



## COUNCIL

### MINUTES OF THE EXTRAORDINARY MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON MONDAY, 28TH OCTOBER 2019 AT 5.00PM

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PRESENT:

Councillor J. Simmonds - Mayor  
Councillor C. Andrews - Deputy Mayor

Councillors:

M. Adams, Mrs E. Aldworth, P.J. Bevan, C. Bezzina, A. Collis, S. Cook, D. Cushing, C. Cuss, M. Davies, D.T. Davies, K. Dawson, N. Dix, M. Evans, A. Farina-Childs, Mrs C. Forehead, Ms E. Forehead, A. Gair, Ms J. Gale, N. George, C. Gordon, R.W. Gough, D.T. Hardacre, D. Harse, D. Havard, A. Higgs, A. Hussey, M. 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, B. Owen, Mrs G. Oliver, B. Owen, T. Parry, Mrs L. Phipps, D.V. Poole, Mrs D. Price, J. Pritchard, J. Ridgewell, J.E. Roberts, G. Simmonds, J. Simmonds, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, L G. . Whittle, 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), L. Lane (Deputy Monitoring Officer and Head of Democratic Services), S. Harris (Interim Head of Business Improvement Services and Section 151 Officer) and E. Sullivan (Senior Committee Services Officer).

Also Present:

J. Bowers QC

#### WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Corporate Director of 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. He advised that decisions would be made by way of the electronic voting system.

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Angel, L. Binding, W. David, C. Elsbury, K. Etheridge, J. Fussell, L. Harding, V. James, D. Preece, R. Saralis, M.E. Sargent, J. Scriven, S. Skiven and E. Stenner.

## **2. DECLARATIONS OF INTEREST**

Councillors C. Gordon and T.D. Davies declared an interest in Agenda Item No. 4. Details are minuted with the respective item.

Councillor M. Adams sought advice in relation to making a declaration of interest, as a previous Chair of the Investigating and Disciplinary Committee he had made comments regarding some of the matters to be considered. The Monitoring Officer confirmed that this was a matter for the individual member to decide, if the member felt that he was able to consider the matter fairly and objectively then there was no requirement to declare an interest. This was not really a question of declaring a declaration of interest but rather whether the member had a conflict of interest which would prevent him taking part in the debate and voting. Councillor Adams confirmed that he did feel able to have an open mind and would therefore remain and take part in the meeting.

Councillor D. V. Poole as he had been in correspondence with the former Chief Executive in relation to annual leave payments, sought advice as to whether he needed to declare an interest in this regard. The Monitoring Officer confirmed that this was again a matter for the individual Councillor to decide, if he felt that he was able to act fairly and with an open mind in relation to the matter under consideration then there was no conflict of interest..

Councillor M. James sought advice as the report made reference to certain matters which he would be referring to the former Chief Executive's legal team, and because of this did he need to declare an interest. The Monitoring Officer confirmed that similarly to the previous advice given, this was a matter for the individual member to decide, if the Member felt that he was able to act objectively and fairly in this matter then there is no need to leave the meeting.

The Monitoring Officer cautioned Members to be careful with their wording of any questions whilst Council was in public session, due to the sensitive nature of the matter under consideration.

## **3. EXEMPT MATTER**

Consideration was given to the public interest test and the Monitoring Officer firmly advised Members that based on the personal and financial information contained within the report that the matter not be discussed in the public domain and the press and public be excluded.

Furthermore any advice provided by Mr John Bowers QC would be given under legal privilege therefore it would be more administratively convenient to exclude the press and public at this stage in the meeting rather than later in the debate when legal advice was being sought.

A Member queried the need for the exemption, given that the former Chief Executive was no longer employed by the Council and the matter had already been made publicly available through the press. Additionally Mr O'Sullivan had himself asked previously that the disciplinary proceedings on 3rd October 2019 be open to the press and public.

The Monitoring Officer reminded Members that the leak of the report and subsequent correspondence to the press should not have been done and was in clear breach of the code of conduct and reemphasised his firm advice was that press and public be excluded.

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 agreed by the majority present.

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 & 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

#### **4. CLAIMS FOR PAYMENT OR REIMBURSEMENT OF SUMS BY THE FORMER CHIEF EXECUTIVE**

Councillor C. Gordon declared a personal and prejudicial interest as Chair of the Investigating and Disciplinary Committee and Councillor D.T. Davies declared a personal and prejudicial interest as a Member of the Investigating and Disciplinary Committee and both left the Chamber before the matter was discussed.

Having fully considered the content of the report, the advice given during the course of the meeting and for the reasons given in the Officer's report it was moved and seconded that each item be voted on individually, by way of the electronic voting system.

In relation to the payment requested at section 3.1.1 of the Officer's report and in noting there were 4 for, 50 against and 3 abstentions, this was refused by the majority present.

In relation to the payment requested at section 3.1.2 of the Officer's report and in noting there were 53 against and 1 abstention, this was refused by the majority present.

In relation to the reimbursement requested at section 3.1.3 of the Officer's report and in noting there were 54 against and 1 abstention, this was refused by the majority present.

In relation to the payment requested at section 3.1.4 of the Officer's report and in noting there was 1 for, 54 against and 1 abstention, this was refused by the majority present.

In relation to the payment requested at section 3.1.5 of the Officer's report, Members noted that this request had been withdrawn by the former Chief Executive.

RESOLVED that: -

- (i) Payment requested at section 3.1.1 of the Officer's report be refused.
- (ii) Payment requested at section 3.1.2 of the Officer's report be refused.
- (iii) Reimbursement requested at section 3.1.3 of the Officer's report be refused.
- (iv) Payment requested at section 3.1.4 of the Officer's report be refused.
- (v) Payment requested at section 3.1.5 of the Officer's report be noted as withdrawn.

The meeting closed at 18:30pm

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 Mayor.

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MAYOR