

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 10 December 2009 at 11.15 am.

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

Attending: Nigel Ettles, Principal Solicitor.

Apologies: Apologies for absence were intimated on behalf of Councillors David McBride 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/09/02)

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 Martin Doran of the GMB. The Department in which the Appellant was employed was represented by Gavin Walsh, Solicitor.

Mr Doran presented the case for the Appellant. The Appellant and Mr Doran were then questioned by Mr Walsh and Members of the Committee.

Mr Walsh called as a witness John Drake, Section Head, Housing Repairs. Mr Drake was questioned by Mr Walsh, Mr Doran and Members of the Committee.

Mr Walsh and then Mr Doran 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, as it had not been demonstrated that the Appellant had a special Health and Safety role that required further training, the Appeal had not been upheld. The Committee recommended that the requirement for Stage 3 Health and Safety Training be discussed at a future meeting of the Joint Consultative Forum.

The meeting closed at 12.45 pm.