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## STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 9 September 2005.

**PRESENT:** Councillor Rooney (Vice - Chair), (In the Chair), Councillors McIntyre and P Thompson.

**OFFICIALS:** J Bennington, R G Long and S Osbon.

**\*\* APOLOGIES FOR ABSENCE** were submitted on behalf of the Chair, Councillor Ferrier and Councillor Sanderson.

### **\*\* DECLARATION OF INTERESTS**

No declarations of interest were made at this point of the meeting.

### **APPEAL – CASE REFERENCE A/11/64**

Prior to the commencement of the appeal it was ascertained that the following were in attendance in the reception rooms:

- a) Service Area representative and two witnesses;
- b) Appellant accompanied by his mother, father, friend and former work colleague.

### **\*\* EXCLUSION - PRESS - PUBLIC**

**ORDERED** that the press and public be excluded from the meeting for the whole of the business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Local Government Act 1972.

### **APPEAL - CASE REFERENCE A/11/64**

Details of the procedure to be followed for the hearing together with a statement of case, which had been prepared by the Authority's representative, had been distributed in respect of case reference A/11/64 an appeal against dismissal on the grounds of gross misconduct.

The Committee was informed of the persons who had arrived in the reception rooms in respect of the appeal. The Director of Legal and Democratic Services advised Members on the procedure for the hearing and in particular as to who would be allowed to accompany the Appellant into the appeal hearing, should he so wish, based on current employment guidance.

At the point of requesting the Service Area representative and the Appellant into the meeting room, the former work colleague of the Appellant, stated that after being informed by the Appellant of certain information he had advised the Appellant to wait in the main reception area of the building and to await further advice.

The Appellant had informed his former work colleague that he had been bailed to appear in the Crown Court and that one of his terms and conditions of his bail was that he should have no contact with the witnesses. The Appellant's solicitor had advised him to take no part in the appeal should the respective witnesses be in attendance as he considered that this would be in breach of his bail conditions.

The Committee was informed of the above circumstances and the Director of Legal and Democratic Services advised Members of the options as to whether or not the appeal could proceed, and if so, on what basis, in accordance with employment guidance and subject to the Appellant's approval.

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At the point of requesting the Service Area representative and the Appellant into the meeting room it transpired that the Appellant and his family and friend had vacated the building.

**ORDERED** that the appeal be adjourned.