

Document Pack



Mark James LLM, DPA, DCA
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

MONDAY, 5 MARCH 2018

TO: ALL MEMBERS OF THE APPEALS COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE APPEALS COMMITTEE WHICH WILL BE HELD IN COMMITTEE ROOM 2, 3 SPILMAN STREET, CARMARTHEN AT 9.30 AM, TUESDAY, 13TH MARCH, 2018 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Kevin Thomas
Telephone (Direct Line):	01267 224027
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Ref:	AD016-001

APPEALS COMMITTEE

6 MEMBERS

PLAID CYMRU GROUP (3)

- | | | |
|----|-------------------|----------------------------|
| 1. | Councillor | Kim Broom |
| 2. | Councillor | J.K. Howell (Chair) |
| 3. | Councillor | Dorian Williams |

LABOUR GROUP (2)

- | | | |
|----|-------------------|--------------------|
| 1. | Councillor | Colin Evans |
| 2. | Councillor | Eryl Morgan |

INDEPENDENT GROUP (1)

- | | | |
|----|-------------------|-------------------------------|
| 1. | Councillor | Sue Allen (Vice-Chair) |
|----|-------------------|-------------------------------|

NO SUBSTITUTES ARE ALLOWED AT MEETINGS OF THIS COMMITTEE

A G E N D A

1. APOLOGIES FOR ABSENCE.

2. DECLARATIONS OF PERSONAL INTEREST.

3. MINUTES

TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING
HELD ON THE

3 .1	10TH FEBRUARY 2017	5 - 8
3 .2	24TH FEBRUARY 2017	9 - 10
3 .3	27TH FEBRUARY 2017	11 - 12

**4. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF
SPECIAL CIRCUMSTANCE THE CHAIR DECIDES SHOULD BE
CONSIDERED AS A MATTER OF URGENCY PURSUANT TO
SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.**

5. NOT FOR PUBLICATION

THE REPORTS RELATING TO THE FOLLOWING ITEMS ARE NOT FOR
PUBLICATION AS THEY CONTAIN EXEMPT INFORMATION AS
DEFINED IN PARAGRAPH 13 OF PART 4 OF SCHEDULE 12A TO THE
LOCAL GOVERNMENT ACT, 1972 AS AMENDED BY THE LOCAL
GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES)
ORDER 2007. IF FOLLOWING THE APPLICATION OF THE PUBLIC
INTEREST TEST THE COMMITTEE RESOLVES PURSUANT TO THE
ACT TO CONSIDER THESE ITEMS IN PRIVATE, THE PUBLIC WILL BE
EXCLUDED FROM THE MEETING DURING SUCH CONSIDERATION.

6. TO CONSIDER AN APPEAL AGAINST DISMISSAL - **13 - 96**
ENVIRONMENT DEPARTMENT

7. TO CONSIDER AN APPEAL AGAINST DISMISSAL - **97 - 180**
ENVIRONMENT DEPARTMENT

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APPEALS COMMITTEE

Friday, 10 February 2017

PRESENT: Councillor J.K. Howell (Chair)

Councillors:

W.G. Hopkins, J.P. Jenkins and S.E. Thomas

The following Officers were in attendance:

S. Murphy - Senior Solicitor

J. Stuart - Senior Business Partner (HR)

C. Gadd - Democratic Services Officer

Committee Room 2 - 3 Spilman Street - 10.00 am - 3.00 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S.M. Allen, B.A.L. Roberts and J. Williams.

2. DECLARATIONS OF PERSONAL INTEREST

Councillor	Minute No(s)	Nature of Interest
Councillor J.P. Jenkins	Minutes No. 6	His friend is applying for a job in the Pension Department.
Councillor S.E. Thomas	Minutes Nos. 6	She is a trustee of the Dyfed Pension Fund.

3. MINUTES - 14TH NOVEMBER 2016 (RECONVENED ON THE 6TH DECEMBER 2016)

RESOLVED that the minutes of the meeting held on 14th November 2016 (reconvened on the 6th December 2016) 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 item as the report 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 - CORPORATE SERVICES 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 his trade union representative, together with the appointed Investigating Officers and HR representative and outlined the protocol which would be followed in hearing the appeal (copies of which were included in the agenda pack).

It was highlighted that the Investigating Officers intended to call a witness, who had given evidence at the formal Disciplinary Hearing. The Trade Union Representative challenged this as he felt it was outside of the protocol and they had not had sufficient time to prepare. It was clarified that the witness would not be providing new evidence and would be referring to information that was included in the papers. The Panel agreed for the witness to be heard and for there to be a thirty minute adjournment to allow the appellant and his trade union representative more time to prepare. It was noted that the Trade Union Representative objected to the witness being heard. The meeting reconvened at 11am.

The Committee thereupon proceeded to receive evidence from the Investigating Officers, the appellant and his trade union 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 the appellant and the Investigating Officers

RESOLVED

5.1 that the appeal be dismissed, and the decision to dismiss the appellant, confirmed in a letter dated the 29th December, 2016 following a formal Disciplinary Hearing held on the 21st December, 2016, be upheld;

5.2 that the appellant be advised in writing of the full reasons for the dismissal of the appeal.

Both parties were recalled to the meeting and advised of the Committee's decision.

CHAIR

DATE

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Friday, 24th February 2017

(Reconvened on Monday, 27th February, 2017)

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

Councillors:

S.M. Allen, J.P. Jenkins, B.A.L. Roberts and S.E. Thomas;

The following Officers were in attendance:

J. Stuart, Principal HR Officer;

C. Jones, Assistant Solicitor;

M.S. Davies, Democratic Services Officer.

Committee Room 2, 3 Spilman Street, Carmarthen:

9.30 am - 1.00 pm, 2.00 pm – 4.00 pm.

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Cllr. J. Williams.

2. DECLARATIONS OF PERSONAL INTEREST

No declarations of interest were received.

3. 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 item as the report 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.

4. 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. 3 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 his trade union representative, together with the appointed Investigating Officers and HR

representative and outlined the protocol which would be followed in hearing the appeal (copies of which were included in the agenda pack).

The Committee thereupon proceeded to receive evidence from the Investigating Officers and the appellant's trade union representative.

RESOLVED that consideration of the appeal be adjourned to 27th February, 2017.

5. RECONVENED MEETING

The meeting reconvened in Committee Room 2, 3 Spilman Street, Carmarthen, on Monday, 27th February, 2017 at 9.15 a.m.

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

Councillors:

J.P. Jenkins, B.A.L. Roberts and S.E. Thomas.

The following officers were in attendance:

Mrs J. Stuart	-	Principal H.R. Officer
Mr C. Jones	-	Assistant Solicitor
Mr M. Davies	-	Democratic Services Officer

6. APOLOGIES

Apologies for absence were received from Councillors S.M. Allen and J. Williams.

7. APPEAL AGAINST DISMISSAL - ENVIRONMENT DEPARTMENT

The Chair welcomed back to the meeting the appellant and his trade union representative, together with the appointed Investigating Officers and HR representative and advised that the purpose of the meeting was to continue with the hearing of an appeal against dismissal which had been adjourned on 24th February, 2017. The trade union representative thereupon continued with his submission on behalf of the appellant. 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 the appellant and the Investigating Officers

RESOLVED

7.1 that the appeal be dismissed, and the decision to dismiss the appellant, confirmed in a letter dated the 6th October, 2016 following a formal Disciplinary Hearing held on the 30th September, 2017, be upheld;

7.2 that the appellant be advised in writing of the full reasons for the dismissal of the appeal.

Both parties were recalled to the meeting and advised of the Committee's decision.

CHAIR

DATE

APPEALS COMMITTEE

Monday, 27 February 2017

PRESENT: Councillor J.K. Howell (Chair)

Councillors:

S.M. Allen, J.P. Jenkins, B.A.L. Roberts and S.E. Thomas

The following Officers were in attendance:

S. Murphy - Senior Solicitor

J. Stuart - Senior Business Partner (HR)

C. Gadd - Democratic Services Officer

Committee Room 2 - 3 Spilman Street - 11.30 am - 4.40 pm

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Cllr. J. Williams.

2. DECLARATIONS OF PERSONAL INTEREST

No declarations of interest were received.

3. 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 item as the report 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.

4. 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. 3 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 his trade union representative, together with the appointed Investigating Officers and HR representative and outlined the protocol which would be followed in hearing the appeal (copies of which were included in the agenda pack).

The Committee thereupon proceeded to receive evidence from the Investigating Officers.

It was highlighted that the appellant's trade union representative intended to call a witness, who had given evidence as part of the investigation. The Panel agreed for there to be an adjournment to await the arrival of the witness. The meeting adjourned at 11.50 am. (Note: Cllr J.P. Jenkins left the meeting at this point).

The meeting reconvened at 12.05pm. The Committee thereupon proceeded to receive evidence from the appellant and his trade union 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 the appellant and the Investigating Officers

RESOLVED

4.1 that the appeal be dismissed, and the decision to dismiss the appellant, confirmed in a letter dated the 6th October, 2016 following a formal Disciplinary Hearing held on the 30th September, 2016, be upheld;

4.2 that the appellant be advised in writing of the full reasons for the dismissal of the appeal.

(Note: Cllr. S.M. Allen left the meeting following the determination of the Committee's decision)

Both parties were recalled to the meeting and advised of the Committee's decision.

CHAIR

DATE

Agenda Item 6

By virtue of paragraph(s) 13 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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Agenda Item 7

By virtue of paragraph(s) 13 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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