

# STIRLING COUNCIL

**MINUTES of MEETING of the APPEALS PANEL held in the BRUCE ROOM, OLD VIEWFORTH, STIRLING on MONDAY 22 SEPTEMBER 2014 at 9.30am**

## **Present:-**

Councillor Christine Simpson (in the Chair)  
Councillor Scott Farmer  
Councillor John Hendry  
Councillor Graham Houston

## **Also In Attendance:-**

Peter Dow, Solicitor, Governance & Resources, Legal Adviser to the Panel  
Kristine Johnson, Chief HR Officer, Assets & Support, HR Adviser to the Panel  
Claire Dunbar, Committee Officer, Governance & Resources (Clerk)

## **AP8 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**The Panel resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of the Schedule 7A of the Local Government (Scotland) Act 1973.**

## **AP9 APPEAL AGAINST DISMISSAL**

The Appellant, a former employee of Waste Services, had submitted an appeal against the decision of the Chair of a Disciplinary Hearing to dismiss her from her post.

The Appellant was accompanied by her Trade Union representative, Tony Caleary of Unison.

Les Goodfellow, Head of Environment Services (Chair of the Disciplinary Hearing), Jean Fisher, Senior HR Adviser, Assets & Support (HR Adviser to the Chair of the Disciplinary Hearing) and Peter Farquhar, Principal Solicitor, Governance & Resources (Legal Adviser to the Chair of the Disciplinary Hearing) were in attendance on behalf of Management.

The Chair explained the procedure that would be followed at the meeting.

The Appellant and her representative presented the Appellant's case.

The Management side and Members of the Appeals Panel, supported by their Advisers, were given the opportunity to ask questions of the Appellant's representative and the Appellant.

The Head of Environment Services presented the Management's case.

The Appellant's representative, the Appellant and Members of the Appeals Panel, supported by their Advisers, were given the opportunity to ask questions of Management.

Both parties then summed up their respective cases before they withdrew from the meeting to allow the Panel to consider the evidence put before it.

After the Panel had deliberated, the Appellant, her representative and the Management side rejoined the meeting to hear the decision.

### **Decision**

The Appeals Panel having considered all of the relevant material facts and circumstances agreed that the appeal was not upheld.

The Panel was satisfied that allegations 1, 2 and 3 had been established and ~~that~~ believed this had breached the necessary relationship of trust and confidence between the Council as employer and the appellant.

In all the circumstances it was the unanimous view of the Panel that the Appellant's behaviour amounted to gross misconduct and that dismissal was the appropriate sanction.

It was noted that the decision of the Panel would also be confirmed in writing to the Appellant.

(Reference – Procedure at Appeals Hearings and Written Submissions, previously circulated)

The Chair declared the meeting closed at 10.45am.