



**WYRE FOREST
DISTRICT COUNCIL**

**APPOINTMENTS AND APPEALS
COMMITTEE**

A G E N D A

Date: Monday 5 September 2005

Time: 5.30pm

**Venue: Earl Baldwin Suite
Duke House, Clensmore Street,
Kidderminster**

PLEASE NOTE VENUE

Appointments and Appeals

Members of Committee:

Councillor S J M Clee (Chairman)
Councillor M J Hart (Vice-Chairman)

Councillor G W Ballinger
Councillor N J Desmond
Councillor B T Glass
Councillor M B Kelly

Councillor M M G Oborski
Councillor Mrs P A Rimell
Councillor S J Williams

Information for Members of The Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

DECLARATIONS OF INTEREST - GUIDANCE NOTE

Code of Conduct

Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

Section 106 of the Local Government Finance Act 1992.

If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

For further information:-

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Christine May, Principal Committee Officer, Civic Centre, Stourport-on-Severn. Telephone No: 01562 732729 or email christine.may@wyreforestdc.gov.uk

AGENDA

PART I

Open to the Press and Public

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Head of Legal and Democratic Services, together with the name of the Councillor for whom he/she is acting.

3. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered.

Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992.

(See guidance note on cover.)

4. TO CONSIDER ANY OTHER BUSINESS, DETAILS OF WHICH HAVE BEEN COMMUNICATED TO THE HEAD OF LEGAL AND DEMOCRATIC SERVICES BEFORE THE COMMENCEMENT OF THE MEETING, WHICH THE CHAIRMAN BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.

5. EXCLUSION OF THE PRESS AND PUBLIC

To consider passing the following resolution:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

PART 2

Not open to the Press and Public

6. MINUTES

To confirm as a correct record the exempt minutes of the meeting held on 17TH January 2003. (Attached)

7. APPEAL HEARING

To hear an appeal against dismissal in accordance with the Council's Employment Procedure Rules.

The Council's representative and the Appellant have submitted case papers. These are attached, except for Committee Members who have been sent the case papers on a CD. A set of case papers is available for inspection by Committee Members in the Committee Section Office (see front cover for contact details). The case papers will also be displayed on a screen, as required, at the meeting.

Members are requested to bring their laptops to the meeting.

As exempt information would be revealed relating to a former employee of the Council, the case papers have been circulated to Committee Members and relevant officers only. Please note that it would not be appropriate for non-committee members to attend as observers at this meeting.

8. **TO CONSIDER ANY OTHER BUSINESS, DETAILS OF WHICH HAS BEEN COMMUNICATED TO THE HEAD OF LEGAL AND DEMOCRATIC SERVICES BEFORE THE COMMENCEMENT OF THE MEETING, WHICH THE CHAIRMAN BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.**

APPOINTMENTS AND APPEALS COMMITTEE - EMPLOYEE APPEAL HEARINGS

- ◆ The Appellant has the right to representation and may be accompanied at the hearing by a trade union official or fellow employee.
- ◆ **The Appellant and representative and the relevant Head of Service and/or representative will be called in together** and both parties will remain in the meeting room until all the evidence has been heard. Any witnesses will be called in when their evidence is required.
- ◆ **All present will be introduced.**
- ◆ The hearing procedure will be as follows, unless varied by the Chairman, after consultation with both parties:-
 1. **The Council's Representative will put the case against the Appeal and may call witnesses in support of the Council's case.**

After each witness has given evidence:

2. The **Appellant** (or representative) may question the witness.
3. **Committee Members** may question the witness.
4. The **Council's Representative** may re-examine the witness to clarify any points.

After the Council's representative has concluded his/her case:

5. **The Appellant (or representative) will put the case for the Appeal and may call witnesses in support of the appeal.**

After the Appellant (or representative) and each witness has given evidence:

6. The **Council's Representative** may question the Appellant / witness.
7. **Committee Members** may question the Appellant / witness.
8. The **Appellant** (or representative) may re-examine the witness to clarify any points.

After the Appellant (or representative) has concluded his/her case:

9. **The Council's Representative may sum up.**
10. **The Appellant (or representative) may sum up.**
11. Both parties will then be asked to leave the room.

The Committee will deliberate in private. The only officers present will be the Committee's independent adviser, who gives independent legal advice and the Committee Officer, who writes the minutes. The decision will taken by the Committee.

12. The Committee may confirm, reject or modify the original decision.
13. The Committee may recall both parties to clear up any points of uncertainty about the evidence given. If recall is necessary, both parties are to return, even if only one is involved in the point which needs clarification.

14. The Chairman will call back both parties to announce: either the Committee's decision, or that the decision will be notified to both parties as soon as possible; and that **the decision will be the Council's final decision** and will be confirmed in writing.