

APPEALS COMMITTEE

Wednesday 15th January, 2014, at 10.00 a.m.
in Committee Room 3

PRESENT

Councillor J Martin (Chair)

Councillor Hale (Vice-Chair)

Councillors Aston, Bills, Elcock, Evans and Ms Nicholls, together with Ms L Morgan-Danks – HR Service Partner, Mr A McCabe – Employment Lawyer, Ms S Riaz – Solicitor and Mrs K Buckle (all Directorate of Corporate Resources)

ALSO IN ATTENDANCE (AS INDICATED)

An Assistant Director of the Directorate of the Urban Environment, Mr CW, Mrs HM and Ms SL.

Mr SP and his representative Mr SD.

Councillor A Aston left the meeting prior its commencement.

11. **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Marrey.

12. **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.

13. **MINUTES**

That, the Minutes of the meeting of the Committee held on 8th January, 2014, be approved as a correct record and signed.

14. **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 SP	1

15. APPEAL BY MR SP

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

Prior to the commencement of the hearing Ms Riaz confirmed that the statement of facts had been agreed subject to the amendment to the date of the preliminary interview and the inclusion of a letter written to the Appellant by an Assistant Director in the Directorate of the Urban Environment dated 6th November, 2008.

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

Mr SP was in attendance at the meeting and both he and his representative Mr SD summarised his case and both responded to questions from the Panel and the Human Resources Advisor.

The Council's representative, Ms S Riaz summarised the Council's case and called an Assistant Director of the Directorate of the Urban Environment and Mr CW as witnesses who read their witness statements and responded to questions from the Panel, Mr SP and Mr SD.

There followed an adjournment.

The meeting was re-convened and the Council's representative, Ms S Riaz called Ms SL and Mrs HM as witnesses who responded to questions from the Panel, Ms S Riaz, Mr SP and Mr SD.

Mr SP and his representative Mr SD presented his case and responded to questions from the Panel and Ms S Riaz.

Following the presentation of the case 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 SP 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 Director of the Urban Environment notify the Appellant's professional body that he has breached the Council's Code of Conduct for Employees and implement certain procedural matters suggested by the Committee.
- (3) That the Assistant Director of Human Resources and Organisational Development be requested to remind Council employees of the importance of familiarising themselves of the Council's Code of Conduct for Employees.

The meeting ended at 4.20pm

CHAIR