

APPEALS COMMITTEE

Monday, 18 April 2016

PRESENT: Councillor J.K. Howell (Chair)

Councillors:

S.M. Allen, W.G. Hopkins and S.E. Thomas

The following Officers were in attendance:

S. Murphy, Senior Solicitor

J Stuart, Principal HR Officer

K. Thomas, Democratic Services Officer

Committee Room 1, 3 Spilman Street - 2.00 - 4.05 pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors B.A.L. Roberts and J. Williams.

2. DECLARATIONS OF PERSONAL INTEREST.

No declarations of interest were received.

3. MINUTES

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Committee held on the 14th March, 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 NOT FOR PUBLICATION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 - 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 1998. 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, his trade union representative, together with the Director of Environment, appointed Investigating Officer and HR representative and outlined the protocol which would be followed in hearing the appeal (copies of which were circulated at the meeting).

The Committee thereupon proceeded to receive evidence from the investigating officer, the appellant and his 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 investigating officer

RESOLVED

5.1 that the appeal be dismissed and the decision to dismiss the appellant, confirmed in a letter dated the 16th March 2016 following a formal Disciplinary Hearing held on the 7th March, 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 Panel's decision.

CHAIR

DATE