

# Minutes

Name of meeting

**GENERAL PURPOSES (APPEALS) SUB COMMITTEE**

Date and time

**MONDAY, 14 JANUARY 2008 COMMENCING AT 11.00 AM**

Venue

**COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT**

Present

Cllrs Lady Sarah Pigot (Chairman), Jonathan Fitzgerald-Bond, Diana Tuson

Officers Present

Steve Beynon, Jan Blenkinsop, Kate Hill, Avril Holland, Julie Martin

9. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [11 December 2008](#) be confirmed.

10. **Declarations of Interest**

There were no declarations of interest at this time.

11. **Exclusion of Public and Press**

RESOLVED:

THAT, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting on the grounds that there was likely to be disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A (as Amended) of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. **Confidential Report of the Director of Customer Services**

To Consider an Appeal by an Officer against Disciplinary Sanction

The Chairman welcomed those present and introduced Members of the Committee. She confirmed that all members had read the papers and outlined the procedure that was to be followed.

The appellant outlined his case highlighting several points from the documentation he had previously submitted. The management representative and the Panel asked questions of the appellant.

Following representations from the management representative and his witness all parties withdrew, whilst the Committee adjourned to consider the appeal.

Upon reconvening the Chairman advised those present that, in reaching its decision, the Panel had considered points 1 – 6 in the appellants Notice of Appeal and outlined the reasons for those decisions.

1. Dismissed – The Sub Committee were fully in agreement with the decision made by the management representative and recorded in his letter dated 17 October 2007.
2. Dismissed – The Sub Committee did not find this relevant to the case.
3. Dismissed – The Sub Committee could find no evidence to support point three of the appeal.
4. Dismissed – The Sub Committee appreciated it had not been the appellants sole responsibility to ensure compliance with Contract Standing Orders but agreed the appellant had failed to take action to alert the Chief Financial Officer or the Monitoring Officer to the problems found.

The Sub Committee also recognised that the management representative had taken into account the mitigating circumstances pertaining to organisational and cultural issues within the Council at the time in deciding the appropriate level of sanction.

5. Dismissed – The Sub Committee agreed with the information contained in the management representative's response to the issue that 'The Council was not in a position to comment upon that issue in particular. However, it did need to be recognised that employment in the public section meant there was an inherent risk of media interest, especially during a public enquiry.'
6. Dismissed – The Sub Committee agreed with the information contained in the management representative's response to the issue that mitigating factors were taken into account in reaching the decision regarding the sanction. Overall a final written warning was deemed to be the most relevant sanction.

**RESOLVED :**

- (i) THAT the appeal should be dismissed and the final written warning remain in place.
- (ii) A letter outlining the reasons for the decision would be sent within five days.

CHAIRMAN