

Committee: Appeals Panel

Date: Wednesday 6 February 2013

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 - 2)

To confirm as a correct record the Minutes of the meeting held on 17 September 2012 (attached for Committee Members only).

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.

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 - 186)

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.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.

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 Tuesday 29 January 2013

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 17 September 2012 at 10.00 am

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

Councillor Colin Clarke
Councillor Tim Emptage
Councillor Tony Illott
Councillor Douglas Webb

Also Present: Kevin Lane, Head of Law and Governance
Stephanie Rew, HR Manager

Apologies for absence: Councillor Mrs Diana Edwards
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor Sean Woodcock

Officers: Paula Goodwin, Projects & Policy Manager
Natasha Clark, Team Leader, Democratic and Elections

3 **Declarations of Interest**

There were no declarations of interest.

4 **Minutes**

The minutes of the meetings held on 5 December 2011 and 16 May 2012 were agreed as correct records and signed by the Chairman.

5 **Exclusion of the 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, 2 and 4 of Schedule 12A of that Act.

6 **Appeal Hearing**

The Panel considered an appeal by post holder ESR232.

The appellant had been notified of the meeting in accordance with the Council's disciplinary policy but was not in attendance at the meeting. The Council's Disciplinary Policy stated that "The failure of a part to attend an appeal shall not prevent the appeal to be considered". Having allowed a period of fifteen minutes to elapse from the published start time to allow for your late arrival and officers attempts to try and contact the appellant, with reluctance the Appeals Panel unanimously determined to continue with the hearing in the absence of the appellant.

The Panel noted that despite having been provided with every opportunity the appellant had decided not to submit any evidence for the appeal or put forward any witnesses.

The Head of Law and Governance, submitted the case on behalf of Cherwell District Council, supported by the HR Manager and questions were invited.

Four witnesses were called by the Head of Law and Governance and questions were asked of each of the witnesses by the Head of Law and Governance and the Panel.

The Head of Law and Governance made his concluding remarks.

The Panel retired to consider the written evidence provided by the management side and the evidence provided at the hearing by the management side and the witnesses they called. The Head of Law and Governance and the HR Manager left the meeting.

Resolved

- (1) That the appeals of post holder ESR232 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 12.10 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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