

EAST AYRSHIRE COUNCIL

APPEALS PANEL

MINUTES OF MEETING HELD ON WEDNESDAY 7 OCTOBER 2009 AT 1015 HOURS IN MEETING ROOM 1, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Rose-Ann Cuninghame, John MacKay, Maureen McKay and Kathy Morrice.

ATTENDING: Martin Rose, Head of Human Resources/Legal Adviser to the Panel; and Sharon McHarg, Administrative Officer.

APOLOGY: Councillor Eric Ross.

CHAIR: Councillor Kathy Morrice, Chair.

APPOINTMENT OF CHAIR

1. The Legal Adviser to the Panel invited nominations for the Chair and Councillor Kathy Morrice 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 D4/09

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, J Winter, the appellant's representative requested that two written witness statements be tabled. In respect of the preliminary matter, J McKinlay, management's representative, confirmed that she had no objections to the additional letters being accepted by the Panel. The Panel, agreed to accept (a) a letter (undated) from J McLaren, Union of Construction, Allied Trades and Technicians; and (b) a letter (undated) from A Finlayson, Regional Officer, Unite the Union, which were then circulated.

3.2 Hearing

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

ADJOURNMENTS/RECONVENTIONS

4. The Panel adjourned at 1300 hours and reconvened at 1335 hours with the same Members and Officers present and in attendance.

At the request of the appellant's representative, the Panel adjourned at 1338 hours and reconvened at 1339 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 1446 hours.