

## **APPEALS COMMITTEE**

At a meeting of the Appeals Committee held within the Committee Room 2, Council Offices, Garshake Road, Dumbarton on Monday 2 December 1996.

**Present:** Provost Patrick O'Neill (LAB) and Councillors Anthony Devine (LAB), Patricia Rice (LAB) and Duncan Mills (LAB).

**Attending:** Robert Anderson, Principal Personnel Officer, and Nigel Ettles, Principal Solicitor.

**Apologies for Absence:** Apologies for absence were intimated on behalf of Councillors Andrew White (LAB) and Ronnie McColl (SNP).

### **Provost Patrick O'Neill 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**

There was submitted a Letter of Appeal which had been submitted to the Council in relation to a dismissal. There was also submitted a note of the Rights of Appeal and the Appeal Procedure.

The appellant was present and was represented by Brian Docherty of the EEPTU. The Authority was represented by Stuart Robertson, Solicitor.

Mr Robertson lodged a number of Productions. Mr Docherty raised a number of preliminary matters which were considered by the Committee.

Mr Robertson presented the case for the Authority and called as a witness John Malcolm, Area Manager with the Department of Contract Services. After giving evidence, Mr Malcolm was questioned by Mr Docherty. Mr Robertson then called as a witness John McKerracher, Maintenance Manager with the Department of Contract Services. After giving evidence, Mr McKerracher was questioned by Mr Docherty and members of the Committee.

Mr Docherty asked general questions of Mr Anderson but declined to lead any further evidence.

Mr Robertson and then Mr Docherty 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 readmitted to the meeting and advised that the grounds of the Appeal had not been substantiated and the Appeal had not been upheld.