

APPEALS COMMITTEE

At the Meeting of the Appeals Committee held in the Council Offices, Garshake Road, Dumbarton on Thursday 16 March 2006 at 9.30 am.

Present: Councillors George Black, Jackie Maceira, and Martin Rooney.

Attending: Nigel Ettles, Principal Solicitor.

Apologies: Apologies for absence were intimated on behalf of Councillors Joe Pilkington, James Bollan, Margaret Bootland and James McCallum

APPOINTMENT OF CHAIR

8585 In the absence of the Convener, Councillor Pilkington, it was agreed that the meeting be chaired by Councillor Martin Rooney. Accordingly, Councillor Rooney assumed the Chair.

EXCLUSION OF PRESS AND PUBLIC

8586 The Committee approved the following resolution:-

8587 "That under Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act".

GRIEVANCE APPEAL (REF: APP/06/03)

8588 There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a grievance. There was also submitted a Note of the procedure to be followed at the Hearing of the Appeal.

8589 The Appellants were represented by Charlie McDonald of the TGWU. The department in which the Appellants were employed was represented by Raymond Lynch, Solicitor.

8590 Mr McDonald called as witnesses Tom Rainey of Unison and one of the Appellants. Mr Rainey and the Appellant were questioned by Mr McDonald, Mr Lynch and Members of the Committee.

8591 Mr Lynch called as witnesses John McKerracher, Head of Housing and Property Services and Gerry McInerney, Director of Corporate Services. Mr McKerracher and Mr McInerney were questioned by Mr Lynch, Mr McDonald and Members of the Committee.

8592 Mr Lynch and then Mr McDonald summed up their respective cases and thereafter both parties withdrew from the meeting. After the Committee had deliberated the matter in private, both parties were re-admitted to the meeting and advised of the Committee's findings and recommendations.

8593 The Committee found that:-

- 1) Contracts of Employment were agreed between the Council and the Appellants.
- 2) The Contracts of Employment contained an implied departure from the National Agreement on Pay and Conditions of Service.
- 3) An inclusive salary was specified in the Contracts of Employment.
- 4) The 7.5% allowance specified in the Contracts of Employment was paid in recognition of the requirements of the service.

8594 The Committee recommended that:-

- 1) No retrospective award be paid to the Appellants.
- 2) Any new Contracts of Employment should take account of the flaws and weaknesses identified by Management and the Trades Unions in the existing Contracts of Employment.
- 3) Management should generally consult with the Trades Unions on terms and conditions of service when a new post is to be created.

The meeting closed at 12.50 pm.