

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton, on Thursday 27 February 2014 at 9.30 a.m.

Present: Councillors Tommy Rainey, Jim Brown, Hazel Sorrell and Kath Ryall.

Attending: Vicki Rogers, Head of People and Transformation and George Hawthorn, Section Head, Democratic Services.

Councillor Tommy Rainey 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”.

PROCEDURE

There was submitted and approved, a copy of the procedure for Appeals Against Disciplinary Action and Non-Disciplinary Dismissals, to be followed at the Hearing.

At this point Councillor Rainey, requested the Clerk to invite the Appellant and the Management Side into the meeting room.

APPEAL AGAINST DISMISSAL (REF: APP/13/14)

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a dismissal.

Prior to commencing the hearing, Councillor Rainey confirmed with both parties present that they had no objections to Ms Nicola Baillie, HR Adviser, being in

attendance as an observer. Both parties confirmed that they had no objections and thereafter Ms Baillie entered the room.

The Appellant was in attendance and was represented by Mr William Keady of Unison. It was noted that Louise Hastings was also in attendance as the Appellant's adviser.

Mr Peter Hessett, Head of Legal, Democratic and Regulatory Services, Corporate Services Department, was in attendance to present the case for Management. It was noted that Mr Paul McGowan, HR & Workforce Development Manager, was also in attendance as an adviser to Mr Hessett.

Mr Hessett began the case for the Management side and called his only witness. Mr Hessett then proceeded to ask questions of the witness and thereafter the Chair invited the Appellant's side to ask questions of the witness. After hearing the witness in response to a question by Mr Keady, the Chair then invited those Members present to ask questions of the witness. The witness was heard in response to questions by Members and then left the hearing.

Mr Hessett then proceeded to present the Management side's case to the Appeals Committee and thereafter the Chair invited the Appellant's side to question Mr Hessett on his submission. The Appellant's side confirmed that they did not have any questions for Mr Hessett. Thereafter Mr Hessett was heard in response to questions by Members.

After hearing Councillor Rainey, the Committee agreed to adjourn for a period of 10 minutes.

The meeting reconvened at 11.23 a.m. with all those shown on the sederunt in attendance.

The Appellant presented the case to the Committee and in so doing outlined the grounds of the appeal.

After hearing Councillor Rainey, the Committee agreed to adjourn for a period of 30 minutes.

The meeting re-convened at 1.40 p.m. with all Members shown on the sederunt in attendance. It was noted that Ms Hastings had not been able to return to the hearing due to another commitment.

The Chair invited the Appellant to continue with the submission. Thereafter the Management side were invited to ask questions of the Appellant. The Chair then invited Members of the Committee to ask questions of the Appellant.

At this point Mr Hessett and then Mr Keady (on behalf of 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 re-admitted to the meeting and advised that although the Committee had some sympathy for the Appellant's circumstances, the Committee had found that the grounds of the Appeal had not been substantiated and therefore the Appeal had not been upheld.

The meeting closed at 3.10 p.m.