

## APPEALS COMMITTEE

At a meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 22 January 2004 at 9.30 a.m.

**Present:** Councillors Margaret Bootland and Jackie Maceira.

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

**Councillor Margaret Bootland in the Chair**

### EXCLUSION OF PRESS AND PUBLIC

1676 The Committee approved the following resolution:-

1677 "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 SUSPENSION WITHOUT PAY AND FINAL WRITTEN WARNING (REF: APP/03/03)

1678 There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a suspension without pay and final written warning. There was also submitted a note of the procedure to be followed at the Hearing of the Appeal.

1679 The Appellant was present and was represented by Mick Conroy of the GMB. The Department in which the Appellant had been employed was represented by Christine Adam, Solicitor.

1680 As a preliminary matter, Mr. Conroy asked the Committee to exclude from consideration a number of documents which had been lodged as Productions by Ms. Adam. The Committee heard submissions from Mr. Conroy and Ms. Adam on this matter 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 informed that the Committee had agreed to exclude from consideration some of the documents to which objection had been taken.

- 1681 Ms. Adam called as a witness Ellen McFarlane, Area Manager, Catering and Cleaning. Ms. McFarlane was questioned by Ms. Adam, Mr. Conroy, Members of the Committee and again by Ms. Adam. Ms. Adam then called as a witness Robert Davidson, Section Head, Catering and Cleaning. Mr. Davidson was questioned by Ms. Adam, Mr. Conroy and again by Ms. Adam. Ms. Adam then called as a witness Pat Bradley, Personnel Officer. Mr. Bradley was questioned by Ms. Adam, Mr. Conroy and Members of the Committee.
- 1682 Mr. Conroy called the Appellant as a witness. The Appellant was questioned by Mr. Conroy, Ms. Adam and Members of the Committee.
- 1683 Ms. Adam 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 grounds of the Appeal had been substantiated in part and the Appeal had been upheld to the extent that the suspension without pay was quashed. The final written warning remained in place.

The meeting concluded at 1.40 p.m.