OCTOBER 2017

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

SUBJECT: DISCIPLINARY PROCEEDINGS FOR STATUTORY OFFICERS

REPORT BY: SENIOR 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 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.

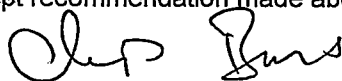
Date: 5th October 2017

Signed: 

Post: Senior Solicitor

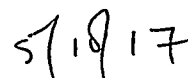
I accept/~~do not accept~~ recommendation made above.

Signed:



Proper Officer

Date:



This page is intentionally left blank