

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Investigation and Disciplinary Committee**
held on Monday, 10th April, 2017 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillors A Arnold, B Burkhill, R Fletcher, J Jackson, B Moran, H Murray
and M Simon

Also Present

Mr David Potter, Independent Legal Advisor
Mrs Julie North, Senior Democratic Services Officer

1 NOMINATION OF CHAIRMAN

RESOLVED

That Cllr Howard Murray be appointed as Chairman and that Cllr Margaret Simon be appointed as Vice-chairman.

It was agreed that the quorum for the meeting would be five Members.

2 PUBLIC SPEAKING TIME/OPEN SESSION

Ms Belinda Ryan used public speaking time to ask which officer(s) was/were being considered by the Committee. She considered that this was in the public interest and by not naming the officer(s) there was a risk of defamation, as it stated on the Council's website which officers could be investigated by the Committee.

In summary, the Chairman responded to say that the speaker made a good point, but that legal advice had been taken in the past and that information would be withheld until the result was made public. The name(s) of the officer(s) to be considered by the Committee was a part two (confidential) matter and all staff were afforded the same level of privacy.

Mr Rob Edwardson used public speaking time to refer to what he considered to be previous "cover ups" and asked what confidence residents could have in any internal investigation within the Authority.

In summary, the Chairman responded to say that the Committee was guided by a set of rules and a process to follow. The Committee had independent legal advice not associated with, or attached to, the Council and could commission further independent legal advice. There were seven Councillors on the Committee and it was politically balanced and the speaker could have confidence in this. He asked that the Committee be

given the time to do its job in a professional manner. The Committee was quasi judicial. It was not a criminal investigatory committee and had to have space to operate.

3 APOLOGIES FOR ABSENCE

There were no apologies for absence.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972, as amended, on the grounds that it involved the likely discussion of exempt information as defined in Paragraphs 1 and 2 of Part 1 of the Schedule 12A of the Local Government Act 1972 and the public interest would not be served in publishing the information.

Following the exclusion of the press and public, two Members of the Council who were not members of the Committee remained in the meeting. The Chairman stated that the matters for consideration by the Committee may be considered by full Council at some time in the future. Mr David Potter, the independent Legal Advisor appointed by the Council, advised that Rule 19 of the Access to Information Procedure Rules provided that Members were not entitled to receive copies of Part II documents where they contained staffing information which would identify the officers in question and in the circumstances it would be inappropriate for the Members to attend the Part II meetings where confidential staff issues would be discussed and which would inevitably lead to the identification of the officers in question.

The two Members agreed to leave the meeting.

6 CONSIDERATION OF REPORT

The report was considered.

(The meeting commenced at 10.30am on 10 April 2017, was adjourned at 5.15pm on 10 April 2017 and reconvened at 10.30 am on 11 April).

Councillor H Murray

CHAIRMAN

