

# 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 NOT FOR PUBLICATION**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 6<sup>th</sup> October, 2016 following a formal Disciplinary Hearing held on the 30<sup>th</sup> 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.

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**CHAIR**

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**DATE**