

## **APPEALS COMMITTEE**

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 18 February 2016 at 9.42 a.m.

**Present:** Councillors Jim Brown, John Millar, Tommy Rainey and Hazel Sorrell.

**Attending:** Peter Hessett, Head of Legal, Democratic and Regulatory Services and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

### **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 that 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 Appellant and his Trades Union representative to attend the meeting.

#### **APPEAL AGAINST DISMISSAL (REF: APP/15/04)**

The meeting reconvened at 10.06 a.m. with all those Members shown on the sederunt in attendance.

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 Mr Ude Adigwe of the GMB. Stephen West, Head of Finance and Resources, was in attendance to present the case on behalf of Management. Lyn Hughes, HR Adviser, was in attendance as an Adviser to Mr West.

Mr West presented the case for Management and was heard in answer to questions from the Appellant and Mr Adigwe.

### **ADJOURNMENT**

At the request of the Appellant and having heard the Chair, Councillor Rainey, the Committee agreed to adjourn the meeting and that two suitable dates to continue the meeting be identified in agreement with all parties.

The meeting adjourned at 3.29 p.m.

### **RECONVENED MEETING**

The meeting of the Appeals Committee was reconvened in Committee Room 3, Garshake Road on Tuesday, 24 May 2016 at 9.32 a.m. An apology for absence was intimated on behalf of Councillor Millar. As Councillor Millar had submitted his apologies for the meeting he would not be taking part in any future meetings. The 3 remaining Elected Members were present. Mr Hessett was again in attendance and Councillor Rainey was again in the Chair. The Appellant was present and was again represented by Mr Adigwe. Mr West again represented Management and Mrs Hughes as an Adviser to Mr West.

The Appellant and Mr Adigwe continued asking questions of Mr West. Members advised that they had no questions at this time for Mr West.

The meeting adjourned at 2.29 p.m.

### **RECONVENED MEETING**

The meeting of the Appeals Committee was reconvened in Committee Room 3, Garshake Road on Friday, 27 May 2016 at 9.34 a.m. The same Elected Members were present. Mr Hessett was again in attendance and Councillor Rainey was again in the Chair. The Appellant was present and was again represented by Mr Adigwe. Mr West again represented Management and Mrs Hughes as an Adviser to Mr West.

The Appellant and Mr Adigwe presented their case.

### **ADJOURNMENT**

The Committee agreed to adjourn the meeting and that two further suitable dates to continue the meeting be identified in agreement with all parties.

The meeting adjourned at 3.34 p.m.

### **RECONVENED MEETING**

The meeting of the Appeals Committee was reconvened in Committee Room 3, Garshake Road on Wednesday, 20 July 2016 at 9.30 a.m. The same Elected Members were present. Mr Hessett was again in attendance and Councillor Rainey was again in the Chair. The Appellant was present and was again represented by Mr Adigwe. Mr West again represented Management and Mrs Hughes as an Adviser to Mr West.

The Appellant and Mr Adigwe continued to present their case.

The meeting adjourned at 3.42 p.m.

### **RECONVENED MEETING**

The meeting of the Appeals Committee was reconvened in Committee Room 3, Garshake Road on Thursday, 21 July 2016 at 9.36 a.m. The same Elected Members were present. Mr Hessett was again in attendance and Councillor Rainey was again in the Chair. The Appellant was present and was again represented by Mr Adigwe. Mr West again represented Management and Mrs Hughes as an Adviser to Mr West.

The Appellant and Mr Adigwe continued to present their case.

The Appellant was then heard in answer to questions from Mr West.

### **ADJOURNMENT**

The Committee agreed to adjourn the meeting and that two further suitable dates to continue the meeting be identified in agreement with all parties.

The meeting adjourned at 4.25 p.m.

**RECONVENED MEETING**

The meeting of the Appeals Committee was reconvened in Committee Room 3, Garshake Road on Thursday, 25 August 2016 at 9.48 a.m. The same Elected Members were present. Mr Hessett was again in attendance and Councillor Rainey was again in the Chair. The Appellant was present and was again represented by Mr Adigwe. Mr West again represented Management and Mrs Hughes as an Adviser to Mr West.

Mr West resumed questioning the Appellant and the Appellant was then heard in answer to Members' questions.

Mr West summed up the case for Management and then the Appellant and Mr Adigwe summed up the case for the Appellant. 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 Committee had found the grounds of the Appeal not substantiated and the appeal was not upheld.

The meeting closed at 4.26 p.m.