

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Committee Room 2, Council Offices, Garshake Road, Dumbarton on Monday, 31 October 2016 at 9.35 a.m.

Present: Councillors Jonathan McColl, John Mooney and Kath Ryall.

Attending: Vicki Rogers, Strategic Lead – People & Technology; Nigel Ettles, Section Head - Litigation and George Hawthorn, Manager of Administrative and Democratic Services.

Apology: An apology for absence was intimated on behalf of Councillor John Millar.

Councillor Kath Ryall 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”.

PROCEDURE

The Committee agreed to note the Appeals Against Disciplinary Action and Non-Disciplinary Dismissal Procedure that would be followed at this Hearing of Appeal.

APPEAL AGAINST DISMISSAL (REF: APP/16/02)

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a Dismissal.

The Appellant was not in attendance but was represented by Mr Norman King and Mr Charlie McDonald of Unite. Mr Stephen Daly, Customer Services Manager, was in attendance to present the case on behalf of Management. Tracy Keenan, HR Business Partner, was in attendance as an adviser to Mr Daly.

Mr Daly presented the case for Management and informed the Committee that he had two witnesses whom he would like the opportunity to question in support of his case.

The Chair invited the first witness, JM, to enter the meeting and thereafter the witness was heard in response to questions from Mr Daly, Mr King and Members of the Committee. JM left the meeting.

The Chair then invited the second witness, SK, to enter the meeting and thereafter the witness was heard in response to questions from Mr Daly and Members of the Committee. SK left the meeting.

Mr Daly was then heard in answer to questions from Mr King and Members of the Committee.

Mr King presented the case for the Appellant and thereafter Mr King and Mr McDonald were heard in answer to questions from Mr Daly and Members of the Committee.

Mr Daly and then Mr King 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 grounds of the Appeal had not been substantiated and the Appeal had not been upheld.

The meeting closed at 3.00 p.m.