

EAST AYRSHIRE COUNCIL**APPEALS PANEL****MINUTES OF MEETING HELD ON THURSDAY 5 NOVEMBER 2009 AT 1000 HOURS IN MEETING ROOM 2, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors John McKay, Tom Cook, Neil McGhee, Jim Roberts and David Shaw.

ATTENDING: George Park, Employee Relations Manager/Adviser to the Panel; and Gillian Hamilton, Administrative Officer.

CHAIR: Councillor Jim Roberts, Chair.

APPOINTMENT OF CHAIR

1. The Administrative Officer invited nominations for the Chair and Councillor Jim Roberts was appointed and took the Chair.

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.

DISCIPLINARY APPEAL D6/09

3. There was submitted a copy of the Appeals Hearing Procedure (Disciplinary) together with submissions by the Executive Director of Neighbourhood Services and the appellant (circulated).

3.1 Preliminary Matter

As a preliminary matter, the management's representative, requested that an additional submission be tabled. In respect of the preliminary matter, the appellant and their representative confirmed their objections to the additional submission being accepted by the Panel.

3.2 Adjournment/Reconvention

The Panel adjourned at 1020 hours to consider the above matter. and reconvened at 1025 hours with the same Members and Officers present and in attendance.

The Panel agreed not to accept the additional submission.

3.2 Hearing

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

ADJOURNMENT/RECONVENTIONS

4. The Panel adjourned at 1155 hours and reconvened at 1207 hours with the same Members and Officers present and in attendance.

At the request of the appellant's representative, the Panel adjourned at 1220 hours and reconvened at 1226 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1235 hours and reconvened at 1307 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1355 hours and reconvened at 1400 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1408 hours and reconvened at 1411 hours with the same Members and Officers present and in attendance.

At the request of management's representative, the Panel adjourned at 1452 hours and reconvened at 1458 hours with the same Members and Officers present and in attendance.

OUTCOME OF APPEAL

5. Having heard both parties, the Panel agreed by majority that the grounds of the appeal had not been substantiated and the appeal was not upheld.

The meeting terminated at 1540 hours.