

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 19 March 2009 at 9.40 am.

Present: Councillors George Black, James Bolland and Jim Brown.

Attending: Nigel Ettles, Principal Solicitor.

Apologies: Apologies for absence were intimated on behalf of Councillors David McBride, Ronnie McColl, Jonathan McColl and Jim Finn.

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 19 February 2009 were submitted and approved as a correct record.

VARIATION OF ORDER OF BUSINESS

Having heard the Chair, the Committee agreed to vary the order of business as hereinafter recorded.

**APPEAL AGAINST DISMISSAL
(REF: APP/08/06)**

The Principal Solicitor advised that this matter could not be considered unless Standing Order 19(a) was suspended. In terms of Standing Order 27, the Chair determined that there was an emergency and the Committee unanimously decided that Standing Order 19(a) be suspended.

The Appellant was present. The department in which the Appellant had been employed was represented by Raymond Lynch, Solicitor.

The Committee noted that the Appellant had been re-assessed and found to meet the criteria for ill-health retirement. The Committee therefore found that the grounds of the Appeal had been substantiated and upheld the Appeal. The Appellant was accordingly reinstated to allow ill-health retirement to be processed.

URGENT ITEM OF BUSINESS

The Chair, in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973, as inserted by the Local Government (Access to Information) Act 1985, decided that the following item of business be considered as a matter of urgency on the grounds that the action to be taken required early consideration.

**GRIEVANCE APPEAL
(REF: APP/07/10)**

After discussion, it was agreed that a report should be submitted to a future meeting of the Committee.

**APPEAL AGAINST DISMISSAL
(REF: APP/08/08)**

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 the procedure to be followed at the Hearing of the Appeal.

The Appellant was present and was represented by Michael Conroy of the GMB. The Department in which the Appellant had been employed was represented by Raymond Lynch, Solicitor.

Mr Lynch called as witnesses Kelly Gainty, Home Care Organiser; Richard Heard, Home Care Organiser; and Lynne McKnight, Section Head - Home Care Services. Ms Gainty, Mr Heard and Ms McKnight were questioned by Mr Lynch, Mr Conroy and Members of the Committee.

Mr Conroy called the Appellant as a witness. The Appellant was questioned by Mr Conroy and Mr Lynch.

Mr Lynch and then Mr Conroy 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 the grounds of the Appeal had not been substantiated and the Appeal had not been upheld.

The meeting closed at 12.25 pm.