



COUNCIL

MINUTES OF THE SPECIAL MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON THURSDAY, 3RD OCTOBER 2019 AT 6.00PM

PRESENT:

Councillor C. Andrews – Deputy Mayor (Presiding)

Councillors:

M. Adams, Mrs E. Aldworth, J. Bevan, C. Bezzina, L. Binding, A. Collis, S. Cook, D. Cushing, C. Cuss, W. David, D.T. Davies, K. Dawson, C. Elsbury, M. Evans, A. Farina-Childs, Mrs C. Forehead, Ms E. Forehead, A. Gair, N. George, C. Gordon, R.W. Gough, L. Harding, D. Harse, D. Havard, A. Higgs, A. Hussey, V. James, L. Jeremiah, G. Johnston, Mrs B. Jones, S. Kent, G. Kirby, Mrs A. Leonard, Ms P. Leonard, C.P. Mann, Mrs P. Marsden, B. Miles, S. Morgan, Mrs G. Oliver, Mrs T. Parry, Mrs L. Phipps, Mrs D. Price, J. Pritchard, J. Ridgewell, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, J. Scriven, G. Simmonds, J. Simmonds, S. Skivens, Mrs E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, T. Williams, W. Williams, B. Zaplatynski

Together with:-

D. Street (Corporate Director Social Services), R. Tranter (Head of Legal Services and Monitoring Officer), L. Donovan (Head of People Services), S. Harris (Interim Head of Business Improvement and Section 151 Officer) and E. Sullivan (Senior Committee Services Officer)

Also present: -

J. Bowers (QC), S. Issacs (Eversheds), M. Griffiths (Eversheds), D. Daycock (Legal Representative for A. O'Sullivan) and A. O'Sullivan (Substantive Chief Executive)

WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Corporate Director for Social Services reminded those present that the meeting was being filmed and would be made publically available in live and archive form via the Council's website. Members were advised that the vote would be taken via the electronic voting system.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Angel, P. Bevan, M. Davies, N. Dix, K. Etheridge, J. Fussell, J. Gale, D. Hardacre, M. James, B. Owen, D.V. Poole, D. Preece and L. Whittle.

2. DECLARATIONS OF INTEREST

Councillors M. Adams, D.T. Davies, N. George, C. Gordon and J. Taylor informed the meeting that they would leave the meeting after Cllr Gordon and Mr O'Sullivan made their representations to the meeting and before council deliberated over its decision as they were current members of the Investigating and Disciplinary Committee (IDC).

Councillor S. Morgan sought advice from the Monitoring Officer as to whether he needed to declare an interest as he was previously a member of the Investigating and Disciplinary Committee. The Monitoring Officer confirmed that was not really an issue of whether to declare an interest but rather a question of procedural fairness and bearing in mind that the Councillor was longer a Member of that committee it was perfectly in order for him to remain in the meeting, take part in the debate and vote.

Councillor C. Forehead sought advice from the Monitoring Officer as she had been the Chair of the Senior Remuneration Committee in 2012. The Monitoring Officer confirmed that similarly this was not really an issue of declaring a personal interest, but more a matter of the fairness of the hearing before Council tonight and it was again perfectly in order for her to remain in the meeting.

Councillor W. David sought advice from the Monitoring Officer as he had previously been Chair of the Investigating and Disciplinary Committee but this had been prior to the court case and at that time had sought only to put the initial machinery in place for the forthcoming process. The Monitoring Officer confirmed that this was a similar position in that there was no declaration of interest as such, and given the length of time between the beginning of the process to today's meeting, and that Cllr David had taken no part in any subsequent IDC meetings, it was again perfectly in order for him to remain in the meeting.

At this point in time Mr Daycock on behalf of Mr O' Sullivan asked for two Councillors to be excluded from the meeting and was advised that any such representations should be made as part of his submissions following consideration of the Public Interest Test.

3. 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 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. DISCIPLINARY INVESTIGATION IN RELATION TO THE CHIEF EXECUTIVE.

Having carefully considered the documentation before it, listened carefully to the representations of Cllr Gordon and Mr O'Sullivan and his counsel, it was moved and seconded that the recommendation of the Investigating and Disciplinary Committee be upheld and the appeal be dismissed, by way of the electronic voting system and in noting there were 49 for, 1 against and 1 abstention this was agreed by the majority present.

RESOLVED that the Chief Executive be dismissed without notice from the employment of the Council for gross misconduct.

The meeting closed at 22:34 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 19th November 2019 they were signed by the Deputy Mayor.

DEPUTY MAYOR