

APPEALS PANEL 2

TUESDAY 19 SEPTEMBER 2017 AT 10.10 AM

PRESENT: Councillors Bloxham, Bomford and McDonald

OFFICERS: Neighbourhood Services and Enforcement Manager
Investigating Officer
HR Advisory Services Manager
HR Advisor

ALSO

PRESENT: Appellant

AP2.1/17 APPOINTMENT OF CHAIRMAN

Consideration was given to the role of Chairman of Appeals Panel 2 for the remainder of the 2017/18 Municipal Year.

It was moved by Councillor Bomford, seconded by Councillor McDonald, and:

RESOLVED – That Councillor Bloxham be appointed as Chairman of Appeals Panel 2 for the Municipal Year 2017/18.

Councillor Bloxham thereupon took the Chair.

AP2.2/17 APOLOGIES FOR ABSENCE

There were no apologies for absence.

AP2.3/17 DECLARATIONS OF INTEREST

There were no declarations of interest relative to the complaint.

AP2.4/17 PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

AP2.5/17 APPEAL AGAINST DISMISSAL

Consideration was given to an appeal against dismissal.

The Chairman outlined the purpose of the hearing. He gave an assurance that the matter would be heard in private, treated in confidence, and that all parties would be afforded the time necessary to put their case, following which the Panel would reach a decision.

It was noted that all those present had seen the relevant documentation, copies of which had been circulated.

The Chairman informed the Appellant that they had the right to be represented, in response to which the Appellant confirmed that they were content to represent themselves at the hearing today.

The Chairman asked the Appellant to summarise, as succinctly and clearly as possible, the reason for their appeal.

The Appellant indicated that they felt the original disciplinary investigation and disciplinary hearing had been unfair.

The Appellant further drew the Panel's attention to their detailed submission letter dated 28 August 2017, a copy of which was reproduced at Section 2 of the agenda document pack.

The Chairman sought clarification as regards the outcome which the Appellant was hoping for.

In response the Appellant stated that they believed that the appeal should be upheld and they should be reinstated with a written apology.

At the invitation of the Chairman Panel Members, the Council's representative and the HR Advisory Services Manager asked numerous questions / sought clarification on aspects of the Appellant's submission.

Having received confirmation that there were no further questions, the Chairman invited the Council's representative to present the management case.

The Council's representative read out the management response, a copy of which was reproduced at Section 4 of the agenda document pack, and had been circulated to all parties prior to the meeting today.

The Investigating Officer provided an overview of his investigation, the scope being to determine whether an offence had taken place and, if so, who had committed the offence. A copy of the Disciplinary Investigation, summary of the supporting and conflicting information received, together with the conclusions reached were provided at Section 7 of the document pack.

The Chairman sought and received confirmation that there were no further questions.

Accordingly, the Chairman invited the various parties to sum up.

The Chairman thanked the parties for their attendance, advising that he did not wish to hold them back indefinitely whilst the Panel adjourned to consider their decision. He further informed all parties that the decision would be communicated in writing within three working days of the appeal hearing.

The parties left the room at 11.57 am, at which time the meeting adjourned.

The meeting reconvened at 12.03 pm and the Panel gave consideration to their decision.

RESOLVED – That, having given detailed consideration to all of the information presented and information from the original hearing and the investigation, the Panel had decided to uphold the Appeal and to reinstate the Appellant.

The Panel felt that the investigation was not thorough enough and there was not enough evidence to, on the balance of probabilities, have proven or disproven the allegations either way.

[The meeting ended at 12.37 pm]