

Committee: Appeals Panel

Date: Monday 17 September 2012

Time: 10.00 am

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

Membership

Councillor Fred Blackwell (Chairman)
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Simon Holland
Councillor Douglas Webb

Councillor P A O'Sullivan (Vice-Chairman)
Councillor Mrs Diana Edwards
Councillor Timothy Hallchurch MBE
Councillor Tony Ilott
Councillor Sean Woodcock

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 5 December 2011 and 16 May 2012 (attached for Committee Members only).

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 - 260)

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 2215879 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.

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 Natasha Clark, Democratic and Elections
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

Sue Smith
Chief Executive

Published on Friday 7 September 2012

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 5 December 2011 at 9.30 am

Present: Councillor Fred Blackwell (Chairman)
Councillor Colin Clarke
Councillor Mrs Diana Edwards
Councillor Tony Ilott
Councillor James Macnamara
Councillor Leslie F Sibley
Councillor Douglas Webb

Also Present: Holder of post ESR 217
Representative of holder of post ESR 217
Head of Environmental Services
Head of Transformation

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

Officers: Paula Goodwin, HR Projects and Policy Manager
James Doble, Democratic, Scrutiny and Elections Manager

3 **Declarations of Interest**

There were no declarations of interest.

4 **Minutes**

The minutes of the meeting held on 7 April and 18 May 2011 were agreed as a correct record and signed by the Chairman.

5 **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.

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Appeal Hearing

The appellant, post holder ESR217, 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 Transformation and 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 Transformation and Improvement left the meeting.

Resolved

- (1) That the appeals of post holder ESR217 be dismissed, as in the view of the Panel there was insufficient evidence to support the grounds of the appeal.

(Unanimous decision)

The meeting ended at 11.00 am

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 16 May 2012 at 7.40pm

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

Councillor Colin Clarke
Councillor Mrs Diana Edwards
Councillor Tim Emptage
Councillor Timothy Hallchurch MBE
Councillor Tony Ilott
Councillor Douglas Webb
Councillor Sean Woodcock

Apologies for absence: Councillor Simon Holland

1 Appointment of Chairman

Resolved

That Councillor Fred Blackwell be appointed Chairman of the Appeals Panel for the municipal year 2012/13.

2 Appointment of Vice-Chairman

Resolved

That Councillor Paul O'Sullivan be appointed Vice-Chairman of the Appeals Panel for the municipal year 2012/13.

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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