

APPEALS SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Appeals Sub-Committee held in the Georgian Room, Kendal Town Hall, on Monday, 26 March 2018, at 1.00 p.m.

Present

Councillors

Roger Bingham

Sylvia Emmott

Annie Rawlinson

Officers

Kira King

Human Resources Officer

Charles Officer

Human Resources Advisor

Simon Rowley

Assistant Director Neighbourhood Services

Also in attendance at the meeting was Laura Cieplak (Advisor to the Panel).

APP/13 ELECTION OF CHAIRMAN

RESOLVED – That Councillor Annie Rawlinson be elected Chairman for the meeting.

APP/14 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

There were no apologies and there had been no change in the membership of the Sub-Committee and, therefore, no reconstitution was necessary.

APP/15 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

APP/16 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That the item in Part II of the Agenda be dealt with following the exclusion of the press and public.

APP/17 PRESS AND PUBLIC

RESOLVED - That, under Section 100(A)(4) of the Local Government Act 1972, the press and public, with the exception of the Appellant and their partner, be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated.

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- *Paragraph 1 - Information relating to any individual.*

Following introductions, the Chairman advised all present of the correct procedure to be followed during the appeal hearing.

The Appellant was in attendance, and was assisted by their partner.

The case for the Council was presented by the Assistant Director Neighbourhood Services (Management Representative), who called two witnesses. Following presentation of written, oral and physical evidence, questions were put to the Management Representative and witnesses by the Sub-Committee and then the Appellant.

The Appellant presented their case. Following presentation of written and oral statements, questions were put to the Appellant by the Sub-Committee and by the Management Representative.

The cases for the Council and the Appellant were then summed up.

Note – the Sub-Committee passed a resolution to adjourn the meeting to exclude the Appellant, their partner and officers, in making its decision, pursuant to schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated:-

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Prior to withdrawing, the Chairman advised that deliberations may be ongoing for some time and that a letter confirming the Panel's decision would be sent to the Appellant within five working days. The Appellant then left the meeting for the remainder of the duration.

The Sub-Committee then withdrew to consider the circumstances put forward, accompanied by the Advisor to the Panel.

On reconvening, the Chairman said that the Sub-Committee had listened very carefully to the facts that had been presented, and had reached a unanimous decision. The Chairman stated that a letter confirming the Sub-Committee's decision would be sent to the Appellant within five working days.

RESOLVED – That

- (1) the original decision by Management be upheld; and
- (2) a letter confirming the Sub-Committee's decision be sent to the Appellant within five working days of the Appeal.

The meeting ended at 3.00 p.m.