

## APPEALS PANEL

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 17 September 2009

**Chair:**

Councillor Denis McKenna

**Councillors Present:**

Alex Allison, Bill Holman, Davie McLachlan, Hamish Stewart, Sheena Wardhaugh

**Attending:**

**Corporate Resources**

G Bow, Administration Adviser; E McPake, Personnel Officer

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Exclusion of Press and Public

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**The Panel decided:**

that, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the next item of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph 1 of Part I of Schedule 7A of the Act.

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### 3 Community Resources - Appeal Against Unpaid Suspension

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The Panel considered an appeal (6/09) by an employee of Community Resources against his suspension without pay and final written warning.

The appellant was present and represented by W McGonigle, Unite the Union. The Council was represented by L Rhind, Personnel Manager, Community Resources. The Council's representative called witnesses. All parties were heard in relation to the appeal and then withdrew from the meeting.

Councillor Allison, seconded by Councillor Stewart, moved that the grounds of the appeal had been substantiated in part and that the appeal be upheld to the extent that:-

- ♦ the appellant be reimbursed for his period of suspension without pay
- ♦ the final written warning on his record remain in force

Councillor S Wardhaugh, seconded by Councillor Holman, moved as an amendment that the grounds of the appeal had been substantiated in part and that the appeal be upheld to the extent that:-

- ♦ the appellant be reimbursed for his period of suspension without pay
- ♦ the final written warning on his record be replaced with a written warning

On a vote being taken by a show of hands, 3 members voted for the motion and 3 for the amendment. On the casting vote of the Chair, the motion was declared carried.

**The Panel decided:**

that the grounds of the appeal had been substantiated in part and the appeal be upheld to the extent that:-

- ◆ the appellant be reimbursed for his period of suspension without pay
- ◆ the final written warning on his record remain in force

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**4 Urgent Business**

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There were no items of urgent business.