

APPEALS COMMITTEE

At a reconvened meeting of the Appeals Committee held in the Council Offices, Rosebery Place, Clydebank on Thursday 29 August 2002 at 9.30 a.m.

Present: Councillors Ronnie McColl, James Bollan, Mary Campbell, James McCallum and Ian McDonald.

Attending: Nigel Ettles, Principal Solicitor.

Apology: An apology for absence was intimated on behalf of Councillor Geoffrey Calvert.

Councillor Ronnie McColl in the Chair

EXCLUSION OF PRESS AND PUBLIC

The Committee approved the following resolution:-

"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".

APPEAL AGAINST DISMISSAL

The papers previously submitted to the Appeals Committee held on 27 August 2002 were re-submitted. There was also submitted a Note of the procedure to be followed at the hearing of the Appeal.

The Appellant was present and was again represented by Tom Rainey. The Department was again represented by Jeanette Maclean.

Mr. Rainey sought to submit further documents. Ms. Maclean objected to the submission of documents at that stage of the proceedings. After discussion, the Committee allowed the documents to be submitted and allowed Ms. Maclean some time in which to take instructions on the content of the documents.

Mr. Rainey called the Appellant as a witness. The Appellant was questioned by Mr. Rainey, Ms. Maclean, Members of the Committee and again by Mr. Rainey.

Ms. Maclean recalled Liz Cochrane as a witness in order that she could give evidence on the newly submitted documents. Ms. Cochrane was questioned by Ms. Maclean, Mr. Rainey and Members of the Committee.

Ms. Maclean and then Mr. Rainey 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 that the grounds of the Appeal had been substantiated in part and the Appeal had been upheld to the extent that the Appellant remained dismissed but "misconduct" was substituted for "gross misconduct" in the reason for dismissal.

The meeting concluded at 3.00 p.m.

27AUGUST021