

APPEALS COMMITTEE

Friday, 4 October 2019

PRESENT: Councillor J.K. Howell (Chair)

Councillors:

S.M. Allen, K.V. Broom, D. Jones and E. Morgan

The following Officers were in attendance:

C. Jones, Assistant Solicitor

K. Byrne, Assistant Solicitor

A Clarke, Lead Business Partner (HR)

M.S. Davies, Democratic Services Officer

Committee Room 2, 3 Spilman Street, Carmarthen: 9.30 am - 3.00 pm

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Cllr. D.T. Williams.

2. DECLARATIONS OF PERSONAL INTEREST

No declarations of interest were received.

3. MINUTES - 13TH MARCH 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting held on the 13th March, 2018 be signed as a correct record.

4. ANY OTHER ITEMS OF BUSINESS

There were none.

5. NOT FOR PUBLICATION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.

6. 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. 5 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 her representative, together with the appointed Commissioning and Investigating Officers, and outlined the protocol which would be followed in hearing the appeal (copies of which had been included in the agenda pack).

The Committee proceeded to receive evidence from the Commissioning Officer, witnesses, the appellant and her 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.

(NOTE: the Committee adjourned at 12.45 p.m. for a lunch break and reconvened at 1.30 p.m.)

The Committee, having considered all the evidence presented, together with the representations made by, and on behalf of, the appellant and the Commissioning and Investigating Officers:-

UNANIMOUSLY RESOLVED

- 6.1 that the appeal be upheld and the decision of the Disciplinary Hearing held on 26th July, 2019 to dismiss the appellant be rescinded and the appellant's employment be reinstated as from that date but in a capacity/area other than that in which she was employed previously;**
- 6.2 that the appellant be issued with a final written warning and be required to undertake appropriate training.**

CHAIR

DATE