

# Employment and Appeals Panel

Wednesday, 25th July, 2012  
at 10.00 am

## **PLEASE NOTE TIME OF MEETING**

Conference Room 4, Civic Centre

This meeting is open to the public

### **Members**

Councillor McEwing (Chair)  
Councillor Mintoff  
Councillor Tucker  
Councillor Whitbread  
Councillor Kolker  
Councillor B Harris  
Councillor Laming

### **Contacts**

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## PUBLIC INFORMATION

### **Role of the Employment and Appeals Panel**

**The Panel** is responsible in general terms for determining appeals against decisions of the Council, other than where the matter falls within the terms of reference of another Panel, including in particular appeals arising from a decision: -

#### **The Panel also**

- deals with all matters relating to hearings and determination of any employee grievance or appeal under the Council's disciplinary, grievance, dismissal and other employee relations procedure.
- has power to appoint staff and to determine the terms and conditions on which staff hold office.
- is responsible for functions relating to local government pensions etc.

### **Southampton City Council's Seven Priorities:**

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

### **Public Representations**

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

**Smoking policy** – the Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones** – please turn off your mobile telephone whilst in the meeting.

**Fire Procedure** – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access** – access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2012/13:**

<b>2012</b>	<b>2013</b>
29 February	16 <sup>th</sup> January
21 March	30 <sup>th</sup> January
11 April	
25 April	
30 <sup>th</sup> May	
20 <sup>th</sup> June	
4 <sup>th</sup> July	
25 <sup>th</sup> July	
15 <sup>th</sup> August	
5 <sup>th</sup> September	
26 <sup>th</sup> September	
17 <sup>th</sup> October	
7 <sup>th</sup> November	
28 <sup>th</sup> November	
19 <sup>th</sup> December	

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference of the Panel are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

### **Disclosure of Interests**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

### **Personal Interests**

A Member must regard himself or herself as having a personal interest in any matter

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
  - (a) any employment or business carried on by such person;
  - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
  - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

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## **Prejudicial Interests**

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are available via the City Council's website

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

### **2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Panel Administrator prior to the commencement of the meeting

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)** (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meetings held on 4<sup>th</sup> July 2012 and to deal with any matters arising, attached.

### **5 EXCLUSION OF PRESS AND PUBLIC**

Chair to move that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of item 6 based on Categories 1, 2 and 3 of paragraph 10.4 of the Access to Information Procedure Rules.

The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

### **6 APPEAL AGAINST DISMISSAL** (Pages 3 - 4)

Confidential report of the Head of Organisational Development seeking Panel's consideration in regard to an appeal against dismissal from an individual from the Children's Services and Learning Directorate, attached

Tuesday, 17 July 2012

Head of Legal, Human Resources and  
Democratic Services

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SOUTHAMPTON CITY COUNCIL  
EMPLOYMENT AND APPEALS PANEL  
MINUTES OF THE MEETING HELD ON 4 July 2012

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Present: Councillors McEwing (Chair), Mintoff, Tucker, Whitbread, Kolker and B Harris

6. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that Cllr Noon had stood down from the Panel.

Cllr Kolker was appointed Vice-Chair for the purposes of the meeting.

7. **DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

Councillor McEwing declared a personal interest in that she was a Member of Unite Trade Union but remained in the meeting and took part in the consideration and determination of the item.

Councillor Whitbread declared a personal interest in that he was a Member of Unite Trade Union but remained in the meeting and took part in the consideration and determination of the item.

Councillor Tucker declared a personal interest in that he was a Member of Unite Trade Union but remained in the meeting and took part in the consideration and determination of the item.

8. **MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the meeting held on 30<sup>th</sup> May, 2012 be approved and signed as a correct record subject to Cllr McEwing's personal interest being amended to reflect that she was a member of Unite and not Unison.

9. **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of the confidential items below.

This is based on Categories 1, 2 and 3 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

10. **GRIEVANCE APPEAL**

The Panel considered the confidential report of the Head of Organisational Development seeking consideration in regard to an appeal against the decision of a Stage 2 grievance appeal from an individual from the Environment Directorate. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Panel considered the decision in confidential session in accordance with Categories 1, 2 and 3 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

**RESOLVED** that the appeal be upheld.



# Agenda Item 6

by virtue of paragraph number 1, 2, 3 of the Council's Access to information Procedure Rules

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