



**GREAT YARMOUTH**  
BOROUGH COUNCIL

## Appeals Committee

**Date:** Friday, 04 April 2014

**Time:** 10:00

**Venue:** Council Chamber

**Address:** Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

### AGENDA

**1 MINUTES 3 - 4**

The confirm the minutes of the meeting held on 20 February 2014.

**2 EXCLUSION OF PUBLIC**

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

**3 APPEAL AGAINST TERMINATION OF EMPLOYMENT - POST  
NUMBER 000158**

**a APPEALS PROCEDURE 5 - 5**

A copy of the appeals procedure is attached.

**b APPELLANTS DOCUMENTATION**

Details

**c      MANAGEMENT DOCUMENTATION**

Details

**LARGER PRINT COPY AVAILABLE  
PLEASE TELEPHONE: 01493 846325**

**APPEALS COMMITTEE**

**20 February 2014**

**PRESENT:**

Councillor Holmes (in the Chair); Councillors Hanton, Pettit and H Wainwright.

An apology for absence was received from Councillor Plant.

In attendance were Mr A Brett (nplaw-Legal advisor to the Appeals Committee), Mr J Fogarty (HR – Management Advisor), Mr R Hodds (Cabinet Secretary) and Mr S Brabben (Service Manager, Enforcement).

The Appellant and the Unison representative were present.

**1. MINUTES**

The minutes of the meeting held on the 13 January 2014 were confirmed.

**2. EXCLUSION OF THE PUBLIC**

**RESOLVED:**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (a) of the said Act.

**3. APPEAL AGAINST TERMINATION OF EMPLOYMENT – POST NO.000528**

The Committee considered an appeal against termination of employment in respect of Post No.000528.

The Committee considered both the appellants and management's documentation and the final statements from the Service Manager (Enforcement), and the appellant's union representative.

**RESOLVED:**

- (i) That the Committee notes that the appellant was constantly supervised and that by the appellants own admission that he was not suited for the job, the Committee therefore agrees to dismiss the appeal.

- (ii) That the Committee recognises that there are no suitable vacancies at the moment, but the appellant is encouraged to regularly check the Borough Council's website for all future vacancies within the Council.

**4. CLOSURE OF MEETING**

The meeting ended at 2.05pm.

## **Procedure for Appeals Committee Meeting**

Introduction - The chairperson of the Appeals Committee, who may be accompanied / assisted by a representative from HR and a Legal Adviser, will introduce the parties.

### Employee's Statement of Appeal

The employee will state their reason for appeal and desired outcomes. As part of this witnesses may be called. The chairperson of the Appeals Committee may ask questions of each witness. The Committee and the Advisers may also ask questions of the employee and the witnesses.

### Presentation of Decision of the Chairperson of the Grievance Hearing

The Chairperson of the Grievance Hearing will provide the reasons for the decision. As part of this witnesses may be called. The employee may ask questions of each witness. The Committee and the Advisers may also ask questions of the Chairperson of the Grievance Hearing and the witnesses.

Re-examination - Both parties will be asked if they wish to re-examine any evidence before they proceed to the next stage.

Final Statements - Both the officer handling the case for the employer and the employee (last) may make a final statement.

Adjournment - Either party may request an adjournment of the hearing at any stage.

Consideration of the case - All parties to the hearing will then withdraw. The committee, assisted by the advisers, will then deliberate. If it is necessary to recall either party or witness in order to clear up any point of uncertainty on the evidence given, both parties will be recalled notwithstanding the fact that only one may be concerned with the point giving rise to doubt.

Decision - The chairperson of the committee will, if possible, give a decision to the parties immediately after the hearing. On occasion, time constraints may make it necessary to adjourn the hearing in order to properly consider the information provided. In this case, a decision meeting will be arranged for a later date. In any case, the employee will receive written confirmation from the Member Services Officer of the Committee's decision within 7 clear working days of the decision being made

*Note: References to 'employee' include the representative acting on the employee's behalf*