

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 26 November 2009 at 10.30 am.

Present: Councillors Jim Brown, Iain Robertson and Jonathan McColl.

Attending: Nigel Ettles, Principal Solicitor.

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

APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor Black, it was agreed that the meeting be chaired by Councillor Jonathan McColl. Accordingly, Councillor McColl assumed 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 Minutes of Meeting of the Committee held on 8 October 2009 were submitted and approved as a correct record.

APPEAL AGAINST DISMISSAL (REF: APP/09/09)

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 and was represented by Martin Doran of the GMB. The Department in which the Appellant had been employed was represented by Raymond Lynch, Solicitor.

Mr Lynch called as witnesses Ian Cummings, Operational Manager, Housing Maintenance, and Martin Feeney, Section Head, Housing Maintenance. Mr Cummings and Mr Feeney were questioned by Mr Lynch, Mr Doran and Members of the Committee.

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

Mr Lynch and then Mr Doran 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. In the opinion of the Committee, Management had been right to take into consideration previous final written warnings and had adhered to the Council's Disciplinary Procedures.

The meeting closed at 12.45 pm.