

STIRLING COUNCIL

MINUTES of MEETING of the APPEALS PANEL held in the WALLACE ROOM, OLD VIEWFORTH, STIRLING on MONDAY 27 OCTOBER 2014 at 9.30 a m

Present:-

Councillor Christine SIMPSON (in the Chair)

Councillor Scott FARMER

Councillor Graham HOUSTON

Councillor John HENDRY

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
Jean Houston, Committee Officer, Governance & Resources (Clerk)

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.

AP10 APPEAL AGAINST DISMISSAL

The Appellant, a former employee of Environment, had submitted an appeal against the decision of the Chair of a Disciplinary Hearing to dismiss him from his post.

The Appellant and his Trade Union representative were not in attendance at the Appeal Hearing.

The Appeals Panel was satisfied that the Appellant and his Trade Union representative were aware of the date of the Appeal Hearing and had failed to provide the Appeals Panel with any reasonable explanation for their non-attendance.

In those circumstances, the Appeals Panel decided to proceed with the Appeal in the absence of the Appellant and his Trade Union representative.

Les Goodfellow, Head of Environment (Chair of the Disciplinary Hearing), Pamela Forsyth, HR Manager, Assets & Support (HR Adviser to the Disciplinary Panel) and Peter Farquhar, Principal Solicitor (Legal Adviser to Management) were in attendance on behalf of Management.

The Appeals Panel considered that it had sufficient information to reach a decision without further oral submissions from the Head of Environment.

After the Panel had deliberated the Management were advised of the decision.

Decision

The Appeals Panel having considered all of the relevant material facts and circumstances agreed that the appeal was not upheld and that the behaviour of the Appellant amounted to gross misconduct.

The Appeals Panel was satisfied that allegations 1 and 2 were established.

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 Appeals Panel would also be confirmed in writing to the Appellant.

The Appeals Panel agreed that the Chief HR Officer should draw the Chief Executive's attention to the circumstances arising out of this Appeal and the two related Appeals so that the recently appointed Director of Housing and Environment could take appropriate action.

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

The Chair declared the meeting closed at 10.00 am.