

# Public Document Pack

## Blackpool Council

20 November 2015

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

The above members are requested to attend the:

### **APPEALS COMMITTEE**

Monday, 30 November 2015 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**

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 LAST MEETING HELD ON 27 OCTOBER 2015**

(Pages 1 - 2)

To agree the minutes of the last meeting held on 27 October 2015 as a true and correct record.

\* **3 APPEAL AGAINST DISMISSAL**

(Pages 3 - 252)

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

(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 - 25 JANUARY 2016**

To note the date of the next meeting as Monday 25 January 2016.

**Venue information:**

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

**Other information:**

For queries regarding this agenda please contact Yvonne Burnett, Senior Democratic Services Adviser, Tel: (01253) 477034, e-mail [yvonne.burnett@blackpool.gov.uk](mailto:yvonne.burnett@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](http://www.blackpool.gov.uk).

### **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 9<sup>th</sup> 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

## **MINUTES OF APPEALS COMMITTEE MEETING - TUESDAY, 27 OCTOBER 2015**

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 30<sup>th</sup> November 2015.

### **Chairman**

(The meeting ended 10.42 am)

Any queries regarding these minutes, please contact:  
Bernadette Jarvis, Senior Democratic Services Adviser  
Tel: (0125) 477212  
E-mail: [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

<b>Report to:</b>	<b>APPEALS COMMITTEE</b>
<b>Relevant Officer:</b>	Carmel McKeogh, Deputy Chief Executive
<b>Date of Meeting:</b>	30 November 2015

## 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.

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 Deputy Chief Executive 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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of the Local Government Act 1972.

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