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15 April 2019

## REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Thursday, 25th April, 2019** in the Music Room - Old Forde House at **10.00 am**

Yours sincerely

PHIL SHEARS  
Managing Director

Distribution:

- (1) The Members of the Regulatory & Appeals Committee

Councillor Charlie Dennis (Chairman)  
Councillor Ted Hockin (Vice-Chairman)  
Councillor Beryl Austen  
Councillor Sheila Cook  
Councillor Lorraine Evans  
Councillor Rosalind Prowse

A link to the agenda on the Council's website is emailed FOR INFORMATION (less reports (if any) containing Exempt Information referred to in Part II of the agenda), to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

**If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting**

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- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

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

### **Part I**

1. Apologies for absence
2. Minutes (Pages 1 - 4)
3. Agreement of the Agenda between Parts I and II.
4. Matters of urgency/matters of report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Hackney Carriage Vehicle Extension (Pages 5 - 14)  
To consider a request to grant and extend a Hackney Carriage Licence for a further 12 months.
7. Disciplinary Appeals (Pages 15 - 18)

### **Part II (Private)**

**Items which may be taken in the absence of the Public and Press on the grounds that Exempt information may be disclosed.**

8. Exclusion of the press and public  
The Committee to resolve:  
That under Section 100 (A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Schedule 12A of the Act.

9. Application for a combined hackney carriage and private hire driver's licence (Pages 19 - 30)

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## **REGULATORY & APPEALS COMMITTEE**

**25 MARCH 2019**

Present:

Councillors Dennis (Chairman), Hockin (Vice-Chairman), Austen, Cook and Prowse

Members in Attendance: Councillors Bullivant

Apologies: Councillors Evans

Officers in Attendance:

Marie Downey, Solicitor

Andrea Furness, Licensing Manager

Trish Corns, Democratic Services Officer

### **12. MINUTES**

The Minutes of the meeting held on 25 February 2019 were approved as a correct record and signed by the Chairman.

### **13. DECLARATIONS OF INTEREST.**

There were no declarations of interest.

### **14. REQUEST RENEW AND EXTEND A HACKNEY CARRIAGE VEHICLE**

The Committee Members inspected the vehicle and consideration was given to an application to renew and extend a Hackney Carriage Vehicle Licence, as set out in the report.

Section 43 of the Town Police Clauses Act 1847, provides that a Private Hire/ Hackney Carriage Vehicle Licence may only be in force for a maximum period of one year. The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old.

However, the Council has discretion to continue to licence vehicles which are older than ten years, provided that, the Council is satisfied that such a vehicle is in a good condition and good state of repair, and that it passes the appropriate testing standard. The Council's Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Licensing Officer presented the report stating that the vehicle was a Ford S-Max, BD57 ZHN which had been first registered on 30 November 2007 and

would be 11 years and 3 months old, if granted. The current Hackney Carriage licence expired on 5 March 2019. Works required to the vehicle had been undertaken. The vehicle had passed a taxi test on 12 March 2019.

The Applicant's representative was in attendance and addressed Members in support of the application.

After considering all written and verbal representations the Committee adjourned to consider its decision.

Resolved

The Ford S-Max Registration BD57 ZHN be approved for a 12 month renewable Hackney Carriage Vehicle Licence, in accordance with legislation subject to four monthly taxi tests.

*Reason for Decision*

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant's representative and the Licensing Officer, the Regulatory & Appeals Committee is satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it is considered the vehicle is fit for use for the general public and paying customers.

## **15. REQUEST RENEW AND EXTEND A HACKNEY CARRIAGE VEHICLE**

The Committee Members inspected the vehicle, and consideration was given to an application to renew and extend a Hackney Carriage Vehicle Licence, as set out in the report.

Section 43 of the Town Police Clauses Act 1847, provides that a Private Hire/ Hackney Carriage Vehicle Licence may only be in force for a maximum period of one year. The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old.

However, the Council has discretion to continue to licence vehicles which are older than ten years, provided that, the Council is satisfied that such a vehicle is in a good condition and good state of repair, and that it passes the appropriate testing standard. The Council's Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Licensing Officer presented the report stating that the vehicle was a Volkswagen Sharan, WJ07 WXY which had been first registered on 15 March 2007 and would be 11 years and 11 months old, if granted. The current Hackney Carriage licence expired on 15 March 2019. Works required to the vehicle had been undertaken. The vehicle passed a taxi test on 18 March 2019.

The Applicant's representative was in attendance and addressed Members in support of the application.

After considering all written and verbal representations the Committee adjourned to consider its decision.

Resolved

The Volkswagen Sharan, Vehicle Registration WJ07 WXY be approved for a 12 month renewable Hackney Carriage Vehicle Licence, in accordance with legislation subject to six monthly taxi tests.

*Reason for Decision*

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant's representative and the Licensing Officer, the Regulatory & Appeals Committee is satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it is considered the vehicle is fit for use for the general public and paying customers.

**16. EXCLUSION OF PRESS AND PUBLIC**

That under Section 100(A)(4) of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Part 1 of Schedule 12A of the Act.

**17. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Chairman welcomed all those present and introduced the Committee.

The Solicitor set out the procedure for the Hearing. The Licensing Officer also introduced a report which detailed an appeal against the decision to refuse an application for a Private Hire Drivers' Licence. The Committee carefully considered the report and the associated appendices and representations, together with the oral and written evidence provided at the Hearing.

The Applicant and his representative was in attendance in support of the appeal.

After considering all written and verbal representations the Committee adjourned to consider its decision.

Upon reconvening it was announced

Resolved

That the application in respect of a Private Hire Licence be approved, and the appeal be upheld.

Reason for the Decision

In regard to the decision to refuse or approve the Private Hire Licence, the Committee is satisfied that on the evidence provided at the Hearing, and written submissions, that the applicant has sufficiently demonstrated that he is a

reformed character, and is deemed to be a fit and proper person. By a majority decision, the Committee considered there were no grounds to dismiss the appeal and the application for a licence was approved.”

**18. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Committee referred to the report circulated with the agenda on an appeal against the decision to refuse an application for a combined hackney carriage and private hire drivers’ licence.

The applicant was not present at the Hearing.

Decision

Consideration of the appeal be deferred until the next meeting of the Committee on 25 April, 2019.

Reason for the Decision

The Committee considered the Appellant should be given a further opportunity to be present or be represented at the Hearing.

CLLR CHARLIE DENNIS  
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Charlie Dennis

**DATE:** 25<sup>th</sup> April 2019  
**REPORT OF:** Licensing Officer  
**SUBJECT:** Hackney Carriage Vehicle Extension

**PART I**

**RECOMMENDATION**

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse this request.

**1. PURPOSE**

The Committee is asked to consider a request to grant and extend a Hackney Carriage licence for a further 12 months (Appendix A).

**2. BACKGROUND**

Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

*'A vehicle being presented for initial licensing is required to be under five years old at first registration.*

*A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.*

All vehicle licences are issued annually.

Section 43 of the Town Police Clauses Act 1847 provides that:

*'Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall not include more than one carriage so*

## TEIGNBRIDGE DISTRICT COUNCIL

*licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and*

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

*'A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary'.*

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

**Request** – The vehicle, a Peugeot 308 , registration WF58 LZN, the applicant wishes the Committee to consider, was first registered on 30<sup>th</sup> September 2008 will be 10 years old and 7 months old, if granted. The current Hackney Carriage licence expired on 29<sup>th</sup> March 2019. The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

The vehicle has a current MOT that expires on the 11<sup>th</sup> March 2020 and had 4 advisories (Appendix B). The vehicle is being fitted with four new wheels and new tyres will be fitted at the same time.

The vehicle is booked in for the vehicle inspection at the Forde Road Depot on 15<sup>th</sup> April 2019 results will be reported at Committee.

At the time of writing this report the vehicle had not been inspected by a licensing officer.

It has been requested that the vehicle is made available at the hearing for inspection by the Committee should the members wish to do so.

### **3. CONSULTATION**

The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

*'The Committee decided that vehicles being presented for initial licensing must be under five years old.'*

With regard to subsequent licensing, the Committee decided that 'a vehicle is required to be under ten years old with the exception of purpose built cabs.' However, the Committee decided that 'the Council had discretion to continue to licence Hackney

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Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six monthly testing.' The Committee did not consider it appropriate to introduce an upper age or mileage limit.

Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

*'a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.'*

### 4. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates' Court.

### 5. OPTIONS

- a. Grant the request, with or without the condition set out in c. below
- b. Refuse the request.
- c. If the Committee resolve to license the vehicle, Committee is asked to consider whether it is necessary to impose a condition requiring the vehicle to have six or four monthly vehicle inspections.

**Hayley Carpenter**  
**Licensing Officer**  
**Environment, Health and Wellbeing**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	Hayley Carpenter
<b>Background Papers (For Part I reports only)</b>	Relevant legislation and Hackney Carriage and Private Hire Regulations Hackney Carriage and Private Hire Licensing Policy
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	Appendix A - MOT History

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Check MOT history (<https://www.gov.uk/check-mot-history>)

WF58LZN

**PEUGEOT 308**

Colour	Fuel type	Date registered
<b>Blue</b>	<b>Diesel</b>	<b>30 September 2008</b>

MOT valid until  
**11 March 2020**

### MOT history

Check mileage recorded at test, MOT expiry date, defects and advisories

Date tested	Mileage	MOT test number
<b>12 March 2019</b>	<b>223,638 miles</b>	<b>7858 5865 7872</b>
<b>PASS</b>	Test location	Expiry date
		<b>11 March 2020</b>

Monitor and repair if necessary (advisories):

- **Oil leak, but not excessive (8.4.1 (a) (i))**
- **Nearside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **Offside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **Nearside Rear Tyre worn close to legal limit/worn on edge (5.2.3 (e))**

### The MOT test changed on 20 May 2018

Defects are now categorised according to their severity – dangerous, major, and minor.

Date tested	Mileage	MOT test number
-------------	---------	-----------------

5 March 2018

**PASS**

199,750 miles

8999 2215 3549

Test location

Expiry date

9 March 2019

Advisory notice item(s)

- **Nearside Front Seat belt stitching slightly frayed (5.2.2b)**

Date tested

5 March 2018

**FAIL**

Mileage

199,749 miles

Test location

MOT test number

6848 7264 3152

Reason(s) for failure

- **Rear registration plate deteriorated (6.3.1d)**
- **Central Stop lamp has less than 50% of the light sources illuminating (1.2.1b)**
- **Offside Front Suspension arm ball joint dust cover excessively deteriorated so that it no longer prevents the ingress of dirt (2.4.G.2)**
- **Nearside Front Tyre tread depth below requirements of 1.6mm (4.1.E.1)**
- **Nearside Rear Tyre tread depth below requirements of 1.6mm (4.1.E.1)**
- **Steering system excessively rough (2.2.D.1)**

Advisory notice item(s)

- **Play in steering rack inner joint(s) ()**
- **Nearside Front Seat belt stitching slightly frayed (5.2.2b)**
- **Offside Rear Tyre worn close to the legal limit (4.1.E.1)**
- **Nearside Rear Anti-roll bar linkage has slight play in a ball joint (2.4.G.2)**
- **Offside Front Anti-roll bar linkage has slight play in a pin/bush (2.4.G.2)**

Date tested

27 February 2017

**PASS**

Mileage

172,994 miles

Test location

MOT test number

5504 1200 4784

Expiry date

9 March 2018

Date tested <b>23 February 2016</b> <b>PASS</b>	Mileage <b>146,452 miles</b>	MOT test number <b>6111 8321 0687</b>
	Test location	Expiry date <b>9 March 2017</b>
	Advisory notice item(s) <ul style="list-style-type: none"> <li>• <b>Nearside Rear Trailing arm rubber mounting deteriorated but not resulting in excessive movement (2.4.G.2)</b></li> <li>• <b>Offside Rear Trailing arm rubber mounting deteriorated but not resulting in excessive movement (2.4.G.2)</b></li> </ul>	
Date tested <b>4 March 2015</b> <b>PASS</b>	Mileage <b>123,618 miles</b>	MOT test number <b>2088 3386 5054</b>
	Test location	Expiry date <b>9 March 2016</b>
Date tested <b>17 February 2014</b> <b>PASS</b>	Mileage <b>101,450 miles</b>	MOT test number <b>9761 8874 4091</b>
	Test location	Expiry date <b>9 March 2015</b>
Date tested <b>4 March 2013</b> <b>PASS</b>	Mileage <b>80,028 miles</b>	MOT test number <b>7779 8316 3047</b>
	Test location	Expiry date <b>9 March 2014</b>
Date tested <b>5 March 2012</b> <b>PASS</b>	Mileage <b>57,495 miles</b>	MOT test number <b>2878 3536 2022</b>
	Test location	Expiry date <b>9 March 2013</b>
Date tested <b>10 March 2011</b>	Mileage <b>36,899 miles</b>	MOT test number <b>8977 4996 1002</b>

**PASS**

Test location

Expiry date

**9 March 2012**

Date tested

**10 March 2011**

Mileage

**36,892 miles**

MOT test number

**4387 4996 1023****FAIL**

Test location

Reason(s) for failure

- **Nearside Headlamp aim too high (1.8)**
- **Offside Headlamp aim aimed so that it dazzles other road users (1.8.A.1a)**
- **Nearside Rear Brake pad(s) less than 1.5 mm thick (3.5.1g)**
- **Exhaust emits an excessive level of metered smoke for a turbo charged engine (7.4.B.3b)**

Date tested

**10 March 2010**

Mileage

**16,777 miles**

MOT test number

**2343 3966 0006****PASS**

Test location

Expiry date

**9 March 2011****Outstanding vehicle recalls**

Check if PEUGEOT 308 WF58LZN has outstanding recalls



Check if a vehicle is taxed and has an MOT

# WF58 LZN

✓ Taxed

**Tax due:**

**01 January 2020**

▶ Incorrect tax status?

✓ MOT

**Expires:**

**11 March 2020**

▶ Incorrect MOT status?

If you've just bought this vehicle the [tax \(https://www.gov.uk/vehicletax\)](https://www.gov.uk/vehicletax) or **SORN** (<https://www.gov.uk/make-a-sorn>) doesn't come with it. You'll need to **tax** (<https://www.gov.uk/vehicletax>) it before driving it.

## Vehicle details

- Vehicle make: **PEUGEOT**
- Date of first registration: **September 2008**
- Year of manufacture: **2008**
- Cylinder capacity (cc): **1560 cc**
- CO<sub>2</sub>Emissions: **120 g/km**
- Fuel type: **DIESEL**
- Euro Status: **Not available**
- Export marker: **No**
- Vehicle status: **Tax not due**
- Vehicle colour: **BLUE**
- Vehicle type approval: **M1**
- Wheelplan: **2-AXLE-RIGID BODY**
- Revenue weight: **Not available**
- Tax rates:

[View tax rates](#)

The vehicle tax rates are only available if you have the latest 11 digit reference number from the V5C registration certificate (logbook)

► Incorrect vehicle details?

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[Search for another vehicle \(/\)](#)

## DVLA services

[Tax your vehicle \(https://www.gov.uk/vehicle-tax\)](https://www.gov.uk/vehicle-tax)

[Register your vehicle as off the road \(SORN\) \(https://www.gov.uk/make-a-sorn\)](https://www.gov.uk/make-a-sorn)

[Tell DVLA you've sold, transferred or bought a vehicle \(https://www.gov.uk/sold-bought-vehicle\)](https://www.gov.uk/sold-bought-vehicle)

[Report an untaxed vehicle \(https://forms.dft.gov.uk/report-an-untaxed-vehicle/\)](https://forms.dft.gov.uk/report-an-untaxed-vehicle/)

[Check you're not buying a stolen vehicle \(https://www.gov.uk/checks-when-buying-a-used-car\)](https://www.gov.uk/checks-when-buying-a-used-car)

## DVSA services

[Check the MOT history of a vehicle \(https://www.gov.uk/check-mot-history\)](https://www.gov.uk/check-mot-history)

[Report a vehicle with no MOT \(https://www.gov.uk/report-no-mot\)](https://www.gov.uk/report-no-mot)

[MOTs for vehicles registered in Northern Ireland \(https://www.nidirect.gov.uk/information-and-services/motoring/mot-and-vehicle-testing\)](https://www.nidirect.gov.uk/information-and-services/motoring/mot-and-vehicle-testing)

TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Charlie Dennis

**DATE:** 25<sup>th</sup> April 2019  
**REPORT OF:** HR & OD Manager  
**SUBJECT:** Staff Appeal Hearings

**PART I**

**RECOMMENDATION**

- (a) That the Council be invited to change the constitutional arrangements for the Regulatory & Appeals Committee to deal with staff appeals against dismissal and final grievance appeals, and delegate these to the Managing Director (Head of Paid Service)
- (b) That the staff Discipline, Capability, Redundancy and Grievance policies / procedures be amended accordingly

**1. PURPOSE**

To recommend changes to the arrangements for hearing staff appeals under the Disciplinary, Capability, Redundancy and Grievance policies. Currently appeals against dismissal and final grievance appeals are the responsibility of the Regulatory and Appeals Committee. The reasons for recommending these are delegated to the Managing Director (Head of Paid Service) are outlined in this report.

**1. Background**

- 1.1 The arrangements for grievances raised by staff and for managing staff disciplinary and capability issues are covered by existing policies and procedures based on the Advisory, Conciliation and Arbitration Service (ACAS) guidelines and good practice. These include provision for appeals against decisions.
- 1.2 Currently the Regulatory and Appeals Committee hear all appeals against dismissal and the final appeal in relation to the grievance procedure
- 1.3 Appeals of this nature are rare. In 2018 there were two appeals, one in February and one in March. There have been none since then.

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- 1.4 Outcomes and learning from individual cases are dealt with through reviews by senior officers responsible for the policies and any significant action has been reported to the Managing Director as Head of the Paid service responsible for all staffing matters.
- 1.5 It is also significant that, as members provide the last forum for appeal, members of appeal panels can be called to provide evidence at Employment Tribunals where dismissal decisions are challenged.

### **2. Reasons for changes proposed**

- 2.1 Responsibility for staffing matters rest with the Managing Director (Head of Paid Service). This reflects statutory restrictions on members' involvement in staffing matters.
- 2.2 Members roles focus on setting, reviewing and monitoring policy, making decisions on key areas including planning and regulation, and undertaking community leadership. The statutory restrictions on member involvement in staffing matters reflects this, and ensures clarity of role for both members and officers. The hearing of staff appeals by members can be viewed as anomalous with these statutory restrictions. The proposal in this report supports this distinction of role between members and officers.
- 2.3 The Senior Leadership Team (SLT), have recently approved a revised staff performance management scheme and competency framework (which will be rolled out across the organisation during 2019), and in line with this it is recommended that senior officers should be expected to hear final appeals in all staffing matters, and to take accountability for their decision making. This would include explaining the rationale for their decisions at employment tribunals if necessary rather than, as currently, being accountable up to a point and then expecting an individual member as chair of an Appeal Panel to assume accountability on behalf of the Council and the Head of the Paid Service.
- 2.4 It is recommended that this change would reinforce the role of the Managing Director as Head of Paid Service in both developing the culture of the organisation and the performance management approach needed to support it. It is that post which carries the statutory responsibility for all aspects of staffing. That post also has accountability to the Council for all staffing matters, including performance and capability in the delivery of services and the effectiveness of and compliance with HR policies and procedures. The current arrangement has the potential to create tensions within those lines of accountability, as appeal decisions are shared amongst members on the Appeals Panel.

### **3. Consultation**

- 3.1 Consultation would take place with Unison and other representatives of staff affected ahead of implementation. There will be no change to the

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rights to appeal and the procedures through which appeals are managed.

### 4. Proposals

- 4.1 The proposal is to change the arrangements for a member appeal panel in relation to all individual staff matters, other than those for the Senior Leadership Team and Statutory Officers (see 4.4 below). In its place a panel would be established made up of the Senior Leadership Team (SLT). Panels of appeal would be drawn from this group to hear all final appeals within the grievance policy and all appeals against decisions to dismiss. This would mean that the SLT would carry collective responsibility for their decision-making. Responsibility would be devolved to the Managing Director (Head of Paid Service) for the arrangement of this.
- 4.2 This would require a change in the Constitution to change the appeals process and confirm authority with the Managing Director as Head of Paid Service to arrange for senior officers to hear final staff appeals.
- 4.3 Officers are well placed to ensure consistency and have expertise in hearing appeals. There are opportunities to introduce consistency into the new processes more quickly (for example, reflecting on decisions made in appeals, lessons learned), and to ensure thorough training for those hearing cases.
- 4.4 It should be noted that separate arrangements apply in relation to disciplinary action concerning the Managing Director and members of the Senior Leadership Team (and Statutory Officers) as these require member involvement as provided in Council Standing Orders and there is no plan to change these arrangements.

### 3. SUSTAINABILITY IMPLICATIONS

None

### 4. FINANCIAL IMPLICATIONS

None

### 5. OPTIONS

Not applicable

### Office Name

Tim Slater

TEIGNBRIDGE DISTRICT COUNCIL

**Officer Designation**

HR & OD Manager

The box below to be completed by the report author.

<b>Wards affected</b>	Not applicable
<b>Contact for any more information</b>	Tim Slater
<b>Background Papers (For Part I reports only)</b>	None
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	Not applicable
<b>Appendices attached:</b>	None