

APPEALS COMMITTEE

At a meeting of the Appeals Committee held within the Committee Room 2, Council Offices, Garshake Road, Dumbarton on Thursday 10 April 1997

Present: Provost Patrick O'Neill (LAB) and Councillors Andrew White (LAB), Anthony Devine (LAB), Patricia Rice (LAB), Ronnie McColl (SNP) and John McCutcheon (SNP).

Attending: Nigel Ettles, Principal Solicitor.

Apology for An apology for absence was intimated on behalf of Councillor Duncan

Absence: 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 to be adopted at the Appeal Hearing.

The Appellant was present and was represented by his colleague Thomas Morrison. The authority was represented by Stuart Robertson, Solicitor. Mr Robertson lodged a number of Productions and called as a witness Agnes Trotter, Assistant Principal Officer, Community Care. After giving evidence Ms Trotter was questioned by Mr Morrison and Members of the Committee.

Mr Morrison declined to lead any evidence from witnesses. Mr Robertson and then Mr Morrison 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 been substantiated in part and that the Appeal had been upheld to the extent that the Appellant was reinstated with a final written warning effective from 10 April 1997 and a suspension without pay from the date of dismissal until 14 April 1997 substituted for the dismissal. The Appellant was also reinstated on the understanding that he would attend Counselling for his alcohol/drug problem.