

Draft

FALKIRK COUNCIL

Minute of meeting of the Appeals Committee held in the Municipal Buildings, Falkirk on Wednesday 8 November 2017 at 2.00 p.m.

Councillors:

David Alexander
Gary Bouse (Convener)
John Kerr
John McLuckie (Depute Convener)
Lynn Munro
Pat Reid
Robert Spears

Officers:

Tracey Gillespie, Human Resources Manager
Rose Mary Hoey, Interim Legal Services Manager
Antonia Sobieraj, Committee Services Officer

A15. Apologies

Apologies were intimated on behalf of Councillor Collie.

A16. Declarations of Interest

No declarations were made.

A17. Exclusion of Public

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the said Act.

A18. Appeal Against Dismissal

The Committee considered papers relating to an Appeal against dismissal which included (a) Note of Procedure; (b) Submission from the Head of Environmental Services dated 18 September 2017; and (c) Copies of core documents relating to the Appeal.

The Interim Legal Services Manager and the Human Resources Manager were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Mr B, was present and was accompanied by S Foley, Unite.

The Head of Environmental Services and Human Resources Team Leader (Operations) (A Reid) were present as representatives of the Council.

The Appellant's representative presented the case and led evidence from a witness Mr H.

The Head of Environmental Services then asked questions of the Appellant's representative and the witness Mr H.

Members of the Committee then asked questions of the Appellant's representative, the Appellant and the witness Mr H.

The Head of Environmental Services presented the case on behalf of the Council.

The Appellant's representative then asked questions of the Head of Environmental Services, during which at 3.45 p.m., the Committee agreed to a short adjournment to seek a point of procedural clarification from the Interim Legal Services Manager. The meeting reconvened at 4.00 p.m. with all parties present.

Members of the Committee then asked questions of the Head of Environmental Services.

The Head of Environmental Services then summarised the case on behalf of the Council.

The Appellant's representative and the Appellant summarised the case.

The parties to the appeal withdrew.

The Committee, having given careful consideration to all of the submissions made, **AGREED** that the decision taken by management to dismiss Mr B from Council service was reasonable in all the circumstances. Accordingly the appeal was **REFUSED**.

The parties to the appeal were recalled and the decision intimated to them.