

EAST AYRSHIRE COUNCIL

APPEALS PANEL

**MINUTES OF MEETING HELD ON TUESDAY 29 APRIL 2008 AT 1000 HOURS IN
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Jim Todd, Stuart Finlayson, Provost Stephanie Young and Councillors Eric Jackson and Jim Roberts.

ATTENDING: Martin Rose, Head of Personnel; and Robert Beaton, Administrative Officer.

CHAIR: Councillor Jim Todd, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act.

DISCIPLINARY APPEAL NO D2/08

2. There was submitted a copy of the Disciplinary Appeals Hearing Procedure together with submissions by the Department of Neighbourhood Services and the appellant's representative (all circulated).

Following a request from the appellant's representative and having heard the Head of Personnel, it was agreed to circulate a copy of correspondence dated 24 April 1996 and Circular PER/16/96 Code of Discipline, Discipline and Appeals Procedure (all circulated).

ADJOURNMENT/RECONVENTIONS

3. The Panel adjourned at 1136 hours and reconvened at 1147 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1211 hours and reconvened at 1248 hours with the same Members and Officers present and in attendance.

OUTCOME OF APPEAL

4. Having heard both parties, the Panel by majority, agreed that the grounds of the appeal had been substantiated in part and the appeal was upheld to the extent that the disciplinary sanction was considered to be reduced to a final written warning and that the employee be reinstated to his current post with effect from 30 April 2008 and that the period from 12 March 2008 to 30 April 2008 (inclusive) being unpaid.

The meeting terminated at 1421 hours.