

**Committee:** Appeals Panel

**Date:** Monday 5 December 2011

**Time:** 9.30 am

**Venue** Bodicote House, Bodicote, Banbury, Oxon, OX15 4AA

### Membership

Councillor Fred Blackwell  
(Chairman)  
Councillor Colin Clarke  
Councillor Tony Ilott  
Councillor P A O'Sullivan  
Councillor Leslie F Sibley

Councillor Simon Holland  
(Vice-Chairman)  
Councillor Mrs Diana Edwards  
Councillor Melanie Magee  
Councillor James Macnamara  
Councillor Douglas Webb

## AGENDA

1. **Apologies for Absence**

2. **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest that they may have in any items under consideration at this meeting.

3. **Minutes** (Pages 1 - 4)

To confirm as a correct record the Minutes of the meeting held on 7 April 2011 and 18 May 2011.

4. **Exclusion of the Press and Public**

The following item contains exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

1 - Information relating to an individual.

2 - Information which is likely to reveal the identity of an individual.

4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister and employees of, or office holders under the authority.

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 4 of Schedule 12A of that Act.”

## 5. **Appeal Hearing** (Pages 5 - 32)

### **Information about this Agenda**

#### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or (01295) 221587 prior to the start of the meeting.

#### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

**Personal Interest:** Members must declare the interest but may stay in the room, debate and vote on the issue.

**Prejudicial Interest:** Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

**Queries Regarding this Agenda**

Please contact James Doble, Legal and Democratic Services (01295) 221587  
james.doble@cherwell-dc.gov.uk

**Sue Smith**  
**Chief Executive**

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# Agenda Item 3

## Cherwell District Council

### Appeals Panel

Minutes of a meeting of the Appeals Panel held at Bodicote House, Bodicote, Banbury, Oxon, OX15 4AA, on 7 April 2011 at 9.30 am

Present: Councillor Fred Blackwell (Chairman)

Councillor Mrs Diana Edwards  
Councillor Simon Holland  
Councillor Tony Ilott  
Councillor James Macnamara  
Councillor Douglas Webb

Also Present: Appellant, Post Holder CX0102  
Appellant's Representative  
Gareth Jones, Information Systems Manager / Investigating Officer  
Paula Goodwin, Project and Policy Manager – People and Improvement

Apologies for absence: Councillor P A O'Sullivan  
Councillor Luke Annaly  
Councillor Colin Clarke  
Councillor Alaric Rose

Officers: James Doble, Democratic, Scrutiny and Elections Manager  
Natasha Clark, Senior Democratic and Scrutiny Officer

#### 15 **Declarations of Interest**

There were no declarations of interest.

#### 16 **Minutes**

The minutes of the meeting held on 17 December 2010 were agreed as a correct record and signed by the Chairman.

#### 17 **Exclusion of the Press and Public**

That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 4 of Schedule 12A of that Act.

## **Appeal Hearing**

The appellant, post holder CX0102, presented their case, supported by the appellant's representative and questions were invited.

Three witnesses were called by the appellant and questions were asked of each of the witnesses by the appellant's representative and the Investigating Office and the Panel.

The Investigating Officer, who had conducted the two grievance investigations, submitted the case on behalf of Cherwell District Council, supported by the Project and Policy Manager – People and Improvement and questions were invited.

Two witnesses were called by the Investigating Officer and questions were asked of each of the witnesses by the Investigating Officer, the appellant's representative and the Panel.

The Investigating Officer made his concluding remarks and the appellant made their concluding remarks.

The Committee retired to consider the evidence. The appellant, the appellant's representative, the Investigating Officer and the Project and Policy Manager – People and Improvement left the meeting.

## **Resolved**

- (1) That the appeals of post holder CX0102 be dismissed, as in the view of the Panel there was insufficient evidence to support each of the grounds of the appeal.

**(Unanimous decision)**

The meeting ended at 12.45 pm

Chairman:

Date:

## Cherwell District Council

### Appeals Panel

Minutes of a meeting of the Appeals Panel held at Bodicote House, Bodicote, Banbury, Oxon, OX15 4AA, on 18 May 2011 at 7.40pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Colin Clarke  
Councillor Mrs Diana Edwards  
Councillor Tony Ilott  
Councillor Leslie F Sibley  
Councillor James Macnamara  
Councillor Douglas Webb

Apologies for absence: Councillor Simon Holland  
Councillor P A O'Sullivan

#### 1 **Appointment of Chairman**

**Resolved** that Councillor Fred Blackwell be elected Chairman of the Appeals Panel for the 2011/12 Council year.

#### 2 **Appointment of Vice-Chairman**

**Resolved** that Councillor Simon Holland be elected Vice-Chairman of the Appeals Panel for the 2011/12 Council year.

The meeting ended at 7.45 pm

Chairman:

Date:

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## Appeals Panel Procedure Rules

The Appeals Panel shall follow the Procedure Rules as set out below:

- An appeal will be initiated by the appellant requesting and providing in writing the reasons for their appeal.
- All reasonable efforts will be made to arrange a convenient date and time for the appeal within the prescribed timescales. The failure of a party to attend an appeal shall not prevent the appeal from being considered.
- The appellant and respondent will provide any documentation they wish the Panel to consider prior to the deadline for agenda publication as notified by Legal and Democratic Services.
- Both the appellant and the respondent may be accompanied by a representative who may assist or speak on behalf of them at the appeal.
- Supplementary documentation produced after this time will only be admitted at the discretion of the Panel and with agreement of all parties to the appeal.
- Before the meeting both parties will wait outside the meeting room.
- The Democratic Support officer, the HR advisor and Legal advisor (if required) (who will all previously have not been involved with the appeal at a previous stage) will brief the Panel. The advisors to the Panel may at any point during the appeal seek clarification on any issue with regard to the appeal and will provide procedural guidance to the Panel.
- Both parties to the appeal will be admitted to the room, the Chairman will introduce those present, the procedure will be outlined by Democratic Support Officer and questions on the procedure will be invited.
- The appellant and their representative will make their case.
- The appellant may be questioned by the respondent and then the Panel
- The respondent will make their case.
- The respondent may be questioned by the appellant and then the Panel.
- In making their case witnesses may be called by the appellant or the respondent. Witnesses must be notified to the clerk prior to appeals papers being served. Witnesses may be questioned by all parties and

then the panel. Witnesses will only be admitted to the appeal for the duration of their evidence.

- The respondent will have opportunity to sum up.
- The appellant will have opportunity to sum up.
- Both parties will be asked to leave.
- The Panel will then decide whether to ask the parties to wait whilst a decision is reached or confirm that a letter will be sent confirming the outcome.
- The Committee will make their decision.
- The Panel may readmit both parties to give their decision.
- A formal letter will be sent to all parties confirming the decision of the Panel, as well as confirming any further rights of appeal. A copy will be retained by the Head of Paid Service.

By virtue of paragraph(s) 1, 2, 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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