

APPEALS COMMITTEE

At a meeting of the Appeals Committee held within the Committee Room 2, Council Offices, Garshake Road Dumbarton on Tuesday 17th December 1996

Present: Provost Patrick O'Neill (LAB) and Councillors Anthony Devine (LAB), Patricia Rice (LAB), Andrew White (LAB) and Ronald McColl (SNP)

Attending: Stephen Brown, Manager- Legal and Administrative Services and Robert Anderson, Principal Personnel Officer

Apologies for Absence: Apologies for absence were intimated on behalf of Councillor Duncan Mills (LAB).

Provost Patrick O'Neill 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 that 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 was submitted a Letter of Appeal which had been lodged with the Council in relation to an earlier dismissal. There was also submitted a note of the Rights of Appeal and the Appeal Procedures.

The appellant was present and was represented by Mr Tom Morrison, UNISON. The Authority was represented by Nigel Ettles, Principal Solicitor.

Mr Ettles lodged a number of Productions and the Committee agreed to have a short adjournment to allow all parties to read the Productions.

Mr Ettles then presented the case for the Authority and called Theresa Westwood, Linda Cameron and Robert Davidson as witnesses. After giving evidence, the witnesses were cross-examined by Mr Morrison and thereafter the witnesses were questioned by the Committee.

Mr Morrison then led evidence from the appellant, who was in turn cross-examined by Mr Ettles and questioned by members of the Committee.

Mr Ettles and then Mr Morrison 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 were advised that the grounds of Appeal had been substantiated in part and the Appeal be upheld to the extent that the appellant would be reinstated subject to the condition that he be suspended without pay from the date of the original dismissal until 20th December 1996. It was also a condition of the reinstatement that the applicant would require to undergo and satisfactorily complete counselling all to the requirements and specification of management. Meantime, until satisfactory completion of counselling, management would determine the nature of duties which the appellant would undertake.