

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 8 November 2007 at 9.30 a.m.

Present: Councillors George Black, James Bolland, Jim Brown, Jim Finn, William Hendrie, Jonathan McColl and John Millar.

Attending: Nigel Ettles, Principal Solicitor.

Apologies: Apologies for absence were intimated on behalf of Councillors Margaret Bootland and Gail Casey.

Councillor George Black 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.”

GRIEVANCE APPEAL (REF: APP/07/07)

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 Charlie McDonald of the Transport & General Workers Union. The department in which the Appellant was employed was represented by Maureen Hastings, Solicitor.

Mr McDonald called the Appellant as a witness. The Appellant was questioned by Mr McDonald, Ms Hastings and Members of the Committee.

Ms Hastings called as a witness Rodney Thornton, Section Head, Waste & Transport Services. Mr Thornton was questioned by Ms Hastings, Mr McDonald and Members of the Committee.

Ms Hastings 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 Hearing of the Appeal would be adjourned until Monday 19 November 2007 at 9.30 am in order that more information and documentation could be provided to the Committee.

The meeting adjourned at 11.15 am.

RECONVENED MEETING

The Meeting of the Appeals Committee was reconvened in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Monday 19 November 2007 at 9.30 am.

The Members present were those who had attended the Meeting on 8 November 2007 with the exception of Councillor Jim Finn. Mr Ettles was in attendance and Councillor Black was in the Chair. The representatives of the parties were those who had attended the Meeting on 8 November 2007.

Ms Hastings submitted further documentation and addressed the Committee. Mr McDonald addressed the Committee and called as a witness Tony Griffin, Operations Supervisor. Mr Griffin was questioned by Mr McDonald and Members of the Committee.

Both parties then 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 findings of the Committee were as follows:-

1. As regards the past, for any week in which he was paid 1.25 hours overtime in respect of vehicle maintenance, the Appellant was now to be paid an additional 0.75 hours overtime. These additional payments were to be backdated to the date of the Appellant's transfer from Cleansing to Roads.
2. As regards the future, for any week in which the Appellant worked only 1.25 hours overtime because only 1.25 hours overtime in respect of vehicle maintenance was offered to him by management, the Appellant was to be paid two hours overtime.

The meeting closed at 10.46 am.