

**Committee:** Appeals Panel

**Date:** Tuesday 3 August 2010

**Time:** 6.30 pm

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

### Membership

**Councillor Fred Blackwell (Chairman)**

**Councillor Luke Annaly**

**Councillor Mrs Diana Edwards**

**Councillor Tony Ilott**

**Councillor Leslie F Sibley**

**Councillor P A O'Sullivan (Vice-Chairman)**

**Councillor Colin Clarke**

**Councillor Simon Holland**

**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 - 2)**

To confirm as a correct record the Minutes of the meeting held on 22 July 2010.

**4. Exclusion of 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.

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 and 2 of Schedule 12A of that Act.”

## 5. **Appeal Hearing** (Pages 3 - 46)

To consider the appeal of the holder of post number ESR232.

## **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 Part 5 Section A of 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](mailto:james.doble@cherwell-dc.gov.uk)

**Mary Harpley**  
**Chief Executive**

Published on Monday 26 July 2010

# 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 22 July 2010 at 6.30 pm

Present: Councillor Fred Blackwell (Chairman)  
Councillor P A O'Sullivan (Vice-Chairman)

Councillor Douglas Webb  
Councillor Mrs Diana Edwards  
Councillor Tony Ilott

Apologies for absence: Councillor Colin Clarke  
Councillor James Macnamara

Officers: Wendy Kingsbeer, Health Strategy & Improvement Officer  
Phil Aris, Fitter  
Ian Davies, Strategic Director - Environment and Community  
AnneMarie Scott, Head of People and Improvement  
Paula Goodwin, Projects & Policy Manager  
Michael Sands, Trainee Democratic and Scrutiny Officer

### 3 **Declarations of Interest**

Members declared interest with regard to the following agenda item:

#### **5. Appeal Hearing**

Councillor P A O'Sullivan, Personal, as the appellant was known to him.

### 4 **Minutes**

The Minutes of the meeting held on 19 May 2010 were agreed as a correct record and signed by the Chairman.

### 5 **Exclusion of Press and Public**

#### **Resolved**

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 and 2 of Schedule 12A of that Act.

6 **Appeal Hearing**

The appellant's representative presented their case, supported by the appellant and questions were invited. The Strategic Director Environment and Community submitted the case on behalf of Cherwell District Council, supported by the Head of People and Improvement and questions were invited. The Strategic Director Environment and Community made his concluding remarks and the appellant's representative made their concluding remarks.

The Committee retired to consider the evidence, the Appellant, the Appellant's Representative, the Strategic Director Environment and Community and the Head of People and Improvement left the meeting.

**Resolved**

That, given the evidence submitted and heard, the Panel, whilst acknowledging the lack of communication throughout the process and taking account of all the evidence presented, decided to uphold the original decision not to grant voluntary redundancy to the holder of post number RH0008 .

The meeting ended at 8.25 pm

Chairman:

Date:

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

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