

APPEALS COMMITTEE

At an adjourned meeting of the Appeals Committee held within the Council Suite, Council Offices, Rosebery Place, Clydebank on Wednesday 25 April 2001 at 9.30 am.

Present: Councillors Mary Campbell, Mary Collins, Ronald McColl, Ian McDonald and Anthony Devine

Attending: Audrey Ritchie, Principal Solicitor.

Councillor Anthony Devine in the Chair

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 1 of Schedule 7A to the Act".

APPEAL AGAINST DISMISSAL

In addition to the background papers submitted to the previous meetings, there was also submitted a Note of Interim Procedures which it was agreed would be adopted at the Appeal Hearing.

The Appellant was present and was represented by Mr John Duncan. The Authority was represented by Jeanette Maclean, Solicitor.

Ms Maclean advised the Committee that arrangements had been made for the final witness for the Authority, Mr Thomson, to give his evidence at 2.00 pm. Ms Maclean explained that Mr Thomson had only recently returned to work and had done so on a part-time basis. However, it now appeared that Mr Thomson's evidence could be given at an earlier time. Ms Maclean requested a short adjournment to allow her to ascertain whether Mr Thomson would be available prior to 2.00 pm. The Committee adjourned for ten minutes.

As the previous meeting had adjourned at the end of the Appellant's evidence, Ms Maclean commenced by questioning the Appellant. Mr Duncan indicated that he did not wish to put any further questions to the Appellant. The Appellant was then questioned by members of the Committee. The Committee agreed that, should it be necessary following the evidence of Mr Thomson, Mr Duncan would have the right to lead further evidence from the Appellant and any other witnesses.

The Committee adjourned at 11.30 am reconvening at 11.50 am with Alex Thomson present. Following questions from Ms Maclean, Mr Thomson was questioned by Mr Duncan and then by members of the Committee.

The Committee adjourned for lunch at 1.00 pm, with the meeting being reconvened at 1.55 pm.

At the request of members of the Committee, Mr Tom Drummond, of the Authority's Internal Audit Section, was recalled to clarify a number of points in respect of his evidence. Mr Drummond was questioned by members of the Committee. There were no questions from Ms Maclean nor Mr Duncan. Mr Duncan then put further questions to the Appellant, following which the Appellant was questioned by members of the Committee. At 2.30 pm the Committee adjourned for a short break, reconvening at 2.45 pm. Ms Maclean and Mr Duncan then 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 Appeal have been substantiated in part and that the Appeal be upheld to the extent that the Appellant was reinstated in his post as Senior Trading Standards Officer with the Economic; Planning & Environmental Services Department and that the decision of 13 December 2000 to dismiss him be substituted with a period of 4 weeks suspension without pay.

The meeting closed at 4.05 pm.