

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Tuesday 19 June 2012 at 9.30 a.m.

Present: Councillors Tommy Rainey, George Black, Jim Bollan, Jim Brown, Jonathan McColl and John Millar.

Attending: Nigel Ettles, Principal Solicitor, and Geraldine Lyden, HR Business Partner, Educational Services.

Apologies: Apologies for absence were intimated on behalf of Councillors Patrick McGlinchey and Lawrence O'Neill.

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 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/12/01)

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 Karen Dunlop of Unison. Management were represented by Gavin Walsh, Solicitor.

Mr Walsh called LS as a witness. LS was questioned by Mr Walsh, Ms Dunlop, members of the Committee and again by Mr Walsh.

At this point, as it had become clear that he would be unable to remain until the conclusion of the proceedings, Councillor Brown left the meeting and took no further part in the hearing of the Appeal.

Mr Walsh called as witnesses PB and TJ. The witnesses were questioned by Mr Walsh, Ms Dunlop and members of the Committee.

Ms Dunlop called as witnesses FW and FT. The witnesses were questioned by Ms Dunlop, Mr Walsh, members of the Committee and again by Ms Dunlop.

The Appellant made a very brief statement and was briefly questioned by Mr Walsh and members of the Committee. Ms Dunlop was also questioned by members of the Committee.

Mr Walsh and then Ms Dunlop summed up their respective cases and thereafter both parties withdrew from the meeting. At the request of the Committee, Ms Lyden remained at 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 6.15 p.m.