

WEST DUNBARTONSHIRE COUNCIL

At a Requisitioned Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton on Wednesday, 23 May 2001 at 6.00 p.m.

Present: Provost Alistair Macdonald and Councillors James McElhill, Mary Campbell, Daniel McCafferty, John Syme, Andrew White, Anthony Devine, Mary Collins, Ian McDonald, Duncan McDonald, John McCutcheon, Linda McColl, Iain Robertson, Geoffrey Calvert, James McCallum, John Trainer, James Bolland, Craig McLaughlin, Ronald McColl, Margaret McGregor, James Flynn and Connie O'Sullivan.

Attending: Tim Huntingford, Chief Executive; Eric Walker, Director of Corporate Services; Ian McMurdo, Director of Education and Cultural Services and Stephen Brown, Head of Legal and Administrative Services.

Provost Alistair Macdonald in the Chair

EMERGENCY ITEM

Provost Macdonald intimated that he intended to consider an additional item relating to Employment Tribunal Case No S/100345/00 at this meeting and explained that because the Council's solicitor had still to provide the Council with his Opinion on the prospects of appealing the Tribunal decision, until it was known if an appeal was to be lodged, it may not be helpful to debate the merits and contents of the Tribunal decision. Provost Macdonald went on to explain that the emergency item of business would be taken before the four other motions which had been submitted by Councillors Ronald McColl, Iain Robertson, James McElhill, Margaret McGregor, Craig McLaughlin and John McCutcheon.

In the circumstances, Provost Macdonald advised that since the additional item would be considered first, the remaining motions would either stand, or would not be considered, in accordance with the Council's decision.

Accordingly, in respect of the Tribunal decision, Councillor Trainer, seconded by Councillor Calvert, moved that this Council:-

- (a) notes the decision of the Employment tribunal in case No S/100345/00;
- (b) is actively considering its options in response; and
- (c) recognises that pending the response, it would be imprudent for the Council, its elected Members and Officers to give further consideration to or speculate on the issues which could affect the interests of the Council.

Furthermore resolves that:-

- (a) neither the Council nor any of its committees should consider any matter relating to nor arising from the decision and extended reasons of the Tribunal until the Opinion of Council's Solicitor has been received; and
- (b) notices of motion a, b, c and d, which have been tabled for consideration at this meeting of the Council, be not considered at this stage.

ADJOURNMENT

The Council unanimously agreed to adjourn at this point and resumed a short time thereafter those present being as shown in the sederunt.

The Council then resumed consideration of the immediately preceding motion.

As an amendment, Councillor Ronald McColl, seconded by Councillor McElhill, moved that the Council:-

Draw a line under the sordid affair and adhere to the terms of the verdict thus saving the Council Tax payer any further expense and West Dunbartonshire Council any further embarrassment.

Instruct the Chief Executive to send a letter of apology to the former Depute Chief Executive for the disgraceful way in which he was treated during the last two years of his employment and that this letter be countersigned by both Group Leaders.

Instruct that a report be submitted to June meeting of Council detailing:

1. The legal costs both internal and external incurred in preparation for and at the tribunal hearing.
2. The legal and settlement costs of all employment tribunals over the last two years.
3. The number and nature of any outstanding employment tribunals.
4. The legal costs incurred by the Council arising from the Michael Watters grievance.
5. The possibility of surcharging those Members responsible for the costs incurred by West Dunbartonshire Council in the Leitch tribunal and other cases which have been settled out of Court.

Agrees that:

1. Councillor White's SRA will be removed immediately irrespective of any post he may hold with the Administration.

2. This Council recommends a vote of no confidence in Councillor White and calls on him to resign as Labour Group Leader thus vacating the post of Leader of the Council, a position he is clearly not fit to hold.
3. This Council asks Councillor White to look to his conscience and consider resigning as an elected Member for the good of both this Council's reputation and the people we represent.

Agrees that:-

1. Councillor McCallum's SRA will be removed immediately irrespective of any post he may hold within the Administration.
2. This Council notes that this is not the first time that Councillor McCallum has acted improperly towards an employee. He will therefore be removed immediately from the Chair of the Joint Consultative Forum.
3. This Council asks Councillor McCallum to look to his conscience and consider resigning as an elected Member for the good of both this Council's reputation and the people we represent.

On a vote being taken by way of calling the roll, 12 Members (namely Councillors McElhill, Campbell, McCafferty, Syme, Collins, Ian McDonald, McCutcheon, Robertson, Bollan, McLaughlin, Ronald McColl and McGregor) voted for the amendment and 10 Members (namely Provost Macdonald and Councillors White, Devine, Duncan McDonald, Linda McColl, Calvert, McCallum, Trainer, Flynn and O'Sullivan) for the motion. The amendment was accordingly declared carried.

NOTICES OF MOTION

The notices of motion detailed as follows, automatically fell owing to the Council's decision:

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- (a) In view of the damning written verdict of the Council against Ian Leitch at the recent tribunal this resolves to:-

Draw a line under this sordid affair and adhere to the terms of the verdict, thus saving the Council Tax payer any further expense and West Dunbartonshire Council any further embarrassment.

This Council also instructs the Chief Executive to send a letter of apology to the former Depute Chief Executive for the disgraceful way in which he was treated during the last two years of his employment. This letter being countersigned by both Group Leaders.

(b) This Council instructs the Director of Corporate Services to prepare a report for the June Council meeting detailing the following:-

1. The legal costs, both internal and external, incurred in preparation for and at the tribunal hearing.
2. The legal and settlement costs of all employment tribunals over the last two years.
3. The number and nature of any outstanding employment tribunals.
4. The legal costs incurred by the Council arising from the Michael Watters grievance.
5. The possibility of surcharging those Members responsible for the costs incurred by West Dunbartonshire Council in the Leitch tribunal and other cases which have been settled out of Court.

(c) In view of the clear and damning terms of the verdict in the case of the Council against Leitch which were considered ‘uncivilised’ ‘lacking all humanity’ and ‘brutal’. This Council notes that the verdict clearly highlights that Councillor White was one of the prime instigators of this disgraceful affair therefore this Council makes the following recommendation:-

1. Councillor White’s SRA will be removed immediately irrespective of any post he may hold with the Administration.
2. This Council recommends a vote of no confidence in Councillor White and calls on him to resign as Labour Group Leader thus vacating the post of Leader of the Council, a position he is clearly not fit to hold.
3. This Council asks Councillor White to look to his conscience and consider resigning as an elected Member for the good of both this Council’s reputation and the people we represent.

(d) Council notes the terms of Councillor McCallum’s role in the constructive dismissal of the Depute Chief Executive. These range from seeking prejudicial information to underhand, and vindictive behaviour. Council therefore recommends the following:-

1. Councillor McCallum’s SRA will be removed immediately irrespective of any post he may hold within the Administration.
2. This Council notes that this is not the first time that Councillor McCallum has acted improperly towards an employee. He will therefore be removed immediately from the Chair of the Joint Consultative Forum.

3. This Council asks Councillor McCallum to look to his conscience and consider resigning as an elected Member for the good of both this Council's reputation and the people we represent.

The meeting concluded at 7.45 pm.