

Runnymede Borough Council

STANDARDS AND AUDIT COMMITTEE

18 December 2008 at 10 a.m.

Members of the
Committee present: Mr S Tully (Chairman and Independent non-elected Member), Councillors A J Davis
and Mrs L M Gillham

Members of the
Committee absent: Councillors I O Angell, A D Mills, A P Tollett and Mrs C Spurling (Independent
Member)

387. MINUTES

The Minutes of the meeting of the Committee held on 9 September 2008 were confirmed and signed as a correct record.

388. APOLOGIES FOR ABSENCE

Apologies were received from Mrs C Spurling (Independent non-elected Member) and Councillor A P Tollett.

389. DECLARATIONS OF INTEREST

There were none declared for this hearing. However, it was agreed that in future, when seeking Members' availability for meetings to hear appeals, the Secretary would contact Members and advise them who was involved in case any conflicts of interest came to light which might preclude their hearing the appeal.

390. PROCEDURE

Stage 9 of the procedure set down for hearing appeals under the disciplinary procedure would need to be amended now that the Chairman of the Standards and Audit Committee had to be one of the independent non-elected members. In any event the Chairman of the Committee was present.

Accordingly, it was noted that Mr S Tully would chair the hearing.

The Secretary to the Committee confirmed that the appellant had submitted his appeal in written form and did not wish to attend the meeting in person.

The Secretary confirmed that the appellant had not been in touch with him since submission of his papers and had not responded to the Employer's written statement which had been sent by recorded delivery, nor had he acknowledged receipt thereof.

In his absence, the Secretary indicated that he would draw the Committee's attention to the salient points raised by the former employee in his statements.

In response to the Committee's question, the Secretary confirmed that the appellant could have been represented in his absence but had not taken the opportunity to do this.

The Committee noted receipt of all the paperwork pertaining to the appeal.

391. APPEAL UNDER CAPABILITY PROCEDURE – TO HEAR AN APPEAL AGAINST DISMISSAL
LODGED BY A FORMER EMPLOYEE OF THE HOUSING AND COMMUNITY SERVICES
DEPARTMENT.

By resolution of the Committee the press and public were excluded from the meeting during the consideration of this item under Section 100A(4) of the Local Government Act 1972 on the grounds that the item in question would be likely to involve the disclosure of exempt information of the description specified in paragraph 1 of Part 1 of Schedule 12A of the Act.

The Chairman introduced the parties to the Committee and outlined the procedure for the hearing. In doing so he noted that the appellant had clearly conveyed his intention not to attend the meeting so that it should proceed in his absence.

Statements for both sides and a substantial amount of documentation had been circulated before the hearing in accordance with the approved procedure. In the absence of the appellant, the management side presented its case and the Committee asked questions of the representatives. The Secretary drew the Committee's attention to the salient points of the employee's case.

After giving the case careful consideration, the Committee came to the conclusion that the appeal should be dismissed because the management side had followed the correct procedure, had acted properly in the light of the Council's duties under the Disability Discrimination Act, and the decision to dismiss was a reasonable one in the circumstances of the case.

The appeal was therefore dismissed and the decision would be confirmed to the appellant within five working days of the date of the decision (18 December 2008).

**RESOLVED that –
the appeal be dismissed.**

Chairman

(The meeting ended at 11.02 a.m.)