

MINUTES OF APPEALS COMMITTEE MEETING - TUESDAY, 27 OCTOBER 2015

Present:

Councillor G Coleman (in the Chair)

Councillors

Mrs Callow JP	Ryan	Rowson
Galley	Elmes	

In Attendance:

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Mrs Janet Roberts, Employee Relations Team Manager

Mr Alan Wilson, Legal Adviser

1 DECLARATIONS OF INTEREST

Councillor Mrs Callow declared that the officer for the Department of Work and Pensions that had been involved in the case at Item 3, Appeal against Dismissal, had been a colleague of her husband many years ago but she had had no contact with him since that time.

2 MINUTES OF THE LAST MEETING HELD ON 9 FEBRUARY 2015

Resolved: That the minutes of the meeting held on 9th February 2015 be signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

Resolved: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda Item 3 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

4 APPEAL AGAINST DISMISSAL

The Committee considered a request for a review of the Council's decision to dismiss an employee.

The relevant Head of Service and Employee Relations Adviser were in attendance at the meeting.

Mrs Roberts, Employee Relations Manager and Mr Wilson, on behalf of the Head of Legal Services were in attendance to advise the Committee on policy and procedure only and had taken no part in the original decision.

Prior to consideration of the case, Mrs Jarvis, Senior Democratic Services Adviser informed the Committee of correspondence that had been received from the appellant advising that

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she would be unable to attend the meeting due to ill-health and indicating that should the Committee wish to proceed in her absence this would be acceptable to her. Mrs Jarvis also reminded the Committee that a previous meeting to consider the case had had to be rearranged due to unavailability of the person that the appellant had chosen to support her at the meeting.

Members were also advised that the appellant had provided additional written information in support of her case. During consideration of the case, it was noted that the officers had no objection to the additional information being considered.

The Committee carefully considered the written representation provided by both parties, including the additional written information provided by the appellant on the day prior to the meeting. It also considered the verbal information provided by officers during the hearing.

Whilst the Committee noted the dispute regarding the appellant's partner's main residence, it accepted the officer's view regarding the location of the main residence based on the evidence before it and on the balance of probability.

Members acknowledged the appellant's comments regarding the lack of a criminal prosecution, however it was satisfied that this was due to the requirement of a higher burden of proof than the Committee needed to consider.

The Committee considered that there was a significant amount of evidence to substantiate the allegation made and the reasons that had led to the dismissal of the employee.

The Committee was satisfied that the correct procedures had been followed and the decisions taken had been reasonable based on the evidence before it.

Resolved:

1. That the case be heard in the appellant's absence.
2. To consider the additional information that had been provided by the appellant.
3. That the decision to dismiss the employee be upheld on the grounds that the correct procedures had been followed and the decision taken had been reasonable.

5 DATE OF NEXT MEETING - 30 NOVEMBER 2015

Members noted the date of the next meeting as 30th November 2015.

Chairman

(The meeting ended 10.42 am)

Any queries regarding these minutes, please contact:
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