

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in Meeting Room 2, Council Offices, Garshake Road, Dumbarton on Thursday, 11 August 2011 at 9.40 a.m.

Present: Councillors George Black, Jim Bollan, Jim Brown and Jonathan McColl.

Attending: Nigel Ettles, Principal Solicitor; and Paul McGowan, HR Business Partner, Corporate Services.

Apologies: Apologies for absence were intimated on behalf of Councillors Ronnie McColl and John Millar.

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 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 (REF: APP/10/07)

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 Charlie McDonald of Unite. Management was represented by Gavin Walsh, Solicitor.

The Chair raised an issue relating to the procedure that had been followed by Management prior to the dismissal and sought the views of the parties on that issue. After Mr Walsh, Mr McDonald, Mr Ettles and Mr McGowan had been heard, both parties withdrew from the meeting. At the request of the Committee, Mr McGowan remained at the meeting.

After the Committee had deliberated the matter in private, both parties were re-admitted to the meeting and advised that the Committee had found that the grounds of the Appeal had been substantiated in part and the Appeal had been upheld because of the procedural issue.

The Appellant was to be reinstated with effect from the date of the dismissal. The Final Written Warning which had been in place prior to the dismissal was to remain in place and would expire after a period of 12 months from the date of the Committee's decision, subject to satisfactory conduct.

The meeting closed at 10.55 a.m.