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# Blackpool Council

20 June 2014

To: Councillors Mrs Callow JP, G Coleman, Galley, Ryan, Elmes and Matthews

The above members are requested to attend the:

## **APPEALS COMMITTEE**

Monday, 30 June 2014 at 10.00 am  
in Committee Room B, Town Hall, Blackpool FY1 1GB

## **A G E N D A**

### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Services in advance of the meeting.

### **2 MINUTES OF THE LAST MEETING HELD ON 28TH APRIL 2014** (Pages 1 - 2)

To agree the minutes of the last meeting held on 28<sup>th</sup> April 2014 as a true and correct record.

### **3 APPEAL AGAINST DISMISSAL** (Pages 3 - 766)

(This item contains personal information regarding the appellant which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

### **4 DATE OF NEXT MEETING - 21ST JULY 2014**

To note the date of the next meeting as 21<sup>st</sup> July 2014.

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Services Adviser, Tel: (01253) 477157, e-mail [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

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## MINUTES OF APPEALS COMMITTEE MEETING - 28TH APRIL 2014

### Present:

Councillor Coleman (in the Chair)

Councillors

Mrs Callow JP   Mrs Haynes   Hutton   Ryan

### In attendance:

Mrs J Roberts, Employee Relations Team Leader  
Mr P Mottershead, Chief Solicitor  
Mrs B Jarvis, Senior Democratic Services Adviser

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

### 2. 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 2 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.

### 3. GRIEVANCE REVIEW

The Committee considered a request for a review of the Council's decision not to uphold a Grievance.

The Head of Service and Employee Relations Adviser presented the case on behalf of the Authority.

The aggrieved was in attendance at the meeting, supported by her Trade Union Representative.

Mrs Roberts (Employee Relations Team Leader) and Paul Mottershead (Chief Solicitor) were in attendance to advise the Committee but had taken no part in the original decision.

The Committee carefully considered all the evidence submitted by both parties in writing and orally at the meeting.

The Committee also considered concerns raised at the meeting by the Trade Union Representative, on behalf of the aggrieved, relating to additional information that had been included in the Management's case that had not been included at the Stage 3

## **MINUTES OF APPEALS COMMITTEE MEETING - 28TH APRIL 2014**

Grievance. It also had regard to the Management's response in relation to those concerns. Having taken into account the comments made by both parties, the Committee agreed to consider all the evidence before it and to disregard any evidence that it subsequently deemed inappropriate or irrelevant.

The Committee also noted that the appellant now wished to pursue only two of the original seven issues raised in the Grievance.

**Resolved:** To dismiss the appeal and uphold the officer's decision taken at Stage 3 of the Council's Grievance Procedure on the grounds that the Authority's procedures had been followed and the decision taken had been fair and reasonable.

Background papers: Exempt

### **4. ACKNOWLEDGEMENT**

The Chairman thanked Councillor Mrs Haynes for her contribution to the Appeals Committee and, on behalf of the Committee, wished her well for the future.

### **5. DATE OF NEXT MEETING - 19TH MAY 2014**

**Resolved:** Members noted the date of the next meeting as 19th May 2014, subject to approval at Annual Council.

### **Chairman**

(The meeting ended at 12:55 pm)

Any queries regarding these minutes, please contact:  
Bernadette Jarvis, Senior Democratic Services Adviser  
Tel: 01253 477157  
E-mail: [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

<b>Report to:</b>	<b>APPEALS COMMITTEE</b>
<b>Item number</b>	<b>3</b>
<b>Relevant Officer:</b>	Carmel McKeogh, Assistant Chief Executive Human Resources and Organisational Development
<b>Date of Meeting</b>	30 <sup>th</sup> June 2014

## APPEAL AGAINST DISMISSAL

### 1.0 Purpose of the report:

- 1.1 The Committee to consider and determine a request for a review of a decision of the Council to dismiss an employee.

### 2.0 Recommendation(s):

- 2.1 To determine the request for a review

### 3.0 Reasons for recommendation(s):

- 3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Appeals Committee.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

### 3.3 Other alternative options to be considered:

There are no alternative options as the review must be considered by the Appeals Committee.

#### **4.0 Council Priority:**

4.1 The relevant Council Priority is:

- Deliver quality services through a professional, well-rewarded and motivated workforce

#### **5.0 Background Information**

5.1 A request for a review has been received from an employee in respect of dismissal from the Council.

5.2 Details of the Management's statement of case and the employee's appeal case are Attached at Appendix 3(a).

5.3 The employee has been invited to attend the meeting and an officer of the Council will be in attendance to present the case on behalf of the Management.

5.4 Members are advised that consideration of this case commenced at a previous meeting of the Committee on 7<sup>th</sup> April 2014 and was subsequently adjourned for legal reasons. Despite extensive efforts, it has not been possible to rearrange the adjourned meeting with the same Committee Membership and as the only decision that had been made by the Committee at the above meeting related to the admittance of a witness to the hearing, Members are advised to consider this as a new case.

Does the information submitted include any exempt information?

Yes

#### **List of Appendices:**

Appendix 3(a): Details of Case (Not for Publication).

#### **6.0 Legal considerations:**

6.1 The Head of Legal Services will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

**7.0 Human Resources considerations:**

7.1 The Assistant Chief Executive, Human Resources and Organisational Development will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 Exempt





NOT FOR PUBLICATION

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