

## **STIRLING COUNCIL**

**MINUTES of MEETING of the APPEALS PANEL held in the BRUCE ROOM, VIEWFORTH, STIRLING on WEDNESDAY 25 FEBRUARY 2015 at 9.30 am.**

### **Present:-**

Councillor Christine SIMPSON (in the Chair)

Councillor Scott FARMER

Councillor Violet WEIR

### **Also In Attendance:-**

Peter Dow, Solicitor, Corporate Operations, Legal Adviser to the Panel  
Pamela Forsyth, HR Manager, Corporate Operations, HR Adviser to the Panel  
Claire Dunbar, Committee Officer, Corporate Operations (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.**

### **AP13 APPEAL AGAINST DISMISSAL**

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

The Appellant was accompanied by his Trade Union representative, Sandy Smart of Unite.

Robert Steenson, Director of Housing & Environment (Chair of the Disciplinary Hearing) represented Management along with Kristine Johnson, Chief HR Officer, Corporate Operations (HR Adviser to the Disciplinary Panel) and Peter Farquhar, Principal Solicitor, Corporate Operations (Legal Adviser to the Disciplinary Panel).

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

The Appellant and his representative presented the Appellant's case with two witnesses.

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, the Appellant and the Appellant's witnesses.

The Director of Housing & Environment presented the Management's case with one witness.

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 and the Management witness.

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, the Appellant's representative and the Management side rejoined the meeting to hear the decision.

### **Decision**

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

The Appeals Panel was satisfied that the allegations were established and that the Appellant's conduct amounted to gross misconduct.

In all the circumstances it was the view of the Panel 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.

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

The Chair declared the meeting closed at 11.27 am.