

EAST AYRSHIRE COUNCIL

CABINET

**MINUTES OF SPECIAL MEETING HELD ON TUESDAY 5 OCTOBER 2010 AND
WEDNESDAY 3 NOVEMBER 2010 AT 1000 HOURS AND 1230 HOURS
RESPECTIVELY, IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors John MacKay, Maureen McKay, Jim Buchanan, Robert McDill and David Shaw; and Parent Representative David Fraser.

ATTENDING: Martin Rose, Head of Human Resources/Adviser to the Panel; and Christine Baillie, Senior Administrative Officer.

CHAIR: Councillor Jim Buchanan.

APPOINTMENT OF CHAIR

1. It was unanimously agreed to appoint Councillor Jim Buchanan as Chair.

EXCLUSION OF PRESS AND PUBLIC

2. The Committee 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.

ADJOURNMENT/RECONVENTION OF MEETING

3. The meeting adjourned at 1014 hours and reconvened at 1050 hours with the same Members and Officers present and in attendance.

PRELIMINARY MATTERS

4.1 Running Order

The Committee had been provided with a copy of the proposed running order (circulated at the meeting) which had been agreed by both parties.

The Committee agreed to this running order.

4.2 Conference Call

The Committee were asked by the appellant's representative to accept one witness giving evidence by conference telephone call between 1.00 p.m. and 2.00 p.m.

The Committee agreed to the request.

HEARING PROCEDURE

5. The Committee noted the Disciplinary Hearing Procedure (circulated) to be followed at the meeting.

CONSIDERATION OF APPEAL AGAINST DISMISSAL: APPEAL REF D6/10

6. There was submitted a summary report dated 15 July 2010 together with associated appendices by the Executive Director of Educational and Social Services, on behalf of the management representative and a list of witnesses by the appellant's representative (all circulated).

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

ADJOURNMENT/RECONVENTION

7. The Committee adjourned at 1150 hours and reconvened at 1153 hours with the same parties present and in attendance.

The Committee adjourned at 1335 hours and reconvened at 1408 hours with the same parties present and in attendance.

The Committee adjourned at 1700 hours and reconvened at 1713 hours with the same parties present and in attendance.

The Committee adjourned at 1825 hours on Tuesday 5 October 2010 and reconvened at 1230 hours on Wednesday 3 November 2010 with the same parties present and in attendance.

The Committee adjourned at 1421 hours and reconvened at 1430 hours with the same parties present and in attendance.

The Committee adjourned at 1502 hours and reconvened at 1508 hours with the same parties present and in attendance.

OUTCOME OF APPEAL

8. The Committee agreed unanimously that the appeal against the decision to dismiss on the grounds of gross misconduct had not been substantiated and accordingly, the appeal was not upheld.

The reasons for this decision will be detailed in a letter to the appellant and his representative.

The meeting terminated at 1613 hours.