

# Document Pack

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**WEDNESDAY, 6 APRIL 2016**

**TO: ALL MEMBERS OF THE APPEALS COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **APPEALS COMMITTEE** WHICH WILL BE HELD IN THE **COMMITTEE ROOM 1, 3 SPILMAN STREET AT 2.00 PM, ON MONDAY, 18TH APRIL, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James*

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Kevin Thomas</b>
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<b>Ref:</b>	<b>AD016-001</b>

# COMMITTEE MEMBERSHIP

## Plaid Cymru Group

Cllr. Gwyn Hopkins  
Cllr. Ken Howell  
Cllr. Siân Thomas

## Independent Group

Cllr. Sue Allen

## Labour Group

Cllr. Louvain Roberts  
Cllr. Jan Williams

## People First

## Independent Unaffiliated

Cllr. John Jenkins

# A G E N D A

1. APOLOGIES FOR ABSENCE.

2. DECLARATIONS OF PERSONAL INTEREST.

3. MINUTES

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TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 14<sup>TH</sup> MARCH 2016

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 NOT FOR PUBLICATION

THE REPORTS RELATING TO THE FOLLOWING ITEM ARE NOT FOR PUBLICATION AS THEY CONTAIN EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 13 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT, 1972 AS AMENDED BY THE LOCAL GOVERNMENT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 - ENVIRONMENT DEPARTMENT

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Monday, 14 March 2016

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

**Councillors:**

S.M. Allen, W.G. Hopkins, B.A.L. Roberts and J. Williams

**The following Officers were in attendance:**

M.S. Davies, Democratic Services Officer

C. Jones, Assistant Solicitor

J. Stuart, Principal HR Officer

**Committee Room 2 - 3 Spilman Street - 9.00 a.m. - 11.30 a.m.**

**1. APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor S. Thomas.

**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 9<sup>th</sup> October 2015 be signed as a correct record.

**4. EXCLUSION OF THE PUBLIC**

**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 Chief Executive, 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 and the appellant's 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 16<sup>th</sup> February 2016 following a formal Disciplinary Hearing held on the 11<sup>th</sup> February, 2016, be upheld;**

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

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
DATE

# Agenda Item 6

By virtue of paragraph(s) 13 of Part 1 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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