

**EAST AYRSHIRE COUNCIL**

**APPEALS PANEL**

**MINUTES OF MEETING HELD ON FRIDAY 19 MARCH 2010 AT 1300 HOURS IN  
MEETING ROOM 1, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Alan Brown, Rose-Ann Cuninghame, Maureen McKay, John Campbell and Gordon Cree.

**ATTENDING:** Martin Rose, Head of Human Resources; and Gillian Hamilton, Administrative Officer.

**CHAIR:** Councillor Alan Brown, Chair.

**APPOINTMENT OF CHAIR**

1. It was agreed unanimously that Councillor Alan Brown be appointed as Chair for this meeting.

**EXCLUSION OF PRESS AND PUBLIC**

2. The Panel resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act.

**GRIEVANCE APPEAL REF NOS G35/09 AND G6/10**

3. The Head of Human Resources advised the Panel that Grievance Appeal Ref Nos G35/09 and G6/10 had been withdrawn by the respective appellants.

**PRELIMINARY MATTERS**

4. The Head of Human Resources advised the Panel by way of general background information in connection with the appeals to be dealt with (i) of the action taken following a breach of the terms of the Data Protection Act 1998 by the Council arising from the circulation of papers to appellants relative to Stage 4 grievance appeals which had been scheduled to be dealt with at a meeting of the Appeals Panel on 20 October 2009, and that it was considered that the breach had no significance with regard to, or bearing on, the grievance appeals to be dealt with by the Panel at this meeting; (ii) that the Panel was required to consider 7 grievances on an individual basis as follows, viz:- G15/09, G19/09, G32/09, G34/09, G9/10, G3/10 and G10/10; and (iii) in connection with the information submitted by the Trade Unions relative to grievance appeal nos G19/09 and G32/09, that the bus timetables (circulated) had direct relevance to the cases, however, the report on facility improvements at Gauchalland and Underwood Depots (also circulated) had not, the proposals contained therein being subsequent to the appeals being lodged.

**HEARING PROCEDURE**

5. The Panel noted the Appeals Hearing Procedure (Grievance and Disputes) (circulated).

**CONSIDERATION OF GRIEVANCE APPEAL - APPEAL REF NO G15/09**

6. There was submitted a production by the appellant and productions and a list of witnesses by the Depute Chief Executive/Executive Director of Corporate Support, as the management representative (all circulated).

The Panel heard evidence from the appellant and their representative; and from the management representative and witness, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

**OUTCOME OF APPEAL**

7. The Panel unanimously agreed that the grounds of the appeal had not been substantiated and the appeal was not upheld.

**CONSIDERATION OF GRIEVANCE APPEAL - APPEAL REF NO G19/09**

8. There was submitted a production by the appellant and productions and a list of witnesses by the Depute Chief Executive/Executive Director of Corporate Support, as the management representative (all circulated).

The Panel heard evidence from the appellant and their representative; and from the management representative and witness, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

**OUTCOME OF APPEAL**

7. The Panel by majority agreed that the grounds of the appeal had not been substantiated and the appeal was not upheld.

**ADJOURNMENT/RECONVENTION**

8. The Panel adjourned at 1515 hours and reconvened at 1535 hours with the same Members and Officers present and in attendance.

**CONSIDERATION OF GRIEVANCE APPEAL - APPEAL REF NOS G32/09, G9/10, G3/10 AND G10/10**

9. In the absence of the appellants and having heard the appellants' representatives on the reasons therefore and that the appellants had stated their preference to be in attendance at their respective hearings, it was agreed that Appeal Ref Nos G32/09, G9/10, G3/10 and G10/10 be considered at a later date and time to be determined.

**CONSIDERATION OF GRIEVANCE APPEAL - APPEAL REF NO G34/09**

10. There were submitted productions and a list of witnesses by the Depute Chief Executive/Executive Director of Corporate Support, as the management representative (all circulated).

The Panel heard evidence from the appellant, their representative; and from the management representative and witness, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

**OUTCOME OF APPEAL**

11. The Panel unanimously agreed that the grounds of the appeal had not been substantiated and the appeal was not upheld.

The meeting terminated at 1628 hours.