

Committee: Appeals Panel

Date: Friday 17 December 2010

Time: 2.00 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 Alaric Rose

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 3 August 2010.

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 3 - 304)

To consider the appeal of the holder of post number RH0003.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to 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 2 Section 3.1 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

Mary Harpley
Chief Executive

Published on Thursday 9 December 2010

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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 3 August 2010 at 6.30 pm

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

Councillor Colin Clarke
Councillor Mrs Diana Edwards
Councillor Tony Ilott
Councillor Leslie F Sibley

Also Present: Holder of Post ESR 232
Representative of holder of post ESR 232
AnneMarie Scott, Head of People and Improvement
Ed Potter, Head of Environmental Services

Apologies for absence: Councillor Luke Annaly
Councillor Simon Holland
Councillor James Macnamara
Councillor Douglas Webb

Officers: Mandy Targett, HR Advisor
James Doble, Democratic, Scrutiny and Elections Manager

7 **Declarations of Interest**

There were no declarations of interest.

8 **Minutes**

The minutes of the meeting held on 22 July 2010 were agreed as a correct record and signed by the Chairman.

9 **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 items of business, on the grounds that they 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 presented their case, supported by the appellant's representative and questions were invited. The Head of Environmental Services submitted the case on behalf of Cherwell District Council, supported by the Head of People and Improvement and questions were invited.

A witness was called by the Head of Environmental Services and following the presentation of their statement questions were invited.

The Head of Environmental Services 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 Head of Environmental Services and the Head of People and Improvement left the meeting.

Resolved

- 1) That the appeal of post holder ESR232 be upheld, as in the view of the Panel based on the evidence submitted and presented the issues outlined do not amount to gross misconduct.

(Majority decision)

- 2) That management be recommended to issue a final written warning to the holder of post ESR 232.
- 3) That the holder of post ESR232 be advised that the panel feel it is in their best interests to accept referrals to Occupational Health.
- 4) That the council be recommended to review it's disciplinary procedures and following a review awareness of the policies should be publicised to staff and management.

The meeting ended at 8.30 pm

Chairman:

Date:

Agenda Item 5

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

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