

## **APPEALS PANEL 1**

**TUESDAY 28 NOVEMBER 2017 AT 2.00PM**

**PRESENT:** Councillor Earp (Chairman) Councillors Burns and Tinnion (as substitute for Councillor Paton).

**OFFICERS:** Revenues and Benefits Operations Manager  
Investigating Officer  
HR Advisory Services Manager  
HR Advisor

**ALSO**

**PRESENT:** Appellant  
Appellant's Representative

### **AP1.10/17 APOLOGIES FOR ABSENCE**

Councillor Paton submitted an apology for absence.

### **AP1.11/17 DECLARATIONS OF INTEREST**

There were no declarations of interest relative to the complaint.

### **AP1.12/17 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.

### **AP1.13/17 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 asked the Appellant to summarise, as succinctly and clearly as possible, the reason for the appeal.

The Appellant indicated that he felt the sanction that had been imposed had been unfair.

The Appellant explained in some detail the circumstances and reasons for the appeal.

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

In response the Appellant stated that he believed that the appeal should be upheld as the dismissal had been unduly severe.

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 stated the management response, details of which had been included at Section 5 of the agenda document pack, and had been circulated to all parties prior to the meeting today.

The Investigating Officer responded to questions and provided clarity on the investigation.

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 and asked them to leave the room and wait until the Panel reached their decision.

The parties left the room at 3.15pm.

The Panel then considered all of the evidence presented to them prior to and during the hearing.

The parties returned to the room at 3.45pm.

The Panel:

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 with appropriate training.

In addition the Panel recommended that the Appellant be more observant when undertaking his safety duties.

The Panel recommended that management produce clearer policies and procedures on heavy bins, damaged bins, and the use of the override button and consider the ratio of agency staff to City Council staff on each crew.

The Panel felt that the investigation had not taken into account any mitigating circumstances.

[The meeting ended at 3.46pm]