

APPEALS PANEL

Minutes of meeting held in the Council Offices, Almada Street, Hamilton on 26 and 27 October and 11 November 2010

Chair:

Councillor Hugh Dunsmuir

Councillors Present:

David Baillie*, Bill Holman, John Murray*, Richard Tullett, Sheena Wardhaugh

** Apologies submitted for 11 November 2010*

Attending:

Corporate Resources

S McLeod, Administration Officer; L Mulvey, Personnel Officer (26 October 2010 only); G Robertson, Personnel Adviser

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 Appeals Against Dismissal

The Panel considered appeals (Ref 12/10, 13/10 and 14/10) by former employees against their dismissals.

The appellants were present and represented by S Smellie, Unison (Ref 12/10) and A Duncan, General Municipal Boiler Makers and Allied Trade Unions (GMB) (Ref 13/10 and 14/10). The Council was represented by the Personnel Manager of the appellants' former Resource.

The appellants' representatives highlighted objections in relation to the fact that the appellants would be expected to leave the meeting during questioning of 1 of the Resource's witnesses. A Duncan further objected to the witness being called as there had been no reference to the witness' evidence during the disciplinary process for appellant Ref 14/10.

The Chair advised that the witness would be heard and advised the representatives to raise their objection with regard to the withdrawal of the appellants at the appropriate stage in the proceedings.

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

The Panel decided:

- (1) that, in relation to appeal Ref 12/10, the grounds of the appeal had not been substantiated and the appeal be not upheld;
- (2) that, in relation to appeal Ref 13/10, the grounds of the appeal had not been substantiated and the appeal be not upheld; and
- (3) that, in relation to appeal Ref 14/10, 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.