

APPEALS COMMITTEE

MONDAY, 20 MARCH 2023

PRESENT: Councillor J.K. Howell(Chair)(In person)

Councillors (In Person):

S.M. Allen

L.M. Davies

N. Evans

D. Jones

Also Present (In Person):

C. Jones, Assistant Solicitor

L. Evans, Senior HR Advisor

K. Thomas, Democratic Services Officer

Committee Room 2, 3, Spilman Street, Carmarthen. SA31 1LE.and remotely - 9.45 am - 3.00 pm

1. APOLOGIES FOR ABSENCE.

An apology for absence was received from Councillor D Owen

2. DECLARATIONS OF PERSONAL INTEREST.

Councillor	Minute Number	Nature of Interest
D. Jones	6 – To consider an appeal against dismissal – Communities Department	Has met the two witnesses in a professional capacity only

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 17TH MARCH 2022

RESOLVED that the minutes of the meeting held on the 17th March, 2022 be signed as a correct record.

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.

There were none.

5. NOT FOR PUBLICATION

RESOLVED that pursuant to Paragraph 13 of Part 4 of Schedule 12A of The Local Government Act 1972, the public be excluded from the meeting during consideration of the following items as the reports contained exempt information and the outcome of the public interest test in these matters was that:

“The reports contained personal information relating to the applicants. Although disclosure would support transparency and accountability, the public interest in maintaining confidentiality outweighed the public interest in disclosure because of the need to protect the identities of the applicants and their families”.

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 together with the Commissioning Officer and appointed Investigating Officer 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 Commissioning 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 the appellant and the Commissioning Officer

RESOLVED that the appeal be upheld, and the appellant be advised in writing of the full adjudication.

CHAIR

DATE