

## **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 Illott  
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: