

APPEALS COMMITTEE

At a meeting of the Appeals Committee held within Committee Room 2, Council Offices, Garshake Road, Dumbarton on Thursday 16 October 1997.

Present: Provost Patrick O'Neill (LAB) and Councillors Anthony Devine (LAB), William Mackechnie (SNP) and Ronnie McColl (SNP).

Attending: Nigel Ettles, Principal Solicitor

Apologies for Absence: Apologies for absence were intimated on behalf of Councillors Andrew White (LAB), Patricia Rice (LAB) and Duncan Mills (LAB).

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 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 Interim Procedures which it was agreed would be adopted at the Appeal Hearing.

The Appellant was present and was represented by Tom Morrison of UNISON. The Authority was represented by Stuart Robertson, Solicitor. Mr Robertson and Mr Morrison lodged a number of productions.

Mr Robertson called as a witness David McMillan, Manager of Commercial Operations, Contract Services. After giving evidence Mr McMillan was questioned by Mr Morrison. There was a break in the questioning during which the Committee heard from Stephen Brown, Manager - Legal and Administrative Services, with regard to disciplinary procedures. Mr Morrison then resumed his questioning of Mr McMillan. Members of the Committee then asked questions of Mr McMillan and there were further questions from Mr Robertson.

Mr Robertson then called as a witness Stuart Clapperton, Chargehand Propagator. After giving evidence Mr Clapperton was questioned by Mr Morrison and a member of the Committee.

Mr Robertson then recalled Mr McMillan as a witness and the Committee heard further evidence from him.

Mr Robertson then called as a witness Andrew Thornton, Operations Manager (Lands). After giving evidence Mr Thornton was questioned by Mr Morrison. Further questions were then asked of him by Mr Robertson.

Mr Robertson then called as a witness Robert McKinlay, Acting Chargehand. After giving evidence Mr McKinlay was questioned by Mr Morrison.

Councillor Devine then left the Meeting, having been called away on urgent business. Mr Morrison then advised the members of the Committee that he wished them to hear from John Bak, Head of Personnel and Training. Mr Morrison asked the Committee to adjourn the Appeal Hearing to a date on which Mr Bak would be available. After some discussion, the Committee granted Mr Morrison's request.

RECONVENED MEETING

The Committee was reconvened on Thursday 30 October 1997. The members present were Provost Patrick O'Neill (LAB) and Councillors Ronnie McColl (SNP) and William Mackechnie (SNP). Nigel Ettles, Principal Solicitor, was again in attendance. Provost Patrick O'Neill was, again, in the Chair.

The Committee heard from Ian Leitch, Depute Chief Executive and Solicitor to the Council on employment law issues and John Bak, Head of Personnel and Training, with regard to disciplinary procedures. Mr Leitch and Mr Bak answered questions from Mr Morrison.

Thereafter, Mr Leitch and Mr Bak left the meeting and the Appeal proceeded. Evidence was heard from witnesses called by Mr Morrison.

On conclusion of evidence and submissions, both parties left 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.