

PERSONNEL SUB-COMMITTEE AGENDA



Wednesday 12 August 2015

at 9.00 am

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: PERSONNEL SUB-COMMITTEE

Councillors Ainslie, Cook and Martin-Wells

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
To confirm the minutes of the meeting held on 28 July 2015 (*to follow*)
4. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**
5. **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

6. ITEMS FOR DECISION

6.1 Discipline Dismissal Appeal – TW – *Director of Public Health (para 1)*

7. ANY OTHER CONFIDENTIAL BUSINESS WHICH THE CHAIR CONSIDERS URGENT

PERSONNEL SUB-COMMITTEE MINUTES AND DECISION RECORD

28 JULY 2015

The meeting commenced at 9.00 am in the Civic Centre, Hartlepool

Present:

Councillor Stephen Akers-Belcher (in the Chair)

Councillors: Jim Ainslie and Sandra Belcher

Officers: Rachel Clark, HR Business Partner
Denise Wimpenny, Principal Democratic Services Officer

1. Apologies for Absence

None.

2. Declarations of interest by Members

None.

3. Minutes

- (i) Minutes of the meeting held on 14 May 2015 – confirmed.

4. 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 they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1).

Minute 5 – Application for the Release of Deferred Pension Benefit – DB
– HR Business Partner

Minute 6 – Application for the Release of Deferred Pension Benefit –
DW – HR Business Partner

5. Application for the Release of Deferred Pension

Benefit – DB (*HR Business Partner*) This information contained 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 a particular employee, former employee or applicant to become an employee of the Council para 1.

The Sub-Committee considered a request for the early release of deferred pension benefit from a former employee of the Council.

Decision

The decision of the Committee is set out in the exempt section of the minutes.

6. Application for the Release of Deferred Pension

Benefit – DW (*HR Business Partner*) This information contained 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 a particular employee, former employee or applicant to become an employee of the Council para 1.

The Sub-Committee considered a request for the early release of deferred pension benefit from a former employee of the Council.

Decision

The decision of the Committee is set out in the exempt section of the minutes.

7. Any Other Items which the Chairman Considers are Urgent

None.

The meeting concluded at 9.04 am

CHAIR

Dismissal Appeal Hearing – Meeting Procedure

Management Case

1. The management representative and/or Workforce Services representative shall state the case.
2. The management representative and/or Workforce Services representative may call witnesses and the procedure for questioning each witness shall be:
 - Management and/or Workforce Services representative to question
 - Employee and/or representative to question
 - Each Member of the Committee and the Assistant Chief Executive or representative to be invited to ask any questions
 - Management and/or Workforce Services representative to re-examine
 - Witness to retire
3. The employee or representative may ask questions of the management representative and/or Workforce Services representative.
4. The Committee Members and the Assistant Chief Executive or representative may ask questions of the management representatives and/or Workforce Services 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 Workforce Services representative to question.
 - Each Member of the Committee and the Assistant Chief Executive 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 Workforce Services representative may ask questions of the employee.
8. The Committee Members and the Assistant Chief Executive or representative may ask questions of the employee and/or representative.

Summing Up

9. The management representative and/or Workforce Services 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 Workforce Services representative, the employee and representative to withdraw.
12. The Committee to deliberate in private with only the Assistant Chief Executive or representative and Democratic Services Officer in attendance, recalling the management representative, Workforce Services 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 Assistant Chief Executive or representative shall not have had any involvement in the original decision to dismiss.
5. Where a decision has been taken not to allow the appeal and this has been communicated to the member of staff as in (13) above and the Committee wish to make an offer of re-engagement, such an offer would be made after stage (13) of the procedure as a distinctly separate matter from the appeal.

September 2010