

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Thursday 31 October 2013 at 9.40 a.m.

Present: Councillors Michelle McGinty, Tommy Rainey, Kath Ryall and Hazel Sorrell.

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

Apology: An apology for absence was intimated on behalf of Councillor Jonathan McColl.

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 items of business on the grounds that they 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

The Committee approved as a correct record, the Minutes of the Meeting of the Appeals Committee held on 20 June 2013 (Ref. APP/12/04).

APPEAL AGAINST DISMISSAL (REF: APP/13/10)

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

The Appellant was in attendance and was represented by David Scott of the GMB. Anne-Marie Cosh, HR Business Partner, was in attendance to present the case on behalf of management as the Disciplinary Officer and Lead Investigating Officer were both unable to attend. Geraldine Lyden, HR Business Partner, was in attendance as an Adviser to Ms Cosh.

Ms Cosh presented the case for Management and called DR and MF as witnesses. DR and MF were questioned by Ms Cosh, Mr Scott and Members of the Committee. Ms Cosh was questioned by Members of the Committee and Mr Scott.

Mr Scott presented the case for the Appellant and he and the Appellant were questioned by Ms Cosh and members of the Committee.

Ms Cosh and then Mr Scott 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 not been substantiated and the Appeal had not been upheld.

The meeting closed at 1.03 p.m.