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Blackpool Council

11 July 2014

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

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 21 July 2014 at 10.00 am
in Committee Room B, Town Hall, Blackpool FY1 1GB

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

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The Head of Democratic Governance has marked with an asterisk (*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

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 Governance in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 7TH APRIL 2014 (Pages 1 - 2)

To agree the minutes of the meeting held on 7th April 2014 as a true and correct record.

3 MINUTES OF THE MEETING HELD ON 30TH JUNE 2014 (Pages 3 - 4)

To agree the minutes of the last meeting held on 30th June 2014 as a true and correct

record.

* **4 APPEAL AGAINST DISMISSAL**

(Pages 5 - 172)

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)

5 DATE OF NEXT MEETING - 11TH AUGUST 2014

To note the date of the next meeting as Monday 11th August 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

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

MINUTES OF APPEALS COMMITTEE MEETING - 7TH APRIL 2014

Present:

Councillor G Coleman (in the Chair)

Councillors

Brown Mrs Haynes Ryan

Galley Hutton

In attendance:

Mrs J Roberts, Employee Relations Team Manager

Mr P Mottershead, Chief Solicitor

Mrs B Jarvis, Senior Democratic Services Adviser

1. 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.

2. DECLARATIONS OF INTEREST

Councillor Mrs Haynes declared that she knew the lady who had submitted a letter of support of the appellant in Agenda Item 3, Appeal against Dismissal.

3. MINUTES OF THE MEETING HELD ON 16TH DECEMBER 2013

Resolved: That the minutes of the meeting held on 16th December 2013 be signed by the Chairman as a correct record.

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 investigating officer were in attendance at the meeting.

MINUTES OF APPEALS COMMITTEE MEETING - 7TH APRIL 2014

The appellant, accompanied by a Trade Union Representative, were in attendance at the meeting.

Mrs Roberts (Employee Relations Team Manager) and Mr Mottershead (Chief Solicitor) were in attendance to advise the Committee on policy and procedure only and had taken no part in the original decision.

The Committee considered a request made by the Trade Union Representative on behalf of the appellant to allow a witness to be in attendance at the meeting in support of the appellant's case. Following a request by the Chairman, both the appellant and management were given the opportunity to put forward views on whether the witness should be allowed to attend the meeting.

Resolved:

1. That, in the interests of fairness, the witness be allowed to attend the meeting provided that she would not be presenting new evidence that management had not had the opportunity to consider prior to the meeting.
2. That, following advice from Legal Services, the meeting be adjourned to a future date.

NOTE: Despite extensive efforts it was not possible to reconvene the meeting with the same Membership so the case would now be considered in whole at a future meeting.

NOTE: Councillor Mrs Haynes left the room during consideration of the request to allow a witness to attend the meeting as she knew the individual concerned personally, and took no further part in the meeting.

Background papers: Exempt

Chairman

(The meeting ended at 11.30am)

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

Present:

Councillor Coleman (in the Chair)

Councillors

Mrs Callow Matthews

Elmes

In attendance:

Ms C White, Assistant Head of Legal Services

Mrs B Jarvis, Senior Democratic Services Adviser

Apologies:

Apologies had been received from Councillors Galley and Ryan who were engaged elsewhere on Council business.

1. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2. MINUTES OF THE MEETING HELD ON 28TH APRIL 2014

Resolved: That the minutes of the meeting held on 28th April 2014 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

Mrs Jarvis reminded Members that consideration of the case had commenced at a previous meeting of the Committee on 7th April 2014 and was subsequently adjourned for legal reasons and it had not been possible to reconvene the meeting with the same Membership.

Prior to consideration of the case, the Committee was advised of recent notification that had been received indicating that the appellant wished to withdraw the appeal.

Resolved: To note that the appeal had been withdrawn at the request of the appellant.

MINUTES OF APPEALS COMMITTEE MEETING – 30TH JUNE 2014

Background papers: Exempt

4. DATE OF NEXT MEETING

Members noted the date of the next meeting as 21st July 2014.

Chairman

(The meeting ended at 10.05am)

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

Report to:	APPEALS COMMITTEE
Item number	4
Relevant Officer:	Carmel McKeogh, Assistant Chief Executive Human Resources and Organisational Development
Date of Meeting	21 st July 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 4(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.

Does the information submitted include any exempt information?

Yes

List of Appendices:

Appendix 4(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

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