

## **APPEALS COMMITTEE**

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 14 January 2016 at 9.37 a.m.

**Present:** Councillors Jonathan McColl, Tommy Rainey, Kath Ryall and Hazel Sorrell.

**Attending:** Vicki Rogers, Head of People and Transformation\*; Nigel Ettles, Principal Solicitor and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

\* Arrived later in the meeting.

### **Councillor Tommy Rainey 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 would be followed at this Hearing of Appeal.

## **ADJOURNMENT**

Having heard the Chair, Councillor Rainey, the Committee agreed to adjourn the meeting until 10.00 a.m. to allow the Head of People and Transformation to attend the meeting.

## **APPEAL AGAINST DISMISSAL (REF: APP/15/06)**

The meeting reconvened at 10.04 a.m. with all those Members shown on the sederunt in attendance. The Head of People and Transformation entered the meeting at this point.

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

The Appellant was in attendance and was represented by Joanne Harkin of Unison. Peter Barry, Head of Customer and Community Services was in attendance to present the case on behalf of Management. Tracy Keenan, HR Business Partner, was in attendance as an Adviser to Mr Barry.

The Chair, Councillor Rainey advised that Management had requested that a document which had been submitted late be allowed to be presented to the Committee for their consideration. Having heard Councillor Rainey in further clarification, the Appellant and Mrs Harkin were given the opportunity to consider the document. Having considered the document Mrs Harkin advised that she would not be in agreement for this to be considered at this late stage. As both parties were not in agreement, Councillor Rainey advised Management that the document would not be considered by the Committee.

Mr Barry presented the case for Management and called RW, MC and LC as witnesses. RW, MC and LC were questioned by Mr Barry, Mrs Harkin and Members of the Committee.

Mrs Harkin presented the case for the Appellant. Mrs Harkin and the Appellant were then questioned by Mr Barry and Members of the Committee.

Mr Barry and then Mrs Harkin 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 3.16 p.m.