

Document Pack



Mark James LLM, DPA, DCA
Prif Weithredwr,
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County Hall, Carmarthen. SA31 1JP

FRIDAY, 4TH NOVEMBER, 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 **DEMOCRATIC SERVICES COMMITTEE ROOM, COUNTY HALL, CARMARTHEN AT 9.45 A.M. ON MONDAY, 14TH NOVEMBER, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Mrs Michelle Evans Thomas
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Ref:	AD016-001

APPEALS COMMITTEE 7 MEMBERS

PLAID CYMRU GROUP (3)

- | | | |
|----|------------|---------------------|
| 1. | Councillor | W.G. Hopkins |
| 2. | Councillor | J.K. Howell |
| 3. | Councillor | S.E. Thomas |

LABOUR GROUP (2)

- | | | |
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| 1. | Cynghorydd/Councillor | B.A.L. Roberts |
| 2. | Cynghorydd/Councillor | J. Williams |

INDEPENDENT GROUP (1)

- | | | |
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| 1. | Cynghorydd/Councillor | S.M. Allen |
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UNAFFILIATED (1)

- | | | |
|----|-----------------------|---------------------|
| 1. | Cynghorydd/Councillor | J.P. Jenkins |
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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. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON THE FOLLOWING DATES:-
 - 3.1 6TH JUNE, 2016; 5 - 6
 - 3.2 7TH JUNE, 2016; 7 - 8
 - 3.3 17TH JUNE, 2016. 9 - 10
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. THE REPORT RELATING TO THE FOLLOWING ITEM IS NOT FOR PUBLICATION AS IT CONTAINS EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 13 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT, 1972 AS AMENDED BY THE LOCAL GOVERNMENT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 THIS ITEM IN PRIVATE, THE PUBLIC WILL BE EXCLUDED FROM THE MEETING DURING SUCH CONSIDERATION.
6. TO CONSIDER AN APPEAL AGAINST DISMISSAL - ENVIRONMENT DEPARTMENT. 11 - 150

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Monday, 6 June 2016

PRESENT: Councillor J.K. Howell (Chair)

Councillors:

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

The following Officers were in attendance:

K. Morgan, Principal H.R Officer

S. Murphy, Senior Solicitor

K. Thomas, Democratic Services Officer

Committee Room 1, 3 Spilman Street, Carmarthen - 9.45 am - 12.30 pm

1. APOLOGIES FOR ABSENCE.

An apology for absence was received from Councillor J.P. Jenkins

2. DECLARATIONS OF PERSONAL INTEREST.

No declarations of interest were received.

3. MINUTES

RESOLVED that the minutes of the meeting of the Committee held on the 18th April, 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, 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 and 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, 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 22nd April, 2016 following a formal Disciplinary Hearing held on the 19th April, 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

TUESDAY, 7TH JUNE, 2016

PRESENT: Councillor J.K. Howell [Chair]

Councillors:

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

The following officers were in attendance:

Ms K. Morgan – Principal H.R. Officer

Mr C. Jones – Assistant Solicitor

Mrs M. Evans Thomas – Principal Democratic Services Officer

Committee Room 1, 3 Spilman Street, Carmarthen : 9.45 a.m. – 1.20 p.m. and 1.45 p.m - 2.30 p.m.

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor B.A.L. Roberts.

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

3. EXCLUSION OF THE PUBLIC

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 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 and his union representative, the 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.

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 22nd April, 2016 following a formal Disciplinary Hearing held on the 19th and 20th April, 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

Friday, 17 June 2016

PRESENT: Councillor J.K. Howell (Chair)

Councillors:

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

The following Officers were in attendance:

S. Murphy, Senior Solicitor

J Stuart, Principal HR Officer

K. Thomas, Democratic Services Officer

Room 1, Town Hall, Llanelli - 9.45 am - 2.54 pm

1. APOLOGIES FOR ABSENCE.

An apology for absence was received from Councillor W.G. Hopkins

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 - COMMUNITIES 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 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 and trade union representative together with the Investigation's Presenting Officer and HR representative and outlined the protocol which would be followed in hearing the appeal (as detailed in the Agenda pack).

The Committee thereupon proceeded to receive evidence from the Presenting Officer and the appellant's 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, 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 18th April, 2016 following a formal Disciplinary Hearing held on the 14th April, 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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