



Chief Executive

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Our ref: DT/CL

Your ref:

Date: 8th March 2011

Dear Councillor,

**LICENSING AND APPEALS SUB-COMMITTEE – CAPABILITY APPEAL HEARING -
17TH MARCH 2011**

Further to recent correspondence, please find enclosed agenda and supporting information for the Capability Appeal Hearing.

The Sub-Committee will meet on Thursday, 17th March 2011 in the Council Chamber at the Council's Civic Offices, Civic Way, Swadlincote. The Hearing will take place at 10.00 a.m., and will be clerked by Ardip Kaur, Legal Officer. I should be obliged if you could attend a pre-meeting at 9.30 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,

F.B. McArdle
Chief Executive

To: **Conservative Group**
Councillors Bale (Chairman) and Watson

Labour Group
Councillor Southerd



AGENDA

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

EXEMPT REPORTS

3. The Chairman 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.

4. APPEAL HEARING. (Paragraph 2).



PROCEDURE AT AN APPEAL HEARING

A Panel of Members will consider an Appeal against a dismissal made under the Attendance Management Procedures. The Panel will appoint one of its members to chair the Appeal Hearing. The procedure below will be followed.

1. The Chair will introduce everyone and their role and explain the purpose of the Hearing.
2. The Chair will explain the procedure to be followed.
3. The employee or their representative will explain the grounds of the employee's Appeal.
4. The Manager and/or advisor will have the opportunity to ask the employee questions on the information provided.
5. The Appeals Panel and advisor will have the opportunity to ask the employee any questions on the information provided.
6. The Manager who took the decision to dismiss (i.e. the Chair of the Capability Hearing) will present the information on behalf of management.
7. The employee or their representative will have the opportunity to ask the Manager any questions on the information provided.
8. The Appeals Panel and advisor will have the opportunity to ask the Manager any questions on the information provided.
9. The Manager will have the opportunity to summarise their case.
10. The employee will have the opportunity to summarise their case.
11. The Panel and their advisor will consider the evidence in private. The Panel will decide what action is appropriate. The Panel may recall the Manager/their advisor or the employee/their representative to clear up points of uncertainty on information given. If this is necessary everyone should return even though one party is required to provide information.
12. The Panel will inform everyone of their decision. This will then be confirmed in writing by no later than 3 working days of the Appeal Hearing.

Note: Although they can offer clarification if called upon, the employee's representative cannot answer questions put directly to the employee.