

APPEALS SUB-COMMITTEE

Minutes of the proceedings at a virtual meeting of the Appeals Sub-Committee held in the Conference Room, South Lakeland House, Kendal, with Sub-Committee Members and two officers joining the meeting remotely via Skype, on Wednesday, 13 May 2020, at 10.30 a.m.

Present

Councillors

Rachael Hogg

Janet Willis

Mark Wilson

Officers

Jackelene McKay

Specialist Legal, Governance and Democratic Services

Charlie McShane

Case Management Officer - Human Resources

Charles Officer

HR Specialist

Sion Thomas

Operational Lead Delivery and Commercial Services

INTRODUCTION

The HR Specialist welcomed both those attending the virtual hybrid meeting of South Lakeland District Council's Appeals Sub-Committee in person and those attending via skype. He invited the Sub-Committee Members, Officers in attendance and the Appellant to introduce themselves and to confirm that they were able to see (where practicable) and hear all those participating in the meeting.

APP/1 ELECTION OF CHAIRMAN

RESOLVED – That Councillor Rachael Hogg be elected Chairman for the meeting.

APP/2 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/3 DECLARATIONS OF INTEREST

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

APP/4 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/5 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, be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt

13.05.2020

Appeals Sub-Committee

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 paragraphs indicated.

APP/6**APPEAL - 2019/20 - 003**

- *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 not represented.

The case for the Council was presented by the Operational Lead Delivery and Commercial Services, supported by a Human Resources Adviser.

Following presentation of written and oral statements, questions were put to the appellant and to the Council representative. The appellant was also provided an opportunity to raise questions. The cases for the appellant and the Council were then summed up.

Note – the Sub-Committee passed a resolution to adjourn the meeting to exclude the applicant and their representative, 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.

The Sub-Committee, together with the Adviser to the Panel, then withdrew to consider the circumstances put forward.

After reconvening, all Members of the Sub-Committee confirmed that they had, without interruption, heard the Appeal Hearing in full.

The Chairman said that the Panel 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 Panel's decision would be sent to the appellant within five working days.

The Chairman of the Panel read out the decision of the Panel as contained in the following Resolution.

RESOLVED – That

(1) the original decision by Management be overturned; 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 1.54 p.m.