

## APPEALS PANEL

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 16 February 2009

**Chair:**

Councillor Denis McKenna

**Councillors Present:**

David Baillie, Pam Clearie, Graeme Horne, John Murray, Jim Wardhaugh

**Attending:**

S Brown, Personnel Adviser; S McLeod, Administration 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 Enterprise Resources - Appeal Against Dismissal

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The Panel considered an appeal (22/08) by an employee of Enterprise Resources against his dismissal.

The appellant was present and represented by S Smellie, Unison. The Council was represented by K Bain, Personnel and Improvement Manager, Enterprise Resources. Both sides called witnesses. All parties were heard in relation to the appeal and then withdrew from the meeting.

Councillor Horne, seconded by Councillor Baillie, moved that the grounds of the appeal had been substantiated in part. Councillor D McKenna, seconded by Councillor Murray, moved 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, 2 members voted for the amendment and 4 for the motion which was declared carried.

The Panel then considered the extent to which the appeal was to be upheld.

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

- ◆ the dismissal be substituted with a period of unpaid absence from the date of dismissal until reinstatement on 17 February 2009
- ◆ the appellant be issued with a final written warning

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#### **4 Urgent Business**

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There were no items of urgent business.