

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Friday 14 November 2008 at 2.00 p.m.

Present: Councillors George Black, James Bolland, Jim Brown and Jonathan McColl.

Attending: Nigel Ettles, Principal Solicitor.

Apologies: Apologies for absence were intimated on behalf of Councillors David McBride, Ronnie McColl, John Millar, Jim Finn and Gail Casey.

Councillor George Black 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 I of Schedule 7A to the Act”.

APPEAL AGAINST DISMISSAL (REF: APP/08/04)

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 present. The department in which the Appellant had been employed was represented by Gavin Walsh, Solicitor.

Mr Walsh called as witnesses Julie Hughes, Assistant Personnel Officer; and Christine Gallacher, Acting Head of Centre. Ms Hughes and Ms Gallacher were questioned by Mr Walsh and Members of the Committee.

The Appellant presented her case and was questioned by Mr Walsh and Members of the Committee.

Mr Walsh summed up the case for the department. The Appellant elected not to sum up her case. Both parties then withdrew from the meeting.

After the Committee had deliberated the matter in private, both parties were readmitted to the meeting. The Members of the Committee discussed with the Appellant and Mr Walsh the options available to the Committee in the event of the Appeal being upheld. The Committee then agreed to adjourn the meeting to allow the Appellant to seek advice as to her preferred option.

The meeting adjourned at 3.32 pm.

RECONVENED MEETING

The meeting of the Appeals Committee was reconvened in Meeting Room 1, Council Offices, Garshake Road, Dumbarton on Thursday 27 November 2008 at 9.30 a.m. The Members present were those who had attended the meeting on 14 November 2008 with the exception of Councillor Black who had intimated an apology for his absence. Mr Ettles was again in attendance. The Appellant was present and Mr Walsh again represented the department in which the Appellant had been employed.

In the absence of the Chair, it was agreed that the meeting be chaired by Councillor Jonathan McColl. Accordingly, Councillor McColl assumed the Chair for the duration of the meeting.

The Appellant was heard with regard to her preferred option. The parties were then advised that the grounds of the Appeal had been substantiated and the Appeal had been upheld. The Committee was of the opinion that the Appellant should be entitled to ill-health retirement and, accordingly, the Appellant was reinstated with a view to being re-assessed by an independent registered medical practitioner qualified in occupational health medicine.

The meeting closed at 9.35 a.m.