

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, some joining the meeting remotely, on Tuesday, 2 March 2021, at 1.30 p.m.

Present

Councillors

Rachael Hogg

Brian Rendell

Mark Wilson

Officers

Lauren Carradus

Case Management Officer

David Nicholson

HR Lead Specialist

Charles Officer

HR Specialist

Sion Thomas

Operational Lead Delivery and Commercial Services

APP/7 INTRODUCTION

Those attending the virtual hybrid meeting in person and those attending via skype were welcomed and asked to introduce themselves and to confirm that they were able to see (where practicable) and hear all those participating in the meeting.

APP/8 ELECTION OF CHAIRMAN

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

APP/9 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

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

APP/10 DECLARATIONS OF INTEREST

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

APP/11 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/12 APPEAL - 2020/21 - 001

- *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 represented and assisted in presenting his case by Unison Representatives.

The case for the Council was presented by Sion Thomas, Operational Lead Delivery and Commercial Services who was supported by Charles Officer HR Specialist.

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

During discussion, the Chairman agreed to an adjournment.

Note – the Sub-Committee passed a resolution to adjourn the meeting to exclude the applicant and their representative and the Council's representatives, 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, 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 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 4.48 p.m.