

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in the Council Offices, Rosebery Place, Clydebank on Tuesday 5 March 2002 at 9.30 a.m.

Present: Councillor James Bollan, Councillor Mary Campbell and Councillor Ian McDonald.

Attending: David Logan, Principal Solicitor.

Apologies for Absence: Apologies for absence were received on behalf of Councillor McColl and Councillor McElhill.

ELECTION OF CHAIRPERSON

In terms of Item 2 of the agenda the Committee agreed that Councillor James Bollan should take the Chair and accordingly Councillor Bollan then took the Chair.

EXCLUSION OF PRESS AND PUBLIC

The Committee unanimously 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."

PROCEDURE

The Committee unanimously approved the procedure to be followed at the Hearing, being the procedure as set out in the enclosures pages 1-2 to the agenda calling the meeting.

APPEAL AGAINST DISMISSAL

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

The Appellant was present and was represented by Mr. Peter McNichol of the Transport and General Workers Union. The Department in which the Appellant had been employed was represented by Ms. Louise McHugh, Solicitor.

Ms. McHugh called as witnesses, the following employees of the Department of Commercial and Technical Services - Mr. Angus McArthur, Supervisor, Roads Direct Division; Mr. Charles

Harkin, Productivity Officer; Mr. Peter Bradley, Personnel Officer; and Mr. Alan Kerr, Section Head (Operations). After giving evidence each witness was cross-examined by Mr. McNichol and by members of the Committee.

No evidence was led on behalf of the Appellant.

Ms. McHugh and Mr. McNichol 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 the grounds of the Appeal had been substantiated in part and that the Appeal had been upheld to the extent that the Appellant would be reinstated in his previous employment with a suspension without pay for a period of two weeks commencing from 29 June 2001.

The meeting closed at 1.15 p.m.