

APPEALS PANEL

Minutes of meeting held in the Council Offices, Almada Street, Hamilton on 13 December 2010 and 10 January 2011

Chair:

Councillor Hugh Dunsmuir

Councillors Present:

Alex Allison, Eileen Baxendale, Jim McGuigan*, Davie McLachlan, Bert Thomson*

**Apologies submitted for 10 January 2011*

Attending:

Corporate Resources

E McPake, Personnel Officer; T Slater, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Exclusion of Press and Public

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.

3 Appeal Against Dismissal

The Panel considered an appeal (Ref 15/10) by a former employee against her dismissal.

The appellant was present and represented by A McLuckie, General Municipal Boiler Makers and Allied Trade Unions (GMB). The Council was represented by the Personnel Manager of the appellant's former Resource.

In response to a request by A McLuckie for 2 witnesses to be called, the Personnel Manager outlined her concerns in relation to the proposal.

Both sides withdrew from the meeting. Following discussion, Councillor McLachlan, seconded by Councillor Dunsmuir, moved that the witnesses not be called. Councillor Allison, seconded by Councillor McGuigan, moved as an amendment that the witnesses be called. 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.

Both sides re-entered the meeting and were advised of the position. A McLuckie advised that the appellant objected to the decision not to call the 2 witnesses and the position was noted.

The Council called witnesses. All parties were heard in relation to the appeal and then withdrew from the meeting.

The Panel decided:

that the grounds of the appeal had not been substantiated and the appeal be not upheld.

4 Urgent Business

There were no items of urgent business.