

## Meeting of the Appeals Committee

**Wednesday 18<sup>th</sup> August, 2021 at 10.00am**  
**In the Council Chamber at the Council House,**  
**Priory Road, Dudley**

### **Agenda - Public Session** **(Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. [To confirm and sign the minutes of the meetings held on 16<sup>th</sup> June and 14<sup>th</sup> July, 2021, as correct records.](#)
5. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).

Under the provisions of Part I of Schedule 12A to the Local Government Act 1972, the Monitoring Officer has decided that there will be no advance disclosure of the following reports because the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

6. Resolution to exclude the public and press

Chair to move:

“That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) under Part I of Schedule 12A to the Local Government Act 1972, as amended.”



# Agenda – Private Session

(Meeting not open to the public and press)

7. To consider the appeal by SL



**Chief Executive**

**Dated: 3<sup>rd</sup> August, 2021**

**Distribution:**

**To Members of the Appeals Committee**

Councillor T Westwood (Chair)

Councillor S Mughal (Vice-Chair)

Councillors A Goddard, S Greenaway and S Henley

**Please note the following concerning meetings at Dudley Council House:**

**Covid-19 Secure Working**

**Hands**

- Hand sanitiser and antibacterial wipes are available at various locations in the Council House. Please ensure you sanitise your hands when arriving and leaving the building. Hand washing facilities are also available on site.

**Face**

- All persons entering or working in the Council House must wear face masks when moving around the building. Please remember to bring and use your own face masks. Face masks may be safely removed when you are seated in the meeting.

**Space**

- Seating in the meeting rooms is arranged to allow for safe distancing. You must only use the designated seating. Remember to maintain safe distancing at all times during your visit.
- Seating in the public gallery is currently restricted and will be allocated on a 'first come' basis.
- All persons must observe the signage in place throughout the Council House to ensure safety.

**If you are unwell**

- Do not attend the Council House if you feel unwell; if you have tested positive for Covid-19; if you are self-isolating or if you suspect that you are symptomatic.



- You are advised to undertake a lateral flow test 48 hours before attending. If the test is positive, do not attend the meeting.

### **Toilets**

- Toilet facilities are available on site and are subject to the Covid-19 secure measures that are in place. All the toilets have hand washing facilities.

### **No smoking**

- There is no smoking on the Council House premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

### **In Case of Emergency**

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

### **Submitting Apologies for Absence**

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

### **Private and Confidential Information**

- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

### **General**

- Public Wi-Fi is available in the Council House.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- Information about the Council and our meetings can be viewed on the website [www.dudley.gov.uk](http://www.dudley.gov.uk)

### **If you need advice or assistance**

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail [Democratic.Services@dudley.gov.uk](mailto:Democratic.Services@dudley.gov.uk)



**Minutes of the Appeals Committee  
Wednesday 16<sup>th</sup> June, 2021 at 10.30am  
In the Council Chamber at the Council House, Dudley**

**Present:**

Councillor T Westwood (Chair)  
Councillor S Mughal (Vice-Chair)  
Councillor S Greenaway

**Officers:**

D Corbett – Senior Transport Officer (Directorate of Children's Services) and K Griffiths  
Democratic Services Officer (Directorate of Finance and Legal).

**Also in attendance:**

Councillor S Henley – Observing.

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1 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

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2 **Minutes**

**Resolved**

That the minutes of the meetings of the Appeals Committee held on 31<sup>st</sup> March, 21<sup>st</sup> and 28<sup>th</sup> April, 2021, be approved as correct records and signed.

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3 **Exclusion of the Public**

**Resolved**

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

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4 **Home to School and Post 16 Home to School/College Transport Appeal – YC**

A report of the Director of Children's Services was submitted on an appeal relating to home to school transport.

The applicant, together with an Interpreter from Global Translation Services were in attendance at the meeting.

**Resolved**

- (1) That, following careful consideration of representations made by all parties, the appeal for YC be refused for the reasons set out in the report submitted.
  - (2) That the parties be informed of the decision of the Committee in writing within five working days.
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The meeting ended at 12.20pm

CHAIR



**Minutes of the Appeals Committee  
Wednesday, 14<sup>th</sup> July, 2021 at 10.00am  
In the Council Chamber, The Council House**

**Present:**

Councillor T Westwood (Chair)  
Councillor S Mughal (Vice-Chair)  
Councillor A Goddard, S Greenaway and S Henley

**Officers:**

L Morgan-Danks (Human Resources Delivery Manager for Schools), S Riaz (Solicitor),  
M Johal (Senior Democratic Services Officer)

**Also in attendance:**

The appellant (SW), together with his Union Representative (VS)

H Marsh-Geyton (Acting Director of Public Realm) and A Hubble (Human Resources Specialist)

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**5 Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

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**6 Exclusion of the Public**

**Resolved**

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

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## 7 **Appeal by SW**

In accordance with the Council's Employee Improvement and Disciplinary Procedure, the Committee considered the appeal of SW against dismissal from the employment of the Council.

The Chair welcomed those present and all parties introduced themselves.

The appellant attended the meeting, together with his Union Representative.

Following introductions, the HR Delivery Manager for Schools outlined the order of procedure that would be followed.

The HR Delivery Manager for Schools sought clarification from both parties as to whether there were any witnesses. The Acting Director of Public Realm confirmed that the Team Manager (Street Maintenance) would be called as a witness during the meeting.

It was confirmed that the statement of facts had been agreed by both parties.

Following the presentation of the cases by the appellant and representative and the Council's representative, including the submission made by the witness, both parties and Members of the Committee were given the opportunity to ask questions. After hearing all submissions, both parties were given the opportunity to sum up their cases.

All parties then withdrew from the meeting to allow the Committee to consider their decision.

Following deliberations, and after careful consideration of all the available evidence, written and verbal representations provided at the meeting, it was:-

### **Resolved**

- (1) That the appeal of SW be dismissed and the decision to terminate the contract of employment on the grounds of gross misconduct be upheld.
- (2) That the Lead for Law and Governance advise the appellant of the decision of the Appeals Committee in writing within two working days.

The meeting ended at 10.40 pm

CHAIR

