



GRAMPIAN JOINT POLICE BOARD

COMMITTEE: GRAMPIAN JOINT POLICE BOARD

DATE: 4TH NOVEMBER 2011

TITLE OF REPORT: POLICE APPEALS TRIBUNAL

1. PURPOSE OF REPORT

The purpose of this report is to advise the Board of a need to amend the membership of the Police Appeal Tribunal appointed on 21st January 2011.

2. RECOMMENDATION(S)

It is recommended that the Board appoint Mr Calum Laurie to this Police Appeals Tribunal to sit alongside the previously appointed Mr Stuart Gale QC, Sir William Rae and Councillor Martin Greig.

3. FINANCIAL IMPLICATIONS

The costs of the Police Appeal Tribunal amount to daily payment rates and expenses for Tribunal Members at nationally agreed rates.

4. SERVICE & COMMUNITY IMPACT

None.

5. OTHER IMPLICATIONS

None.

6. REPORT

6.1 The Grampian Joint Police Board considered a report from the Clerk to the Board at its meeting on 21st January 2011 in respect of Police Appeal PAT/10/01 and resolved to appoint a Police Appeals Tribunal with membership comprising of Mr Stuart Gale QC (Chair), Sir William Rae, Councillor Martin Greig and Mr John Finnie. For Members information that report is attached at Appendix One.

6.2 In May 2011 Mr John Finnie was elected to the Scottish Parliament. Due to the demands this places on his diary, on 30th September 2011 Mr Finnie wrote to the Depute Registrar of the Tribunal to intimate that he required to relinquish his appointment to the Tribunal.

6.3 The Tribunal is unable to proceed without a full complement of Members. Mr Finnie was appointed as a retired constable of

appropriate rank Member of the Tribunal therefore a replacement of this appointment is required.

- 6.4 The Depute Registrar has consulted with Mr Calum Laurie, former Constable, Lothian & Borders Police, who has agreed to serve on this Police Appeals Tribunal, subject to the Boards approval.

7. REPORT AUTHOR DETAILS

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Policy & Advice Officer

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8. BACKGROUND PAPERS

Grampian Joint Police Board – Board Report for Item 4 on 21st January 2011
– ‘Police Appeals Tribunal’ – Attached in Appendix One.

**KAREN M DONNELLY
DEPUTE CLERK**

28TH OCTOBER 2011

APPENDIX ONE – BOARD REPORT FROM 21ST JANUARY 2011



GRAMPIAN JOINT POLICE BOARD

COMMITTEE: GRAMPIAN JOINT POLICE BOARD

DATE: 21ST JANUARY 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, Sir William Rae, Mr John Finnie and Mr Stuart Gale QC to this Police Appeals Tribunal.

4. 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.

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- 6.2 The Police Appeals Tribunals (Scotland) Rules set out the procedures for dealing with such appeals.
- 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 Stuart Gale, QC
 - Councillor Martin Grieg, Convener, Grampian Joint Police Board
 - Sir William Rae, former Chief Constable, Strathclyde Police
 - Mr John Finnie, former Constable, Northern Constabulary.

8. REPORT AUTHOR DETAILS

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8. BACKGROUND PAPERS

None

Jane G MacEachran, Clerk
13th January 2011