

## **APPEALS COMMITTEE**

At a meeting of the Appeals Committee held in Meeting Room 2, Council Offices, Garshake Road, Dumbarton on Thursday, 17 March 2011 at 9.40 a.m.

**Present:** Councillors George Black, James Bolland, Jim Brown and Jonathan McColl.

**Attending:** Nigel Ettles, Principal Solicitor, and Linda McAlister, Section Head, Policy and Employee Relations.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Martin Rooney and Ronnie McColl.

### **Councillor George Black 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”.

#### **GRIEVANCE APPEAL (REF: APP/09/01)**

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a grievance. 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 Charlie McDonald of Unite. Management were represented by Raymond Lynch, Solicitor.

Mr McDonald informed the Committee that the Appellant was withdrawing the first of his two grievances and proceeding with the second grievance which related to the withdrawal of a travel payment.

Mr McDonald and the Appellant presented the case for the Appellant and were then questioned by Mr Lynch and Members of the Committee.

Mr Lynch called as witnesses Maureen Ross, Office Supervisor, Rodney Thornton, Fleet and Waste Services Manager, and Jack McAulay, Roads and Transportation Manager. The witnesses were questioned by Mr Lynch, Mr McDonald and Members of the Committee.

Ms McAlister, as HR Adviser, provided information relating to travel payments and was questioned by Members.

Mr Lynch and then Mr McDonald summed up their respective cases and thereafter both parties withdrew from the meeting. At the request of Members, Ms McAlister 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 Committee had found that the grievance was justified and the Appeal had been upheld.

The travel payment which had been paid to the Appellant between 2002 and 2008 was therefore to be reinstated and backdated to its withdrawal in 2008. The travel payment was to continue to be paid until the Appellant was redeployed to Dumbarton or until he left his present post, whichever was earlier.

The meeting closed at 1.08 p.m.