

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday, 11 March 2010 at 9.30 a.m.

Present: Councillors George Black, Jim Brown, Iain Robertson, Jonathan McColl, Ronnie McColl and James Bollan.

Attending: Nigel Ettles, Principal Solicitor.

Apologies: An apology for absence was intimated on behalf of Councillor 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 21 January 2010 were submitted and approved as a correct record.

GRIEVANCE APPEAL (REF: APP/09/10)

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 Appellants were present and were represented by Charlie McDonald of Unite. The Department in which the Appellants were employed was represented by Gavin Walsh, Solicitor. Mr Walsh was accompanied by Geraldine Lyden, Personnel Officer, who was present in an advisory capacity.

Mr McDonald presented the case for the Appellants. Mr McDonald and the Appellants were then questioned by Mr Walsh and Members of the Committee.

Mr Walsh called as a witness Ken Graham, Manager of Lifelong Learning. Mr Graham was questioned by Mr Walsh, Mr McDonald and Members of the Committee.

Mr Walsh and then Mr McDonald 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 Committee had found that the number of "normal office hours" shifts exceeded one half (1 in 2) of the total number of shifts in the rota and the Appeals had therefore not been upheld.

The meeting closed at 12.15 p.m.