

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday, 25 March 2010 at 9.30 am.

Present: Councillors George Black, Jim Brown, Jonathan McColl, Ronnie McColl and John Millar.

Attending: Nigel Ettles, Principal Solicitor.

Apologies: Apologies for absence were intimated on behalf of Councillors James Bolland, Iain Robertson, Gail Casey and David McBride.

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 items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act”.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Committee held on 11 March 2010 were submitted and approved as a correct record.

APPEAL AGAINST DISMISSAL (REF: APP/09/14)

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. The department in which the Appellant had been employed was represented by Gavin Walsh, Solicitor.

Mr Walsh called as witnesses John Brannigan, Area Manager, Facilities Management and Bob Davidson, Section Head, Facilities Management. Mr Brannigan and Mr Davidson were questioned by Mr Walsh, the Appellant and Members of the Committee.

The Appellant presented her case and was questioned by Mr Walsh and Members of the Committee.

Mr Davidson was recalled and further questioned by Members of the Committee.

Mr Walsh and then the Appellant 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. The parties were further advised that, as her dismissal related to incapability and not to any disciplinary matter, the Appellant could apply for a post with the Council if her health improved.

The meeting closed at 11.30 a.m.