

APPEALS COMMITTEE

Wednesday 2nd April, 2014, at 10.05 a.m.
in Committee Room 3

PRESENT

Councillor J Martin (Chair)

Councillor Hale (Vice-Chair)

Councillors Bills, Elcock, Evans, Ms Nicholls and Mrs Turner, together with Mrs K Jesson – HR Advisor to the Committee, Mr M Farooq – Legal Advisor to the Committee, Mr A McCabe – Employment Solicitor, Mrs T Reilly – Assistant Director Human Resources, and Mrs K Taylor (all Directorate of Corporate Resources)

ALSO IN ATTENDANCE (AS INDICATED)

The Assistant Director of Housing Services, the Directorate of Adult, Community and Housing Services.

Mr SR and his representative Ms SN.

ALSO IN ATTENDANCE (AS OBSERVERS)

Mr C Lyall (Directorate of Corporate Resources) and Mr S Beardsmore (Unison).

No objections were raised to the observers attending the meeting.

Councillors Elcock and Mrs Turner left the meeting prior its commencement.

16. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors A Aston and Marrey.

17. **DECLARATIONS OF INTEREST**

No member declared an interest in accordance with the Members' Code of Conduct, in respect of any matter to be considered at this meeting.

18. **MINUTES**

That, the Minutes of the meeting of the Committee held on 15th January, 2014, be approved as a correct record and signed.

19. EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act, 1972, as indicated below, and in all circumstances the public interest in disclosing the information is outweighed by the public interest in maintaining the exception from disclosure:-

<u>Description of Item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
Appeal by Mr SR	1

20. APPEAL BY MR SR

The Committee considered an appeal on behalf of Mr SR against his dismissal from the employment of the Council. The Council's procedure was followed.

Prior to the commencement of the hearing both parties confirmed that the statement of facts had been agreed.

The Human Resources Advisor to the Committee outlined the procedure to be followed.

Mr SR was in attendance at the meeting and his representative Ms SN summarised his case and in doing so reported that some information that had been submitted to the Disciplinary Hearing on 22nd January, 2014, had not been included in the pack presented to the Committee. Ms SN responded to questions from the Committee.

The Council's representative, Mr A McCabe summarised the Council's case and responded to questions from the Committee.

There followed an adjournment in order for the Committee to consider a further document submitted by Ms SN that had been submitted to the Disciplinary Hearing and not the Committee.

The meeting re-convened and Mr McCabe called the Assistant Director of Housing Services as a witness who read her witness statement.

There followed an adjournment.

The meeting was re-convened and the Assistant Director of Housing Services responded to questions from the Committee, the Human Resources Advisor to the Committee, the Legal Advisor to the Committee, and Ms SN.

There followed a brief adjournment.

The meeting was re-convened and the Assistant Director of Housing Services continued to respond to questions from the Committee.

There followed an adjournment in order for the Committee to consider evidence of a trade-pack issued to Mr SR.

The meeting re-convened and Ms SN responded to questions from the Committee, the Legal Advisor to the Committee, and Mrs Reilly.

There followed a short adjournment requested by Ms SN.

Following the final submissions from both parties, the parties left the meeting, at which point the Committee continued its deliberation. Following its deliberation it was

RESOLVED

- (1) That the decision to dismiss Mr SR be upheld as the Committee considered that there were no exceptional mitigating circumstances to justify action short of dismissal.

(The Committee were unanimous in the above decision).

- (2) That all information pertinent to a case and relevant to the allegations made should be included in the documentation to be submitted at the Committee.
- (3) That the Assistant Director of Human Resources and Organisational Development be requested to review the Council's Employee Improvement and Disciplinary Procedure, in particular the process in relation to an officer's appointment as Investigating Officer during investigations.

The meeting ended at 4.40pm

CHAIR