

MINUTE
of
APPEALS COMMITTEE

Minute of Meeting held at 10.00am in the Committee Room, Council Headquarters, Giffnock on 11 April 2017.

Present:

Councillor Barbara Grant (Vice Chair) Councillor Tommy Reilly
Councillor Betty Cunningham

Councillor Grant in the Chair

Attending:

Siobhan Wilson, Solicitor; Alison Findlay, Policy and Employment Law Adviser; and Paul O'Neil, Committee Services Officer.

Apologies:

Councillors Ian McAlpine (Chair) and Gordon Wallace.

DECLARATIONS OF INTEREST

2465. There were no declarations of interest intimated.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Chair, the committee unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act.

DISMISSAL APPEAL – CORPORATE AND COMMUNITY SERVICES DEPARTMENT – 1/2017

2466. Under reference to the Minute of the meeting of 17 March 2017 (Page 2261, Item 2423 refers), when the committee agreed to a proposal made by the union side, amongst other things, that consideration of the appeal be continued to a future meeting to allow a number of witnesses to be contacted again and asked to attend which was conditional upon the appellant not being present at the meeting whilst they were being cross examined by his union representative, the appellant appeared, accompanied by his union representative, Mr Lees, (Unison) in connection with his appeal.

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Prior to the meeting, Unison had advised that in fact the appellant would intend to exercise his right to be present during the cross examination of all witnesses.

Mr Jim Sneddon, Head of Democratic and Partnership Services and Ms Jo Loudon, HR Business Partner, appeared on behalf of management.

Prior to the consideration of the appeal, Mr Lees stated that as a number of witnesses who had made statements during the management's investigation into the matter had indicated that they would not attend the meeting as the appellant would be present at all times, and in view of the fact that the union side would be unable to cross examine them about their statements, in the circumstances the committee should uphold the appeal.

At this stage, there was a short adjournment during which both parties left the meeting to allow the committee to give consideration to the union side's proposal.

On reconvening, the committee advised both parties that whilst it had noted the union side's proposal, it had decided to consider the appeal in the absence of the witnesses referred to by the union side.

Both parties made their submission to the committee and were heard in answer to questions on their submissions, during which Mr Jamie Reid, Community Resources Manager, entered the meeting as a witness for management and Ms Jan McColl, Telecare Responder; Mr Gerry McGee, Community Safety Officer; and Mr John McKay, Community Safety Officer; entered the meeting as witnesses for the appellant and were heard in response to questions from both parties and elected Members, following which both parties withdrew from the meeting.

Following consideration, both parties were recalled and advised by the Chair that the committee had agreed that the grounds of the appeal had not been substantiated and that the appeal was not upheld.

CHAIR