

APPEALS COMMITTEE

Friday, 24th February 2017

(Reconvened on Monday, 27th 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:

J. Stuart, Principal HR Officer;

C. Jones, Assistant Solicitor;

M.S. Davies, Democratic Services Officer.

Committee Room 2, 3 Spilman Street, Carmarthen:

9.30 am - 1.00 pm, 2.00 pm – 4.00 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 NOT FOR PUBLICATION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 and the appellant's trade union representative.

RESOLVED that consideration of the appeal be adjourned to 27th February, 2017.

5. RECONVENED MEETING

The meeting reconvened in Committee Room 2, 3 Spilman Street, Carmarthen, on Monday, 27th February, 2017 at 9.15 a.m.

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

Councillors:

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

The following officers were in attendance:

Mrs J. Stuart	-	Principal H.R. Officer
Mr C. Jones	-	Assistant Solicitor
Mr M. Davies	-	Democratic Services Officer

6. APOLOGIES

Apologies for absence were received from Councillors S.M. Allen and J. Williams.

7. APPEAL AGAINST DISMISSAL - ENVIRONMENT DEPARTMENT

The Chair welcomed back to the meeting the appellant and his trade union representative, together with the appointed Investigating Officers and HR representative and advised that the purpose of the meeting was to continue with the hearing of an appeal against dismissal which had been adjourned on 24th February, 2017. The trade union representative thereupon continued with his submission on behalf of 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 the appellant and the Investigating Officers

RESOLVED

7.1 that the appeal be dismissed, and the decision to dismiss the appellant, confirmed in a letter dated the 6th October, 2016 following a formal Disciplinary Hearing held on the 30th September, 2017, be upheld;

7.2 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