



## **SPECIAL COUNCIL**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 10TH MARCH 2020 AT 5.00PM**

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PRESENT:

Councillor J. Simmonds - Mayor

Councillors:

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

Together with:-

R. Tranter (Head of Legal Services and Monitoring Officer), L. Donovan (Head of People Services), L. Lane (Head of Democratic Services and Deputy Monitoring Officer), E. Sullivan (Senior Committee Services Officer)

#### **WEB-CASTING FILMING AND VOTING ARRANGEMENTS**

The Monitoring Officer 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 the decision on the public interest test would be made by show of hands, however the decision on the Appointment of the Chief Executive would be made by way of secret ballot.

#### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C. Andrews, A. Angel, C. Elsbury, K. Etheridge, C. Forehead, E. Forehead, D. Havard, A.G. Higgs, M. James, L. Jeremiah, G. Johnston, B. Jones, M.E. Sargent and J. Scriven.

#### **2. DECLARATIONS OF INTEREST**

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

### **3. EXEMPT MATTER – PUBLIC INTEREST TEST**

With reference to the public interest test a Member raised concerns with regard to the recent press article which contained information obviously taken from the report that Council would now be considering under the public interest test exemption. The Member expressed his disappointment over the leaked information and advised that as result of this action, he would be abstaining from the vote on the appointment.

The Monitoring Officer confirmed that the journalist had been contacted by the Council and they had advised that someone had telephoned them and given them the information from the report. He urged all Members that if they know the person involved that they contact him as this action was a breach of the code of conduct and would result in the offender being referred to the Ombudsman. He expressed his disappointment that unfortunately this was not the first time for confidential information to be leaked in this way and he emphasised the negative impact that this has on the Council and the huge reputational damage it causes.

The Leader fully supported the comments from the Monitoring Officer and expressed her sadness that yet again confidential papers have been leaked and wondered if the person responsible would be brave enough to stand now in front of Council and admit to this breach of the code. She confirmed that she would be meeting with the Leaders of Opposition Groups on this matter and asked Members to consider the impact that this must have had on the candidate their privacy and right to be treated with respect. She also asked Members not to discount the impact on prospective applicants and other members of staff as they consider making applications to this authority and how the actions of this individual have brought the reputation of this Council into disrepute.

Given the fact that the report Members would be considering was already in the public domain, clarification was sought as to whether there was any need to consider the public interest test exemption. The Monitoring Officer explained that regardless of the leak, his advice was that Members should consider and uphold the public interest test exemption as a matter of respect for the candidate and the presentation and questions that Members may wish to ask. The exemption would also allow Members to debate in a candid manner without the gaze of the press and public.

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 and in noting there was 1 abstention 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 of Part 4 of Schedule 12A of the Local Government Act 1972.

### **4. APPOINTMENT OF CHIEF EXECUTIVE**

Having fully considered the presentation, questions and answers provided by the candidate and by way of a secret ballot it was agreed that Mrs Christina Harray be appointed as Chief Executive of Caerphilly County Borough Council.

RESOLVED that Mrs Christina Harray be appointed as Chief Executive of Caerphilly County Borough Council.

The Monitoring Officer advised Members that an extraordinary meeting of Council, will be required shortly in order to consider another exempt matter, given ongoing issues regarding the safeguarding of confidential information, he sought Members opinions on how best to proceed and if Council were minded to consider suspending Standing Order 6.1 of the Council's Procedural Rules. Rule of Procedure 6.1 governed the release of information to Members and their rights to receive in advance a copy of the report that will be considered at the meeting.

Members discussed the various options that would allow Members to consider the report prior to meeting and to safeguard the information contained therein. Having considered the options it was moved and seconded that on this occasion Standing Order 6.1 of the Council's Rules of Procedure be suspended, the report be made available to Members 30 minutes before the start of the meeting at 5.00pm with the formal meeting taking place at 5.30pm and by a show of hands this was unanimously agreed.

The Monitoring Officer confirmed that he was satisfied that the above arrangement would be lawful and would comply with Section 100B of the Local Government Act 1972, as the report would be exempt and therefore would not be required to be made available for public inspection.

RESOLVED that for the Extraordinary Council meeting scheduled for 23<sup>rd</sup> March 2020 Standing Order 6.1 of the Council's Rules of Procedure be suspended.

The meeting closed at 18:40pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 6<sup>th</sup> October 2020 they were signed by the Mayor.

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MAYOR