

## **APPEALS COMMITTEE**

At a meeting of the Appeals Committee held within Committee Room 2, Council Offices, Garshake Road, Dumbarton on Thursday 14 May 1998.

**Present:** Councillors Anthony Devine (LAB), Patricia Rice (LAB), Duncan Mills (LAB) and Ronnie McColl (SNP).

**Attending:** Nigel Ettles, Principal Solicitor.

**Apologies for  
Absence:** Apologies for absence were intimated on behalf of Provost Patrick O'Neill (LAB) and Councillors Andrew White (LAB) and William Mackechnie (SNP).

Councillor Anthony Devine in the Chair

### **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.”

### **APPEAL AGAINST DISMISSAL**

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 Interim Procedures which it was agreed would be adopted at the Appeal Hearing.

The Appellant was present and was represented by Donald Munro, Regional Industrial Organiser of the Transport and General Workers Union. The Authority was represented by Stuart Robertson, Solicitor. Mr. Munro and Mr. Robertson lodged a number of productions.

Mr. Robertson called as a witness Alex Thomson, Senior Personnel Officer. After giving evidence Mr. Thomson was questioned by Mr. Munro and members of the Committee.

Because Mr. Munro and Councillor Mills had prior engagements, the Committee then decided to adjourn the Appeal Hearing.

### **RECONVENED MEETING**

The Committee was reconvened on Thursday 11 June 1998. The members present were Councillors Devine, Rice and Mills. Mr. Ettles was again in attendance. Councillor Devine was again in the Chair.

Mr. Robertson lodged further productions and called as witnesses John McKerracher, Maintenance Manager, George McKenna, Manufacturing Manager and Alan Summers, Manager of Construction Operations, all of the Department of Contract Services. After giving evidence the witnesses were questioned by Mr. Munro and members of the Committee.

Mr. Munro then called the Appellant as a witness. After giving evidence the Appellant was questioned by Mr. Robertson and members of the Committee.

Because of a prior engagement, Councillor Mills then left the meeting.

Mr. Munro then called as a witness John Flaherty, Shop Steward with the Transport and General Workers Union. After giving evidence Mr. Flaherty was questioned by Mr. Robertson and members of the Committee.

Mr. Robertson and then Mr. Munro 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 grounds of the Appeal had been substantiated and the Appeal had been upheld.