

EAST AYRSHIRE COUNCIL

APPEALS PANEL

**MINUTES OF MEETING HELD ON THURSDAY 30 SEPTEMBER 2010 AT
1000 HRS IN MEETING ROOM 2, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Robert McDill, John MacKay, Maureen McKay, Tom Cook and Jimmy Kelly.

ATTENDING: Martin Rose, Head of Human Resources; and Jennifer Morrison, Administrative Officer.

CHAIR: Councillor Robert McDill, Chair.

APPOINTMENT OF CHAIR

1. The Head of Human Resources invited nominations for the Chair and Councillor Robert McDill 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".

PRELIMINARY MATTERS

3. The management representative requested a point of clarification. The applicant, in his Notification of Appeal, had advised that he was appealing against the level of disciplinary action taken against him, not the decision to discipline him, however, it was the view of the management representative that some of the information submitted by the appellant related to the decision to discipline the appellant, and he therefore sought clarification on what exactly was being appealed.

The appellant and his representative requested an adjournment to consider this matter.

ADJOURNMENT/RECONVENTION

4. The Panel adjourned at 1015 hrs and reconvened at 1025 hrs with the same Members and Officers present and in attendance.

FURTHER CONSIDERATION OF APPEAL

5. Both parties were then recalled. The appellant's representative advised that the appellant would like to appeal against both (a) the level of disciplinary action taken against him; and (b) the decision to discipline him.

The Panel agreed to adjourn to consider this matter.

ADJOURNMENT/RECONVENTION

6. The Panel adjourned at 1030 hrs and reconvened at 1050 hrs with the same Members and Officers present and in attendance.

Both parties were recalled. The Panel agreed to proceed to determine the appeal only on the grounds stated on the original Notification of Appeal which was the level of disciplinary action taken against the appellant.

HEARING PROCEDURE

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

CONSIDERATION OF DISCIPLINARY APPEAL NO D2/10

8. There were submitted productions by the Executive Director of Finance and Corporate Support and the appellant (all circulated).

The Panel heard evidence from the management representative and witnesses and from the appellant and his representative and witnesses who spoke to all matters raised, all in accordance with the Hearing procedure.

ADJOURNMENT/RECONVENTIONS

9. The Panel adjourned at 1225 hrs and reconvened at 1300 hrs with the same Members and Officers present and in attendance.

The Panel adjourned at 1420 hrs and reconvened at 1430 hrs with the same Members and Officers present and in attendance.

The Panel adjourned at 1640 hrs and reconvened at 1700 hrs with the same Members and Officers present and in attendance.

OUTCOME OF APPEAL

10. 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 2100 hrs.