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APPEALS COMMITTEE

3 October 2013 – 10.00 am

PRESENT:

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

Mr S Duncan (Management), Mrs Emma Plane (HR Advisor), Miss Georgette Kent (HR Advisor), Mr A Brett (nplaw– Legal Advisor to the Appeals Committee) and Mrs K Smith (Senior Member Services Officer).

The Appellant and the UNISON representative were present.

1. MINUTES

The minutes of the meeting held on 5 September 2013 were confirmed.

2. EXCLUSION OF 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(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12(a) of the said Act.

3. APPELLANT 1

The Committee considered the appeal against dismissal.

RESOLVED:

That the Appellant was a Civil Enforcement Officer. This is an important position which involves the highest degree of trust and integrity. This is consistent with the Officer code of conduct. The Council's disciplinary rules state that theft, loss or misappropriation of cash and that serious negligence or misconduct omission, or in certain situations, failure in performance to a reasonable standard (including serious breach of the Council's code of conduct) can all amount to gross misconduct. The Council has an anti-Fraud and Corruption Policy and recognises its employees as an important element in its fight against fraud and corruption. Employees are therefore positively encouraged to raise any concerns that they may have. This policy states that 'staff are expected to conduct themselves in ways which are beyond reproach, above suspicion and are fully open accountable and that it is in the duty of all staff members to take steps to prevent, fraud, corruption and bribery.

The Appellant had no issues with the procedure that had been conducted at the previous disciplinary and did not raise any procedural issues at this appeal. This appeal was on the substance.

The Appeal Committee has made its decision on the balance of probabilities. It heard submissions from the Appellant, the Management Representative, evidence from the Appellant and Management and has read the documents contained in the Appeal pack. The Appeals Committee having heard the evidence, believes it was more likely that the Appellant had to be involved in relation to both charges. The Appeals Committee believes the Appellant was an experienced Parking Officer and would know the seriousness of these situations. The Appeals Committee have noted the Appellant's numerous admissions of involvement which would facilitate actions in breach of the Council's code of Conduct. The Appeals Committee felt that Antony Crooks, Darren Sweeby and the Appellant freely colluded in relation to these matters. The Appeals Committee noted that the Appellant did not choose to alert any Council member, senior council management above Mr Sweeby, raise a grievance or blow the whistle in relation to these matters.

The Appeals Committee agrees with the Seb Duncan's decision of 19 August 2013.

4. CLOSURE OF MEETING

The meeting ended at 4.17 pm.