

EAST AYRSHIRE COUNCIL

APPEALS PANEL

**MINUTES OF MEETING HELD ON TUESDAY 11 AND WEDNESDAY 12 MAY
2010 BOTH AT 1000 HOURS IN MEETING ROOM 2, COUNCIL
HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Robert McDill, Tom Cook, and Jim Roberts.

ATTENDING: Martin Rose, Head of Human Resources; and Gillian Hamilton, 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.

HEARING PROCEDURE

2. The Panel noted the Appeals Hearing Procedure (Disciplinary) (circulated).

CONSIDERATION OF APPEAL AGAINST DISMISSAL NO D3/10

3. There were submitted productions and a list of potential witnesses by the Depute Chief Executive/Executive Director of Neighbourhood Services as the management representative and productions and a list of witnesses by the appellant (all circulated).

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

ADJOURNMENTS/RECONVENTIONS

4. The Panel adjourned at 1208 hours and reconvened at 1247 hours on 11 May 2010 with the same Members and Officers present and in attendance.

The Panel adjourned at 1435 hours and reconvened at 1455 hours on 11 May 2010 with the same Members and Officers present and in attendance.

The Panel adjourned at 1618 hours to consider a request from the appellant's representative that an additional submission be circulated. Management's representative confirmed that they had no objection to the additional submission being accepted by the Panel.

The Panel reconvened at 1630 hours with the same Members and Officers present and in attendance and agreed to accept the additional submission.

The Panel adjourned at 1635 hours on 11 May 2010 and reconvened at 1005 hours on 12 May 2010 with the same Members and Officers present and in attendance.

The Panel adjourned at 1206 hours and reconvened at 1240 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1436 hours and reconvened at 1455 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1510 hours to consider a request from the appellant's representative that a further additional submission be circulated. Management's representative confirmed that they had no objection to the further additional submission being accepted by the Panel.

The Panel reconvened at 1525 hours with the same Members and Officers present and in attendance and agreed to accept the further additional submission.

The Panel adjourned at 1615 hours and reconvened at 1625 hours with the same Members and Officers present and in attendance.

OUTCOME OF APPEAL

5. The Panel agreed unanimously that the grounds of the appeal had not been substantiated and the appeal was not upheld.

The meeting terminated at 1840 hours.