

APPEALS COMMITTEE

Wednesday 8th January, 2014, at 10.00 a.m.
in Committee Room 3

PRESENT

Councillor J Martin (Chair)
Councillor Hale (Vice-Chair)
Councillors Bills, Evans and Ms Nicholls, together with Mrs K Jesson – HR Service Partner, Mr M Farooq – Legal Advisor to the Council, Mr A McCabe – Solicitor and Mrs K Buckle (all Directorate of Corporate Resources)

ALSO IN ATTENDANCE (AS INDICATED)

An Assistant Director of Children's Services and Mr JD

6. **APOLOGIES FOR ABSENCE**

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

7. **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.

8. **MINUTES**

That, the Minutes of the meeting of the Committee held on 5th June, 2013, be approved as a correct record and signed.

9. **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:-

Description of Item

Relevant Paragraph of Part I of
Schedule 12A

Appeal by Mr JD

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10. APPEAL BY MR JD

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

Prior to the commencement of the meeting Mr McCabe circulated a revised statement of facts and witness statement outlining the amendments.

Following further discussion and subject to one further amendment to the revised statement of facts was agreed by Mr JD.

There followed an initial adjournment in order for the Panel to consider a further document submitted by Mr JD.

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

Mr JD was in attendance at the meeting and summarised his case.

The Council's representative, Mr A McCabe summarised the Council's case and called an Assistant Director of Children's Services, Directorate of Children's Services as a witness who read his witness statement and responded to questions from the Panel and Mr JD.

There followed a short adjournment in order for the Panel to consider the Appellant's job description.

The meeting was re-convened and Mr JD presented his case and responded to questions from the HR Adviser to the Panel, the Lawyer advising the Panel, Mr M Farooq, and the Panel.

Both parties made their final submissions and there followed a short adjournment in order for Mr JD to consider the exceptional mitigating circumstances that he wished to put forward.

The meeting was re-convened and the Appellant Mr JD continued with his final submissions. Following the submissions the parties left the meeting, at which point the Committee continued its deliberation. Following its deliberation it was

RESOLVED

- (1) The decision to dismiss Mr JD 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 the Assistant Director of Human Resources and Organisational Development be requested to urgently investigate the Council's procedures on checking driving licences and motor vehicle insurance and ensure that adequate control mechanisms are in place for annual checks of these documents.

The meeting ended at 12.40pm

CHAIR