

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 11 February 2016 at 9.37 a.m.

Present: Councillors Jim Brown, David McBride, Tommy Rainey and Hazel Sorrell.

Attending: Paul McGowan, HR & Workforce Development Manager; Nigel Ettles, Principal Solicitor and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

Councillor Tommy Rainey in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

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”.

MINUTES OF PREVIOUS MEETING

Approval of the Minutes of Meetings of the Appeals Committee held on 14 August 2014, 24 October 2014 and 19 March 2015 were continued to a future meeting of the Committee.

PROCEDURE

The Committee agreed to note the Appeals Against Disciplinary Action and Non-Disciplinary Dismissal Procedure that would be followed at this Hearing of Appeal.

ADJOURNMENT

The Appellant requested an adjournment at this point in the meeting. Having heard the Chair, Councillor Rainey, the Committee agreed to adjourn the meeting.

APPEAL AGAINST DISMISSAL (REF: APP/15/05)

The meeting reconvened at 9.50 a.m. with all those Members shown on the sederunt in attendance.

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a Dismissal.

The Appellant was in attendance and was represented by Norman King of Unite. Peter Barry, Head of Customer and Community Services was in attendance to present the case on behalf of Management. Tracy Keenan, HR Business Partner, was in attendance as an Adviser to Mr Barry.

Mr Barry presented the case for Management and called VR, ES, LN and JM as witnesses. VR, ES, LN were questioned by Mr Barry, Mr King and Members of the Committee. JM was questioned by Mr Barry.

ADJOURNMENT

Having heard the Chair, Councillor Rainey, the Committee agreed to adjourn the meeting and that a suitable date to continue the meeting be identified in agreement with all parties.

The meeting adjourned at 4.05 p.m.

RECONVENED MEETING

The meeting of the Appeals Committee was reconvened in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Monday, 7 March 2016 at 9.30 a.m. The Elected Members named on the sederunt were again present. Mr Ettles, Mr McGowan and Mrs Quinn-Ross were again in attendance and Councillor Rainey was again in the Chair.

The Appellant was in attendance and was represented by Norman King of Unite. Peter Barry, Head of Customer and Community Services was in attendance to present the case on behalf of Management. Tracy Keenan, HR Business Partner, was in attendance as an Adviser to Mr Barry.

JM returned as a witness for Management and was heard in answer to questions from Mr King.

During the questioning of JM, Councillor Rainey called for an adjournment to seek Legal advice in relation to information which had come to light.

The meeting reconvened at 9.47 a.m. with all those shown on the sederunt in attendance.

Following legal advice and having heard Councillor Rainey the Committee agreed that Mr Paul McGowan would leave the meeting at this point, as he had previous involvement in the case and it would not be appropriate for him to continue as the HR adviser to the Committee. Mr McGowan then left the meeting.

Mr King then continued to ask questions of JM. JM was then heard in answer to Members' questions and in answer to further questions from Mr Barry.

Mr Barry in presenting the case for Management then called RL as a witness. RL was questioned by Mr Barry, Mr King and Members of the Committee. Mr King declined to question Mr Barry.

The Appellant and Mr King presented their case. The Appellant was questioned by Mr Barry and Members of the Committee. Mr King then called CMcD as a witness. CMcD was questioned by the Mr King, Mr Barry and the Members of the Committee.

Mr Barry and then Mr King summed up their respective cases and thereafter both parties withdrew from the Meeting.

Note:- Mrs Anne Marie Cosh was invited to attend the meeting at this point as HR Adviser to the Committee.

After the Committee had deliberated the matter in private, both parties were re-admitted to the meeting and advised that the Committee had found that the grounds of the appeal had been substantiated and the Appeal had been upheld.

The meeting closed at 3.50 p.m.