



**MINUTES of
INVESTIGATING AND DISCIPLINARY COMMITTEE
17 AUGUST 2012**

PRESENT

Councillors F A Delderfield, B E Harker, M R Pearlman, Mrs M Thompson
and M J Wood

318. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor F A Delderfield be appointed Chairman for the meeting.

IN THE CHAIR : COUNCILLOR F A DELDERFIELD

319. APOLOGIES FOR ABSENCE

None were received.

320. DECLARATIONS OF INTEREST

Councillor B E Harker declared a non-pecuniary interest as he knew Ms Hallam and had been party to some email exchange with her some time ago.

321. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**322. REPORT OF INDEPENDENT INVESTIGATOR INTO COMPLAINT
AGAINST THE MONITORING OFFICER**

Members were advised that a letter had been received from the Monitoring Officer in response to the letter from the Strategic Director (attached as Appendix 3 to the report). This was circulated at the meeting and following a request, the Chairman allowed Members a few moments to read the circulated letter.

The Committee considered the report of the Strategic Director setting out the findings of an Independent Investigator into a complaint against the Monitoring Officer and

seeking Members' consideration as to whether any action was required in line with the Joint Negotiating Council (JNC) for Chief Executives' Model Disciplinary Procedure.

Members were advised that Mr Martin Denny from the Local Government Association (LGA) was in attendance to provide advice to Members of the Committee, if required. The Chief Executive introduced Mr Denny to the Committee and advised that Mr Richard Penn, Investigating Officer, was also available should Members wish to invite him to attend. Following presentation of the report, the Chief Executive then left the meeting.

At the request of the Committee, Mr Richard Penn joined the meeting at this point.

It was noted that Mr Penn had been appointed through the LGA to conduct the initial investigation. Appendix 2 to the report set out the methodology undertaken, findings, conclusions and recommendations made in consideration of the letter of complaint received on 26 March 2012. It was noted that paragraph 5.1 of this Appendix should refer to 2012 and not 2011.

A copy of the outline model disciplinary procedure which applied to the Council's three statutory Officers was attached as Appendix 1 to the report. A copy of the letter inviting the Council's Monitoring Officer to attend the meeting was attached as Appendix 3 to the report.

In response to a question, Mr Denny advised the Committee that in accordance with the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework & Conditions of Service Handbook, it had to decide whether:

- the issue required no further formal action under this procedure; or
- the issue should be referred to a Designated Independent Person.

Councillor B E Harker proposed that the issue required no further formal action under the procedures. This proposal was duly seconded. The Chairman clarified that the allegations would therefore be dismissed and the findings of this Committee reported to the Council. This was agreed.

RESOLVED

- (i) that the allegations be dismissed with no further formal action required;
- (ii) that the findings of this Committee are reported to the Council.

There being no other items of business the Chairman closed the meeting at 2:15pm

F A DELDERFIELD
CHAIRMAN