

**Frank McArdle**  
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Our Ref: DT/KW  
Your Ref:

Date: 14th January 2009

Dear Councillor,

**LICENSING AND APPEALS SUB-COMMITTEE – 22nd JANUARY 2009**  
**DISCIPLINARY APPEAL HEARING – MR M. SUNTER**

Further to my letter of 19<sup>th</sup> December 2008, I enclose a set of case papers, a copy of the procedure and an Agenda for the above hearing.

The Sub-Committee will meet on Thursday, 22nd January 2009 in the Council Chamber at the Council's Civic Offices, Civic Way, Swadlincote. The Hearing will take place at 11.00 a.m. and will be clerked by Andrea McCaskie, Head of Legal and Democratic Services. I should be obliged if you could attend a pre-meeting at 10.00 a.m. in the Chairman's Suite, in order to discuss the Hearing procedure.

If you require any further information, please contact Debra Townsend on the number shown above.

Yours faithfully,

Frank McArdle  
Chief Executive

To: **Conservative Group**  
Councillors Harrison and Watson.

**Labour Group**  
Councillor Rhind.

## **A G E N D A**

1. Appointment of Chairman.
2. Apologies.
3. To note any declarations of interest arising from any items on the Agenda.

### **EXEMPT REPORTS**

4. The Chair may therefore move:-

That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

5. DISCIPLINARY APPEAL HEARING (Paragraphs 1 and 2).

## **PROCEDURE FOR A DISCIPLINARY HEARING**

1. The Chair will introduce all parties present; explain the purpose of the Hearing and the procedure to be followed.
2. The Chair will confirm details of any witnesses to be called and the arrangements for them to give evidence.
3. The Chair will explain the allegation made.
4. The Manager will present the management case and may call witnesses.
5. The employee or their representative will have the opportunity to ask the Manager and any witnesses questions on the evidence given
6. The Chair and/or their advisor will have the opportunity to ask the Manager and any witnesses questions on the evidence given.
7. The employee or their representative will present their case and may call witnesses.
8. The Manager and/or their advisor will have the opportunity to ask the employee or their representative and any witnesses questions on the evidence given.
9. The Chair and/or their advisor will have the opportunity to ask the employee or their representative and any witnesses questions on the evidence given.
10. The Manager will have the opportunity to sum up their case.
11. The employee or their representative will have the opportunity to sum up their case.
12. The Chair and their advisor will consider the evidence given in private. The Chair will decide what action is appropriate.
13. The Chair may recall the Manager/ their advisor or the employee and/or their representative to clear up points of uncertainty on evidence given. If this is necessary both parties should return even though only one is required to provide information.
14. The Chair will inform both parties of the decision. This will then be confirmed in writing by no later than three working days after the Disciplinary Hearing.

### **Notes:**

- 1 Although they can offer clarification if called upon, the employee's representative cannot answer questions put directly to the employee.**
- 2 Witnesses will only be present whilst giving evidence and being questioned.**