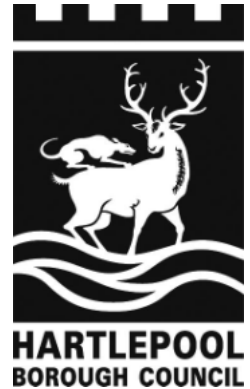


# **GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE AGENDA**



**Tuesday, 9 November 2010**

**at 11.30 am**

**in Committee Room C, Civic Centre, Hartlepool**

**MEMBERS: GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE:**

Councillor Aiken

Councillor R Payne (Portfolio Holder)

Councillors C Akers Belcher, S Akers Belcher and Gibbon

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 Minutes of the meeting held on 22 September 2010
  - 3.2 Minutes of the meeting held on 28 September 2010
  - 3.3 Minutes of the meeting held on 29 September 2010
- 4. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

## **EXEMPT ITEMS**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

**5. ITEMS REQUIRING DECISION**

5.1 Appeal Against Redundancy Dismissal (para 1)

- (a) Management Statement of Case
- (b) Appellant Statement of Case

**6. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

## **Guide to the format of the Hearing**

The procedure will be as follows: -

### **Management Case**

1. The management representative and/or Human Resources representative shall state the case.
2. The management representative and/or Human Resources representative may call witnesses and the procedure for questioning each witness shall be:
  - Management and/or Human Resources representative to question
  - Employee and/or representative to question
  - Each member of the Committee and the Chief Personnel Services Officer or representative to be invited to ask any questions
  - Management and/or Human Resources representative to re-examine
  - Witness to retire
3. The employee or representative may ask questions of the management representative and/or Human Resources representative.
4. The Committee members and the Chief Personnel Officer or representative may ask questions of the management representatives and/or Human Resources representative.

### **Employee Case / Response**

5. The employee or representative shall state the case.
6. The employee or representative may call witnesses and the procedure for questioning each witness shall be:
  - Employee and/or representative to question.
  - Management representative and/or Human Resources representative to question.
  - Each member of the Committee and the Chief Customer and Workforce Services Officer or representative to be invited to ask any questions.
  - Employee and/or representative to re-examine.
  - Witness to retire
7. The management representative and/or Human Resources representative may ask questions of the employee.
8. The Committee members and the Chief Customer and Workforce Services Officer or representative may ask questions of the employee and/or representative.

### **Summing Up**

9. The management representative and/or Human Resources representative to have the opportunity to sum up the case, if they choose to.

10. The employee and/or representative to have the opportunity to sum up the case, if they choose to.
11. The management representative and Human Resources representative, the employee and representative to withdraw.
12. The Committee to deliberate in private with only the Chief Customer and Workforce Services Officer or representative and Secretary in attendance recalling the management representative, Human Resources representative, the employee and representative only if clarification of evidence already given is required. In such instances all parties should be recalled even though clarification may be required from only one party.

### Decision

13. The Committee shall announce its decision to both parties unless further time for deliberation is needed; in which case both parties will be advised of this.
14. The decision of the Committee and the terms of this will be notified to both parties in writing within 7 calendar days of the hearing.

### General Notes

1. The provision for summing up at (9) and (10) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other party should be given the right of reply.
2. Any matters not covered by the above procedure will be for the Committee to determine.
3. The employee representative must be a Trade Union representative or colleague from work
4. When advising the Committee, the Chief Customer and Workforce Services Officer or representative shall not have had any involvement in the original decision to dismiss

**GENERAL PURPOSES  
(APPEALS AND STAFFING) COMMITTEE  
MINUTES AND DECISION RECORD  
22 September 2010**

The meeting commenced at 11.00 am in the Civic Centre, Hartlepool

**Present:**

Councillor: Martyn Aiken (In the Chair)

Councillors: Chris Simmons  
Jonathan Brash (Portfolio Holder for Performance)

Officers: Dave Stubbs, Director of Regeneration and Neighbourhoods  
Chris Pendlington, Senior HR Business Advisor (Management Advisor)  
Gillian Laight, HR Business Partner (Committee Advisor)  
Angela Hunter, Principal Democratic Services Officer

Also present:

The Appellant and Trades Union Representative, Edwin Jeffries.

**19. Apologies for Absence**

None.

**20. Declarations of interest by Members**

None.

**21. Confirmation of the minutes of the meeting held on 9 July 2010**

Confirmed.

**22. Local Government (Access to Information) (Variation) Order 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 23 – Appeal Against Dismissal. This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

**23. Appeal Against Dismissal** (This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.)

The meeting had been convened for Members' consideration of a Dismissal Appeal received from an employee of the Council. Further details can be found in the exempt section of the minutes.

**Decision**

Details can be found in the exempt section of the minutes.

The meeting concluded at 12.10 pm.

CHAIR

# **GENERAL PURPOSES (APPEALS AND STAFFING) COMMITTEE MINUTES AND DECISION RECORD**

28 September 2010

The meeting commenced at 12 noon in the Civic Centre, Hartlepool

**Present:**

Councillor: Martyn Aiken (In the Chair)

Councillors: Stephen Akers Belcher, Mary Fleet and Bob Flintoff  
The Mayor Stuart Drummond, Portfolio Holder for Community Safety  
and Housing

Officers: Alison Swann, HR Business Partner (Committee Advisor)  
Denise Ogden, Assistant Director, Neighbourhood Services  
Gillian Laight, HR Business Partner (Management Advisor)  
Angela Hunter, Principal Democratic Services Officer

Also Present:

Appellant

## **29. Adjournment of meeting**

It was noted that the Appellant had submitted his statement of case the day before the hearing was due to take place. This had been duly printed and circulated by a special delivery to Members on the same afternoon. Unfortunately, due to the significant amount of information contained within the documentation, Members did not feel that they had sufficient time to read and give the due consideration the case deserved.

In this regard it was proposed that the meeting be adjourned and reconvened on Tuesday 5 October 2010 to commence at 11.00 am.

The meeting concluded at 12.38 pm

### **Tuesday 5 October 2010 at 11.00am in the Civic Centre**

On the reconvening of the meeting, the following Members were present:

Chair: Martyn Aiken

Councillors: Stephen Akers-Belcher, Mary Fleet, Bob Flintoff.  
The Mayor, Stuart Drummond, Portfolio Holder

### **30. Apologies for Absence**

Apologies for absence were received from Councillor Bob Flintoff.

### **31. Declarations of interest by Members**

None.

### **32. Minutes**

None.

### **33. Local Government (Access to Information) (Variation) Order 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 34 – Grievance Appeal This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

### **34. Grievance Appeal** (*Chief Customer and Workforce Services Officer* This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.)

Members considered a grievance appeal submitted by an employee. Further details can be found in the exempt section of the minutes.

#### **Decision**

Details can be found in the exempt section of the minutes.

Meeting concluded at 5.00 pm

CHAIR



# **GENERAL PURPOSES (APPEALS AND STAFFING) COMMITTEE MINUTES AND DECISION RECORD**

29 September 2010

The meeting commenced at 11.00 am in the Civic Centre, Hartlepool

**Present:**

Councillor: Martyn Aiken (In the Chair)

Councillors: Mary Fleet, Bob Flintoff and Chris Simmons

Officers: Alison Swann, HR Business Partner (Committee Advisor)  
Alastair Smith, Assistant Director (Transport and Engineering)  
Rachel Clark, HR Business Partner (Management Advisor)  
Angela Hunter, Principal Democratic Services Officer

## **25. Apologies for Absence**

Apologies for absence were received from Councillor Peter Jackson, Portfolio Holder for Transport and Neighbourhoods.

## **26. Declarations of Interest**

None.

## **27. Minutes**

None.

## **28. Appeal against redundancy dismissal**

The Management Representative and Advisor joined the Committee and informed Members that a COT 3 Agreement had been reached with the Appellant. This resulted in his withdrawal of his appeal against redundancy and his application to the Employment Tribunal, subject to the agreement being finalised in the next couple of weeks.

## **Recommendation**

Members noted the withdrawal of the Appeal against Redundancy Dismissal, subject to the agreement being finalised between the Council and the Appellant.

The meeting concluded at 11.04 am.

CHAIR