

## **APPEALS COMMITTEE**

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 19 February 2009 at 9.30 am.

**Present:** Councillors George Black, James Bollan, Jim Brown, Jim Finn, Jonathan McColl, Ronnie McColl and John Millar.

**Attending:** Nigel Ettles, Principal Solicitor.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Gail Casey and David McBride.

### **Councillor George Black in the Chair**

### **MINUTES OF PREVIOUS MEETINGS**

The Minutes of meetings of the Committee held on 15 and 22 January 2009 were submitted and approved as a correct record.

### **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”.

### **DECLARATION OF NON-FINANCIAL INTEREST**

Councillor Jonathan McColl declared a non-financial interest in the following item of business and left the meeting before the Committee began to hear the Appeal. The Principal Solicitor raised the issue of Councillor Bollan being involved in the Grievance at an earlier stage. Councillor Bollan advised that he had no interest to declare. After expressing concerns about Councillor Bollan's participation in the Hearing of the Appeal, Councillors Ronnie McColl, Finn and Brown left the meeting before the Hearing began.

**GRIEVANCE APPEAL**  
**(REF: APP/08/07)**

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.

The Appellant was present and was represented by Michael Conroy of the GMB. The department in which the Appellant was employed was represented by Alistair Young, Solicitor.

Mr Conroy called the Appellant as a witness. The Appellant was questioned by Mr Conroy, Mr Young and Members of the Committee.

Mr Young called as witnesses Elaine Foulkes, Senior HR Officer, Theresa Westwood, Care Home Manager, Agnes Trotter, Assistant Principal Officer, Community Care, and Jim Nisbet, Head of Service, Community Care. Ms Foulkes, Ms Westwood, Ms Trotter and Mr Nisbet were questioned by Mr Young, Mr Conroy and Members of the Committee.

Mr Young and then Mr Conroy 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 Appeal had been upheld because of the Appellant's exceptional circumstances. The finding of the Committee was that £50 net should be paid to the Appellant by the Council.

The meeting closed at 12.42pm.