

DISCIPLINARY/DISMISSAL/GRADING APPEALS COMMITTEE

Wednesday, 14th April, 2010 at 9.15 a.m. in Committee Room 3
in the Council House, Dudley

PRESENT

Councillor Knowles (Chairman)

Councillor Ms Nicholls (Vice Chairman)

Councillors: Banks, Hanif, Harley, J Martin, Mottram, Ms Partridge and Mrs Shakespeare, together with Mrs M Worton, Head of Human Resources, (Central Directorates), Ms J Hartley, Senior Solicitor, Ms E Kerrigan, Solicitor, (Directorate of Law, Property and Human Resources) and Miss K Fellows, (Directorate of Law, Property and Human Resources).

ALSO IN ATTENDANCE

Assistant Director of Environmental Management, (Directorate of the Urban Environment).

Mr KS and Mr B Hartshorne, (Unite Representative).

Mrs T Reilly, Assistant Director of Law, Property and Human Resources and Ms S Hartill, Head of Human Resources as observers. No one raised any objections to the observers' attendance at the meeting.

7. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Mrs Cowell, and Ms Harris.

8 **APPOINTMENT OF SUBSTITUTES FOR THE MEETING OF THE COMMITTEE**

It was reported that Councillors Harley and Hanif had been appointed as substitute members for Councillor Mrs Cowell and Councillor Ms Harris respectively, for this meeting of the Committee only.

9 **DECLARATIONS OF INTEREST**

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

10 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 1st December, 2009 be approved as a correct record and signed.

11 **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 1 of Schedule 12A to the Local Government Act 1972, as indicated below:-

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

12 **APPEAL BY MR KS**

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

Mr KS was in attendance at the meeting together with Mr B Hartshorne (Unite Representative), who presented the case on behalf of Mr KS, commencing with the opening statement.

The Council's representative then presented the Council's opening statement.

Although the allegation of gross misconduct was admitted by Mr KS, Mr Hartshorne questioned the severity of the sanction against Mr KS and asked the Committee to reconsider the sanction, taking into account the mitigating facts put forward for the actions taken by Mr KS.

Mrs Hartley, who called one witness Mr M Williams, Assistant Director of Environmental Management, (Directorate the Urban Environment), presented the Council's case. Mr Hartshorne and the Committee then asked questions on the Council's case.

In response to comments from Mr Hartshorne relating to the grounds of the appeal, the Assistant Director of Environmental Management reported that, before coming to his decision to dismiss Mr KS, he had given full consideration to all of the facts of the case, including the mitigating circumstances put forward by Mr KS but that he had not considered the mitigating circumstances to be exceptional and therefore stood by his decision that the actions of Mr KS had amounted to gross misconduct, thereby resulting in his dismissal.

There were no witnesses called by Mr Hartshorne however Mr KS agreed to respond to any questions from the Council representative and the Panel.

Following an adjournment to enable Mr Hartshorne to discuss the case further with Mr KS, the meeting then reconvened and Mr Hartshorne and Mr KS presented further evidence in support of the case.

The Council's representative and Members then asked questions upon the further evidence.

There followed an adjournment to enable clarification to be given on the further evidence. The meeting then reconvened to continue its deliberations in respect of the appeal.

Following final submissions, the parties left the meeting, at which point the Committee continued its deliberation, arising therefrom, it was

RESOLVED

That the Committee determine that the allegation of gross misconduct by Mr KS is proved and that the decision to dismiss him be upheld.

The meeting ended at 1.40pm

CHAIRMAN