

STIRLING COUNCIL

MINUTES of MEETING of the GRIEVANCE AND DISCIPLINE (CHIEF OFFICIALS) PANEL held in ROOM 5, LANGGARTH, STIRLING on MONDAY 18 APRIL 2005 at 2.00pm.

Present:

Councillor Tom COLL (Substitute in the Chair)

Councillor John HENDRY

Councillor Pat GREENHILL (Substitute)

In Attendance:

Lorraine Eivers, Corporate HR Manager (HR Adviser to the Panel)

Bob Jack, Director of Corporate Services (Adviser to the Panel)

Lyn Kennedy, Community Governance Manager, Corporate Services (Clerk)

Apologies:

An apology for absence had been received on behalf of Councillor Ann Dickson and Provost Colin O'Brien.

GR2 MINUTES OF MEETING

The minutes of meeting of 11 April 2005 were noted as an accurate record of proceedings.

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

GR3 CHIEF OFFICER DISCIPLINARY HEARING PROCEDURE

A report by the Director of Corporate Services advised the Panel of the procedures (appendix to the report) it would be asked to adopt for the conduct of Chief Officer Disciplinary Hearings and outlined how they would relate to the conduct of the matters referred to in the Chief Executive's report, which would be dealt with as the next item of business (GR4).

Decision

The Panel noted the advice set out in the Director of Corporate Services' report and agreed to adopt the procedure for disciplinary hearings set out in its appendix.

SUMMARY

GR4 CHIEF OFFICER DISCIPLINARY HEARING

A Chief Officer in Environment Services had been suspended on full pay on 1 April 2005 by the Chief Executive. This action had been taken following the receipt of two reports: 1) by the Council's appointed Investigating Officer and 2) an external consultant which had led the Chief Executive to conclude that there had been a serious breach of management practice which required to be considered by the Chief Officers' Disciplinary Panel. If proven, such a charge could constitute gross misconduct in terms of the Council's Disciplinary and Grievance Procedures and could result in the Chief Officer's dismissal from the Council's employment.

The allegations of serious breach of management practice were fully outlined as were the subsequent consequences to the Council.

Following a request by the Chief Official the disciplinary hearing of the Panel had been adjourned from the arranged dates of Monday 11 and Tuesday 12 April 2005, to Monday 18 and Tuesday 19 April 2005.

With the Panel satisfied that it was fully aware of the procedures that were to be followed in the course of the hearing and of the basis on which the matter had been brought before it for consideration, the following were invited to join the Panel: Mr Keith Yates, Chief Executive; Mr Peter Farquhar, Principal Solicitor, Corporate Services; Ms Sinead Murphy, Corporate HR Administrator, Corporate Services; Mr John Risk, Head of Customer Services, Corporate Services (Investigating Officer); the Chief Officer under investigation and the Chief Officer's representative, Mr Alex McLuckie, GMB Scotland.

A report by the Chief Executive, previously circulated to all parties, outlined the management position. The Chief Executive and Investigating Officer presented the management's case and called five witnesses in its support. Mr McLuckie and the Chief Officer were then given the opportunity to ask questions, as were the Panel members and their Advisers.

The hearing was adjourned at 7.10pm and was resumed in Room 55, Langgarth at 9.00am on Tuesday 19 April 2005, with a further lunch-time adjournment from 11.45am to 1.30pm.

The Chief Executive and Investigating Officer continued to present the management's case, and called another two witnesses, the second of whom was also considered to be a witness of the Chief Officer. Mr McLuckie, the Chief Officer, Panel members and their Advisers were then given the opportunity to ask further questions.

The Chief Officer then presented his case, referring to a variety of documentary evidence which had been previously circulated to all parties. The Chief Executive, Members of the Panel and its Advisers were then given the opportunity to ask questions.

The Chief Executive and Mr McLuckie then summed up their respective cases. Both parties withdrew from the hearing to allow the Panel to consider the evidence which had been put before it. Prior to the parties' withdrawal the Adviser to the Panel indicated that notification of the Panel's decision would be sent out within 5 days of it being reached.

The hearing was adjourned at 5.25pm and was resumed in the Bruce Room, Viewforth, Stirling at 8.30am on Wednesday 20 April 2005.

The Panel considered all of the evidence which had been put before it, weighing this against the specific aspects of the breach presented by the Chief Executive and the consequences of that breach to the Council.

Decision

The Panel agreed that the Chief Officer should be issued with a Final Written Warning.

(Reference – Written submissions previously circulated.)

The Chair declared the meeting closed at 11.45am.