

APPEALS COMMITTEE

10.00 A.M.

17TH APRIL, 2003

PRESENT:- Councillors David Barker (Chairman), J. Gilbert, J. Harrison (substitute for J. E. Yates), Emily Heath, H. Helme, J. Horner and G. K. Wilson.

Officers in attendance:-

Head of Administration Services
A. Humphreys – Legal Services

Apologies for absence:-

Councillor J. E. Yates

24 MINUTES

The Minutes of the meetings held on 29th January and 4th March were signed by the Chairman as a correct record.

25 EXCLUSION OF PRESS AND PUBLIC

Resolved:-

That in accordance with S100A(4) of the Local Government Act, 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the possible disclosure of exempt information as defined in paragraph 1 of Schedule 12A of that Act.

26 DISCIPLINARY APPEAL

The Committee considered an appeal by an employee of the Council's Property Services against a decision on 6th February 2003 to issue a final written warning on the grounds of misconduct.

The Committee heard evidence from the Corporate Director (Regeneration) who presented the case on behalf of management and the evidence of two witnesses, the Head of Property Services and the Head of Personnel Services.

Mr. McClorry of Messrs. Philip Worrall & Co. Solicitors, presented the case for the Appellant who did not attend.

The Committee retired at 12.15 p.m. to consider the evidence.

Having considered the evidence in detail, Members agreed that the decision to issue a final written warning to this employee on the grounds of misconduct should be upheld.

Resolved:-

- (1) That there has been as thorough an investigation as is reasonable in the circumstances and that the Council's Disciplinary Procedure has been complied with.

- (2) That it is the genuine belief of the Committee that the Appellant committed the alleged acts of misconduct which took place on the 28th February 2002 and 5th March 2002 and have reasonable grounds to sustain this belief based on the evidence provided by the Corporate Director (Regeneration) having taken into account the representations made on the Appellant's behalf by Mr. McClorry
- (3) That such conduct is serious but is insufficiently serious to justify dismissal therefore the Committee uphold the decision made at the Disciplinary Hearing held on the 6th February 2003 to issue a final written warning and dismiss the Appeal

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Chairman

(The meeting ended at 1.10 p.m.)

**Any queries regarding these Minutes, please contact
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on Lancaster 582060,
or alternatively email gnoall@lancaster.gov.uk**