

Employment and Appeals Panel

Wednesday, 13th November,
2013
at 10.00 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor McEwing (Chair)
Councillor B Harris
Councillor Kolker
Councillor Laming (Vice-Chair)
Councillor Noon
Councillor Thomas
Councillor Whitbread

Contacts

Democratic Support Officer
Sharon Pearson
Tel 023 8083 4597
Email: Sharon.pearson@southampton.gov.uk

Head of Legal, Human Resources and
Democratic Services
Richard Ivory
Tel. 023 8083 2794
Email: richard.ivory@southampton.gov.uk

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 Priorities:

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

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:

2013	2014
10 th July	15 th January
31 st July	5 th February
21 st August	26 th February
11 th September	26 th March
2 nd October	16 th April
30 th October	
13 th November	
4 th 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 INTEREST

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

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

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 PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary 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 Democratic Support Officer.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 2nd October 2013 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

Confidential report of the Head of Legal, Human Resources and Democratic Services seeking the Panel's consideration in regard to an appeal against dismissal from an individual from the Environmental and Economy Directorate, attached.

TUESDAY, 5 NOVEMBER 2013

HEAD OF LEGAL, HUMAN RESOURCES
AND DEMOCRATIC SERVICES

This page is intentionally left blank

SOUTHAMPTON CITY COUNCIL
EMPLOYMENT AND APPEALS PANEL

MINUTES OF THE MEETING HELD ON 2 October 2013

Present: Councillors McEwing (Chair), B Harris, Kolker, Laming (Vice-Chair), Noon, Thomas and Whitbread

14. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

Councillors McEwing, Laming, Noon, Thomas and Whitbread disclosed a personal interest and as there were no objections remained in the meeting.

15. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 21 August 2013 be approved and signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

16. **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 the 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.

17. **GRIEVANCE APPEAL**

The Panel considered the confidential report of the Head of Legal, Human Resources and Democratic Services seeking the Panel's consideration in regard to a joint appeal against the decision of a grievance appeal from two individuals from the Unite and Unison Unions respectively. (Copy of the report circulated to 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 :

- (i) that the appeal be dismissed and the grievance decision be upheld; and
- (ii) that the recommendations suggested in management's decision letter be considered by the Governance Committee.

Agenda Item 6

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

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank