

# APPEALS COMMITTEE

Tuesday, 13 March 2018

**PRESENT:** Councillor J.K. Howell (Chair)

**Councillors:**

S.M. Allen, D.C. Evans, E. Morgan, K.V. Broom and D.T. Williams

**The following Officers were in attendance:**

C. Jones, Assistant Solicitor

R. Young, Lead Business Partner (HR)

K. Thomas, Democratic Services Officer

**Committee Room 2, - Spilman St - 9.30 am - 3.23 pm**

**1. APOLOGIES FOR ABSENCE.**

There were no apologies for absence.

**2. DECLARATIONS OF PERSONAL INTEREST.**

No declarations of interest were received.

**3. MINUTES**

**3.1. 10TH FEBRUARY 2017**

**RESOLVED**, that the minutes of the meeting held on the 10<sup>th</sup> February, 2017 be signed as a correct record.

**3.2. 24TH FEBRUARY 2017**

**RESOLVED**, that the minutes of the meeting held on the 24<sup>th</sup> February, 2017 be signed as a correct record.

**3.3. 27TH FEBRUARY 2017**

**RESOLVED**, that the minutes of the meeting held on the 27<sup>th</sup> February, 2017 be signed as a correct record.

**4. NOT FOR PUBLICATION**

**UNANIMOUSLY RESOLVED** that pursuant to Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items as the reports involved the disclosure of exempt information as defined in Paragraph 13 of Part 4 of Schedule 12A to the Act (As amended by the Local Government (Access to Information)(Variation) Order 2007) namely information which is likely to reveal the identity of an individual.

## **5. TO CONSIDER AN APPEAL AGAINST DISMISSAL - ENVIRONMENT DEPARTMENT**

Following the application of the public interest test it was **UNANIMOUSLY RESOLVED** pursuant to the Act referred to in Minute No. 4 above to consider this matter in private, with the public excluded from the meeting, as it would involve the disclosure of exempt information likely to reveal the identity of an individual.

The public interest test in this matter related to the appellant's name and other personal details, being personal data as defined in Section 1 of the Data Protection Act 1988. The issue to be considered by the Committee was not a matter of public interest. Disclosure of the information in the report would be unfair and run contrary to the appellant's right to privacy. On balance, therefore, the public interest in disclosure was outweighed by the public interest in maintaining confidentiality of the report.

The Chair welcomed to the meeting the appellant and her representative, together with the appointed Commissioning Officer and outlined the protocol which would be followed in hearing the appeal (copies of which were included in the agenda pack). Prior to the Committee considering the appeal, the Commissioning Manager referred to the Authority's evidence detailed within the pack and drew its attention to several items of correspondence which had erroneously been omitted from that pack. He enquired whether the Committee would allow that evidence to be submitted at the meeting. With the consent of the appellant, it was:-

**UNANIMOUSLY RESOLVED** that the additional items of correspondence be accepted as part of the Authority's submission and the meeting be adjourned for a period of 10 minutes to afford all parties the opportunity of reading the correspondence.

The Committee proceeded to receive evidence from the Commissioning Manager, the appellant and her representative.

Both parties were afforded the opportunity of cross-examining the evidence provided and to sum up, following which, they withdrew from the meeting whilst the Committee considered the evidence and representations made.

The Committee, having considered all the evidence presented, together with the representations made by, and on behalf of, the appellant and the Commissioning Manager:-

**RESOLVED** that the appeal be upheld and the appellant be advised in writing of the full adjudication.

## **6. TO CONSIDER AN APPEAL AGAINST DISMISSAL - ENVIRONMENT DEPARTMENT**

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**UNANIMOUSLY RESOLVED that the additional items of correspondence be accepted as part of the Authority's submission and the meeting be adjourned to afford all parties the opportunity of reading the correspondence.**

(NOTE: the Committee adjourned at 12.40 p.m. for a lunch break and reconvened at 1.15 p.m.)

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The Committee, having considered all the evidence presented, together with the representations made by, and on behalf of, the appellant and the Commissioning Manager:-

**RESOLVED that the appeal be upheld and the appellant be advised in writing of the full adjudication.**

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CHAIR

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DATE