

EAST AYRSHIRE COUNCIL

APPEALS PANEL

MINUTES OF MEETING HELD ON WEDNESDAY 29 APRIL 2009 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK AND THURSDAY 12 MAY 2009 AT 0935 HOURS IN THE CHIEF EXECUTIVE'S CONFERENCE ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Robert McDill, Tom Cook, David Shaw, Kathy Morrice and Eric Ross.

ATTENDING: Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Julie McKinlay, Solicitor; and Lynn Young, Administrative Officer.

CHAIR: Councillor Robert McDill, 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 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/DISPUTES APPEAL G1/09

2. There was submitted a copy of the Appeals Hearing Procedure (Grievance and Disputes) together with submissions by the appellant and the management representatives (all circulated).

The Appeals Panel heard evidence from the management representative, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

The appellant was not present or represented.

ADJOURNMENTS/RECONVENTIONS

3. The Panel adjourned at 1250 hours and reconvened at 1315 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1435 hours and reconvened at 1440 hours with the same Members and Officers present and in attendance.

OUTCOME OF APPEAL

4. Having heard the management representative, the Panel unanimously agreed that the grounds of the appeal had not been substantiated and the appeal was not upheld.

The meeting terminated at 1635 hours.

RECONVENTION/FURTHER CONSIDERATION OF APPEAL

5. Having been informed of the receipt of supplementary submissions by the appellant in the late stages of the process, and a recommendation to reconvene, as set out in

the email from the Depute Chief Executive/Executive Director of Corporate Support to Panel Members on 5 May 2009, the Panel reconvened at 0935 hours on Tuesday 12 May 2009 in the Chief Executive's Conference Room, with the same Members and Officers present and in attendance and unanimously agreed to reconsider this appeal and consider the supplementary information provided by the appellant.

EXCLUSION OF PRESS AND PUBLIC

6. 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.

FURTHER CONSIDERATION OF GRIEVANCE APPEAL G1/09

7. There was submitted supplementary submissions from the appellant together with the relevant management production (both circulated).

The Appeals Panel heard evidence from the management representative on the supplementary submission, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

The appellant was not present or represented.

OUTCOME OF APPEAL

8. Having heard the management representative, the Panel unanimously agreed that the grounds of the appeal had not been substantiated and the appeal was not upheld.

The meeting terminated at 1110 hours.