

APPEALS COMMITTEE

At a meeting of the Appeals Committee held within Committee Room 2, Council Offices, Garshake Road, Dumbarton on Thursday 19 August 1999.

- Present:** Councillors Anthony Devine (LAB), Mary Campbell (LAB), Duncan McDonald (LAB) and Ronald McColl (SNP).
- Attending:** Nigel Ettles, Principal Solicitor.
- Apology for
Absence:** An apology for absence was intimated on behalf of Councillor Ian McDonald (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 1 of Schedule 7A to the Act."

APPEAL AGAINST SUSPENSION WITHOUT PAY

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a suspension without pay. 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 Mike Conroy of the GMB. The Authority was represented by Owen Mullan, Solicitor.

Mr. Mullan advised the Committee that he had discussed a certain matter with Mr. Conroy and that, in the light of those discussions, he was seeking a brief adjournment. An adjournment was granted by the Committee.

When the Hearing resumed Mr. Mullan advised the Committee that he and Mr. Conroy were seeking an adjournment to a later date in order to obtain more information in connection with a preliminary matter. The Committee agreed to adjourn the Hearing.

RECONVENED MEETING

The Committee was reconvened on Thursday 2 September 1999. The Members present were Councillors Anthony Devine (LAB), Duncan McDonald (LAB), Ronald McColl (SNP) and Ian McDonald (SNP). Apologies for absence were intimated on behalf of Councillors John Trainer (LAB) and Mary Campbell (LAB). Mr. Ettles was again in attendance. Councillor Devine was again in the Chair.

Mr. Conroy and Mr. Mullan were invited to address the Committee on the preliminary matter. Mr. Conroy asked the Committee to uphold the Appeal because of the extent of the delay in hearing the Appeal. He was then questioned by members of the Committee.

Mr. Mullan responded by explaining the reasons for the delay and the remedy available to an appellant in the event of delay. He submitted that the delay should not result in the upholding of the Appeal and asked the Committee to hear the Appeal. Mr. Mullan was then questioned by members of the Committee.

It was agreed that Mr. Mullan should call Alex Thomson, Senior Personnel Officer, as a witness. After Mr. Thomson had given evidence there was an adjournment to allow Mr. Mullan to obtain further information.

When the Hearing resumed Mr. Mullan provided the Committee with further information which he had obtained in connection with the delay in arranging a Hearing. Thereafter both parties withdrew to allow the Committee to consider the preliminary matter.

After the Committee had deliberated the matter in private, both parties were re-admitted to the meeting and advised that, because of the delay in hearing the Appeal, the Committee had decided to uphold the Appeal without hearing its merits.