

# HUMBERSIDE FIRE AUTHORITY

## APPEALS COMMITTEE

22 DECEMBER 2021

### MEMBERS PRESENT:

#### East Riding of Yorkshire Council

Councillors Davison (in the Chair) [for Randall] and Smith [Chadwick]

#### Hull City Council

Councillor Belcher [for Grant]

### Others Present:

#### Officers

Monitoring Officer/Secretary - Mathew Buckley  
HR Advisor - Ruth Gilmour - Head of Human Resources  
Clerk - Samm Campbell - Committee Manager

#### Appellant & Appellant's Representative

Appellant  
Shaun Pickles (FBU) - Appellant's Representative

#### Service representatives

Steve Topham - Director of Service Delivery Support  
Anne Stott - Joint Head of HR/Service Partner

The meeting was held at the Humberside Fire and Rescue Service Headquarters

**5/21 APPOINTMENT OF CHAIRPERSON - Resolved** - That Councillor Davison be appointed as Chairperson for the meeting.

**6/21 DECLARATIONS OF INTEREST** - There were no declarations.

**7/21 EXCLUSION OF THE PRESS/PUBLIC - Resolved** - That the press and public be excluded from the meeting for consideration of the following item (Minute 8/21) on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

In making its decision the Committee confirmed that having regard to all the circumstances it was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**8/21 APPEAL AGAINST DISMISSAL (REF. 02/2021)** - The Committee considered an appeal (Ref 02/2021) under the terms of the Service's Disciplinary Policy against the decision of the Director of Service Delivery Support to dismiss the appellant from his post.

The Grounds of Appeal, as emailed to the Chief Fire Officer/Chief Executive on 3 November 2021 by the Appellant, was read out by Monitoring Officer/Secretary which stated that the appeal against dismissal was on the grounds that:

- *There was a defect in the procedure;*

- *The disciplinary sanction was too severe, and*
- *New evidence has come to light since the hearing which will have an impact on the decision.*

The written transcript of the Disciplinary Hearing of 9 September and 28 October 2021 was confirmed by the Service and Appellant.

**Resolved** - That the Appeal be a review of the original dismissal hearing.

The Appellant's representative put forward the Appellant's case for appealing the Service's decision to dismiss.

The Director of Service Delivery Support put forward the Service's case for dismissal.

The Committee retired to determine its decision.

All parties were recalled for the Committee's decision. The Committee considered whether the decision made to dismiss the Appellant was reasonable and concluded:

- The Committee rejected the Appellant's assertion that there had been a defect in the procedure because it found that no evidence of a defect in the procedure was apparent in the papers it had received or the evidence it had heard during the current meeting.
- The Committee rejected the Appellant's assertion that the disciplinary sanction had been too severe because, in the light of the appellant's conviction and previous caution, it considered that the Service made a reasonable decision in accordance with its disciplinary procedures. The Committee agreed that neither it nor Humberside Fire and Rescue Service could undermine the Court's decision or second-guess the evidence that it had seen.
- The Committee rejected the Appellant's assertion that new evidence had come to light since the disciplinary hearing which would have an impact on the Committee's decision on the basis that the WhatsApp messages submitted by the Appellant did not represent a development in this case. The Committee also noted that these messages, which were cited as one of the reasons for the Police's decision to charge the Appellant, must have been available to the Appellant throughout the disciplinary process and could have been disclosed at any point.

The Committee upheld the findings of the Director of Service Delivery Support to the Appellant in his letter dated 29 October 2021.

**Resolved** - That the Appeal be dismissed.