

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 NOT FOR PUBLICATION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