

APPEALS PANEL

Minutes of meeting held in Committee 5, Council Offices, Almada Street, Hamilton on 1 July 2010

Chair:

Councillor Hugh Dunsmuir

Councillors Present:

Bev Gauld, Davie McLachlan, John Murray, Richard Tullett, Sheena Wardhaugh

Attending:

Corporate Resources

S Brown, Personnel Adviser; 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 5/10) by a former employee against her dismissal.

The appellant was present and represented by D McLellan, Unison. The Council was represented by the Personnel Adviser of the appellant's former Resource.

D McLellan requested that 2 late submissions be considered. The Personnel Adviser outlined her objections to the late submissions being considered.

Both sides withdrew and, following discussion, Councillor S Wardhaugh, seconded by Councillor McLachlan, moved that the late submissions be considered. Councillor Dunsmuir, seconded by Councillor Murray, moved as an amendment that the late submissions be not considered. On a vote being taken by a show of hands, 2 members voted for the amendment and 4 for the motion which was declared carried.

Both sides re-entered the meeting and the Chair conveyed the decision of the Panel to consider the late submissions.

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

Councillor McLachlan, seconded by Councillor Gauld, moved that the grounds of the appeal had been substantiated in part and that the appeal be upheld to the extent that the dismissal be held in abeyance against any future misdemeanor. Councillor Dunsmuir, seconded by Councillor Murray, moved as an amendment that the grounds of the appeal had not been substantiated and the appeal be not upheld.

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 amendment was declared carried.

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.