



GRAMPIAN JOINT POLICE BOARD

COMMITTEE: GRAMPIAN JOINT POLICE BOARD

DATE: 4th March 2011

TITLE OF REPORT: POLICE APPEALS TRIBUNAL

1. PURPOSE OF REPORT

The purpose of the report is to advise the Board of an appeal to a Police Appeals Tribunal received and the need to appoint members of the Tribunal.

2. RECOMMENDATION(S)

It is recommended that the Board:

- Appoint the Clerk as Registrar to the Police Appeals Tribunal
- Appoint the Depute Clerk as Depute Registrar to the Police Appeals Tribunal
- To appoint Councillor Martin Grieg, Mr Andrew Cameron, Mr Calum Laurie and Mr Andrew Young QC to this Police Appeals Tribunal.

3. FINANCIAL IMPLICATIONS

The costs of the Police Appeal Tribunal are yet to be established and will be reported to the Board in due course.

4. SERVICE & COMMUNITY IMPACT

None

5. OTHER IMPLICATIONS

None

6. REPORT

6.1 In terms of Section 30 of the Police (Scotland) Act 1967 as substituted by section 55 of the Police and Magistrates Courts Act 1994, constables may appeal against dismissal to a Police Appeals Tribunal.

6.2 The Police Appeals Tribunals (Scotland) Rules set out the procedures for dealing with such appeals.

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- 6.3 The Board are required to appoint a Registrar to the Tribunal under these rules. The Registrar is required to perform the functions of the Registrar as specified in the Rules. These duties include, amongst others, administrative and support functions relating to the appeals process. The Clerk to the Board is normally appointed as Registrar. In addition, the Board are invited to appoint the Depute Clerk as Depute Registrar to the Tribunal.
- 6.4 On receipt of an appeal by a constable (who is not a senior officer), the Registrar is required to request that the Police Board appoint the members to the Tribunal. Membership of the Tribunal is made up as follows:
- A person chosen from a list of persons nominated by the Lord President of the Court of Session (who chairs the Tribunal)
 - A representative of the Grampian Joint Police Board
 - A person chosen from a list maintained by the Secretary of State of persons who are (or have been within the last 5 years) Chief Constables, other than a person who is (or has at any time been) Chief Constable of Grampian Police.
 - A retired constable of appropriate rank
- 6.5 An appeal has been received and it is therefore necessary for the Board to appoint a Police Appeals Tribunal.
- 6.6 The following individuals have been consulted and have agreed to service on a Police Appeals Tribunal, subject to the Board's approval:
- Mr Andrew Young, QC
 - Councillor Martin Grieg, Convener, Grampian Joint Police Board
 - Mr Andrew Cameron, former Chief Constable, Central Scotland Police
 - Mr Calum Laurie, former Constable, Lothian & Borders Police.
- 6.7 The Police Appeal Tribunals Approved rates for fees and expenses were last set in May 1998. As a consequence the amount allowed for overnight accommodation (if required by Tribunal Members) is a maximum of £61.50 per night. As this rate does not reasonably reflect the cost of hotel accommodation in Aberdeen, Tribunal Members have been invited to book accommodation via the Aberdeen City Council Travel Section. This will ensure that Members can make use of Government rates where possible and that the Board will be invoiced directly for accommodation costs.

7. REPORT AUTHOR DETAILS

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8. BACKGROUND PAPERS

None

**Karen M Donnelly, Depute Clerk
23rd February 2011**