

## **DISCIPLINARY/DISMISSAL/GRADING APPEALS COMMITTEE**

Wednesday 3<sup>rd</sup> April, 2013, at 10.00 a.m.  
in Committee Room 3

### **PRESENT**

Councillor J Martin (Chair)  
Councillor Hale (Vice-Chair)  
Councillors A Aston, Marrey, Ms Nicholls and Mrs Rogers

In attendance on the Committee - Mrs M Worton – HR Advisor to the Committee,  
Mr J Bradshaw – Legal advisor to the Committee and Miss K Fellows  
(Directorate of Corporate Resources)

### **ALSO IN ATTENDANCE**

Mr SD (Appellant)  
Mr G Gibbs (Representative of GMBH)  
Mr N Carr – Solicitor for the Council  
Mr MW - An Assistant Director of the Directorate of the Urban Environment  
Mrs T Reilly – Assistant Director Corporate Resources (Human Resources and  
Organisational Development)  
Ms L Morgan-Danks and Ms V Smart (observers)

No objections were raised to the observers attending the meeting

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#### 16. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors  
Mrs Martin and Woodall.

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#### 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.

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#### 18. **MINUTES**

##### **RESOLVED**

That the minutes of the meeting of the Committee held on 6th March,  
2013, be approved as a correct record and signed.

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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 SD	1

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20. APPEAL BY MR SD

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

Prior to the commencement of the meeting Mr Gibbs (GMBH Union representative) advised the panel that the correspondence address for the Appellant was incorrect and he had not received the documentation in relation to the Appeal. However he advised that Mr SD was in a position to proceed with the Appeal as Mr Gibbs had himself received all documentation and discussed the appeal with the appellant and prepared the appeal on his behalf.

Mrs M Worton then outlined the procedure to be followed.

Mr SD was in attendance at the meeting and Mr Gibbs presented the case on his behalf, responding to questions asked, and advising that the allegation of gross misconduct had been admitted and this was not disputed by Mr SD. However the severity of the sanction was.

The Council's Solicitor, Mr N Carr summarised the Council's case and called Mr MW, the Chair of the disciplinary panel, as a witness. Mr MW read his witness statement and responded to questions from the representative for Mr SD, the Council's Solicitor, Committee Members and Mrs Worton.

During questioning by Committee Members an adjournment was requested.

Mr SD responded to questions from the Council's representative and Committee Members.

The Council's representative and the Appellant's representative then summed up their respective cases.

Following the summing up of their cases , the parties left the meeting to allow the Committee to continue its deliberations.

Following detailed consideration given to the written and oral evidence including evidence in mitigation that related to the severity of the sanction it was:-

#### RESOLVED

- (1) That the Committee unanimously determine that the decision to dismiss Mr SD be upheld due to there being no exceptional mitigation to justify action short of dismissal.
- (2) That the Director of the Urban Environment and the Cabinet Member for Transportation and Community Safety be requested to:-
  - (a) Ensure that all relevant employees are aware of the Vehicle Tracker Device Policy
  - (b) Ensure that job descriptions were not ambiguous.
  - (c) Review the Policy of not returning to the depot at Lister Road following finalisation of work tasks allocated to employees.

The meeting ended at 12.15pm

CHAIR