

**Minutes of the Appeals Committee
Wednesday, 1st February 2023 at 10.00pm
In Committee Room 4, The Council House**

Present:

Councillor T Westwood (Chair)
Councillor S Henley (Vice-Chair)
Councillors S Greenaway, A Goddard and S Mughal

Officers:

K Jesson (Human Resources (HR) Delivery Manager - Business Partnering and Intelligence), K Weekes (Solicitor) and K Buckle (Democratic Services Officer)

Also in attendance:

N McGurk (Head of Traffic, Transportation and Engineering Services
and R Harris (Human Resources Specialist
GG Trade Union Representative

68. **Apologies for Absence**

There were no apologies for absence.

69. **Appointment of Substitute Members**

There were no substitute Members appointed for this meeting of the Committee.



70. **Declarations of Interest**

No Members made a declaration of interest under the Members' Code of Conduct.

71. **Minutes**

Resolved

That the minutes of the meeting held on 18th November 2022, be confirmed as a correct record and signed.

72. **Questions under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

73. **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

74. **Appeal by SB**

In accordance with the Council's Employee Improvement and Disciplinary Procedure, the Committee considered the appeal of SB against the dismissal from the employment of the Council.

The Chair welcomed those present, and all parties introduced themselves.

The appellant was not in attendance at the meeting however their Trade Union Representative was.

Following introductions, the HR Delivery Manager (Business Partnering and Intelligence) explained the procedure and sought clarification on the statement of facts. GB advised that SB was not in agreement with the statement of facts, however he was unsure on what basis as he had not received any instructions from SB. GB did confirm , however,

that from his perspective the statement of facts were a clear reflection of events.

Both parties confirmed that there were no witnesses from either side.

GB advised that the appellant would not be attending the hearing and provided the reasons why based on a text message that he had received from SB at 2.44am that morning. GB stated that due to the lack of instruction from SB, he would not be in a position to represent SB on his behalf and would, therefore, be withdrawing as his representative.

There followed a short adjournment in order for the Committee to determine whether the appeal would be heard in the appellant's absence.

The meeting was reconvened, and the Chair advised those present that the hearing would be held in the appellant's absence. GB then withdrew from the meeting.

Following the presentation of the Councils case, Members of the Committee were given the opportunity to ask questions.

All parties then withdrew from the meeting to allow the Committee to consider their decision.

Following deliberations, and after careful consideration of all the available evidence, written and verbal representations provided at the meeting, it was: -

Resolved

- (1) That the appeal of SB be dismissed and the decision to terminate the contract of employment on the grounds of gross misconduct be upheld.
- (2) That the Lead for Law and Governance advise the appellant of the decision of the Appeals Committee in writing within two working days.

The meeting ended at 10.50pm

CHAIR