



Kim Webber B.Sc. M.Sc.  
Chief Executive  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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30 April 2019

**TO: COUNCILLORS G OWEN, K WRIGHT AND J MEE**

Dear Councillor,

A meeting of the **EMPLOYMENT APPEALS SUB-COMMITTEE** will be held in the **CABINET/COMMITTEE ROOM - 52 DERBY STREET** on **THURSDAY, 9 MAY 2019** and a further date of **WEDNESDAY, 15 MAY 2019 AT 10.00AM** if required, at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber  
Chief Executive

**AGENDA**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE SUB-COMMITTEE**  
To be apprised of any changes to the membership of the Sub-Committee in accordance with Council Procedure Rule 4.
- 3. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**  
Note: No other business is permitted unless, by reason of special circumstances which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

4. **DECLARATIONS OF INTEREST** 1 - 2  
If a member requires advice on Declarations of Interest, they are advised to contact the Borough Solicitor in advance of the meeting. (For assistance of members, a checklist for use in considering their position on any particular item, is included at the end of this agenda sheet).
5. **EMPLOYMENT APPEALS PROCEDURE** 3 - 4  
To note the procedure.
6. **EXCLUSION OF PRESS AND PUBLIC**  
It is recommended that members of the press and public be excluded from the meeting during consideration of the following item of business in accordance with Section 100A(4) of the Local Government Act 1972, on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 (identity of an individual) and paragraph 4 (Labour Relations) of Part 1 of Schedule 12A to the Act, and as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. **APPEAL AGAINST OUTCOME OF DISCIPLINARY HEARING (PAYROLL REFERENCE 2900656) (IDENTITY OF AN INDIVIDUAL - PARAGRAPH 2 AND LABOUR RELATIONS - PARAGRAPH 4)** 5 - 276  
To consider the report of the Borough Treasurer.  
  
Documents are attached as follows:  
  
Management Statement of Case  
Appendix A - Original Disciplinary Investigation Report Statement of Case.  
Appendix 1–4  
Appendix 5 (a-h)  
Appendix 6 (a-b) –9  
Appendix 10-13  
Appendix B (A1, A2 & A3) - Management Statement of Case and Appendices  
  
Appellants Statement of Case  
Appendix C - JK Statement of Case (PART 1)  
Appendix C - JK Statement of Case (PART 2)

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-

Kirsty Breakell on 01695 577177 Ext: 5679

Or email [Kirsty.Breakell@westlancs.gov.uk](mailto:Kirsty.Breakell@westlancs.gov.uk)

**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.





	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.



### PROCEDURE TO BE FOLLOWED AT THE APPEAL

#### **The Oral Submission**

The aim of the oral submission is for each party to develop and support the arguments put forward in their statement of case. It should not repeat the written submission line by line.

The oral submissions are normally presented in the following order, however this may be varied at the discretion of the Chairman in the light of the circumstances of a particular case:

- The Officer presenting management's case will state his/her case and call witnesses as appropriate.
- The Employee or his/her companion will state his/her case and call witnesses as appropriate. The Employee's companion may present the case and address the meeting but may not answer questions on behalf of the employee.

Following each oral presentation, members of the Sub-Committee will have the opportunity to question either party. In addition, either party can ask questions of the other.

When a witness has finished making his/her statement, questions may be asked by members of the Sub-Committee, the Employee or his/her companion and the Officer presenting management's case or his Adviser.

New evidence/material not covered in the written statement may not be introduced by either party during the oral presentation or in summing up.

An adjournment may be called, at the discretion of the Chairman at anytime during the meeting.

#### **Summing Up**

- The Officer presenting management's case will sum up.
- The Employee or his/her companion will sum up.

In summing up, each party's statement should be short, succinct and cover the main points of the submission.

#### **The Decision**

All interested parties will then withdraw and will be requested to wait whilst the Sub-Committee deliberates. Should the Sub-Committee wish to clarify any points, both parties will be asked to return. The decision of the Sub-Committee will be given orally and confirmed in writing and will have immediate effect. In particularly complex cases the Sub-Committee may, having clarified that there are no outstanding issues dismiss the parties and communicate their decision in writing at a later date.



By virtue of paragraph(s) 2, 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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