

EAST AYRSHIRE COUNCIL

APPEALS PANEL

**MINUTES OF MEETING HELD ON TUESDAY 14 JULY 2009 AT 1030 HRS AND
THURSDAY 16 JULY 2009 AT 1600 HRS IN MEETING ROOM 1,
COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Tom Cook, Maureen McKay, Jim Roberts, Kathy Morrice and Eric Ross.

ATTENDING: Martin Rose, Head of Human Resources; Stuart Nelson, Administrative Officer (Items 1-7); and Lynn Young, Administrative Officer (Items 8-9).

CHAIR: Councillor Tom Cook, Chair.

PRELIMINARY MATTERS

1. On the matters having been raised by members of the Panel (a) the Head of Human Resources and the Administrative Officer provided clarification regarding membership of the Panel for this appeal; and (b) it was agreed to request the Head of Democratic Services to review arrangements for recording meetings of the Appeals Panel in order to ensure that a detailed, accurate record is made.

APPOINTMENT OF CHAIR

2. The Administrative Officer invited nominations for the appointment of Chair for this meeting.

It was unanimously agreed that Councillor Tom Cook be appointed Chair.

EXCLUSION OF PRESS AND PUBLIC

3. 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.

CONSIDERATION OF APPEAL G13/09

4. There was submitted a copy of the Appeals Hearing Procedure (Grievance and Disputes), together with submissions by the appellants' representatives and the Depute Chief Executive/Executive Director of Corporate Support (all circulated).

The Panel heard evidence from the appellants' representatives and witnesses, all in accordance with the Hearing Procedure.

ADJOURNMENT/RECONVENTION

5. The Panel adjourned at 1250 hrs and reconvened at 1312 hrs with the same Members and Officers present and in attendance.

FURTHER CONSIDERATION OF APPEAL

6. The Panel then heard evidence from the management's representative and witness, all in accordance with the Hearing procedure.

ADJOURNMENTS/RECONVENTIONS

7. The Panel adjourned at 1507 hrs and reconvened at 1520 hrs with the same Members and Officers present and in attendance.

The Panel adjourned at 1645 hrs and reconvened at 1600 hrs on Thursday 16 July 2009 with the same Members and Officers present and in attendance, with the exception of Councillors Maureen McKay and Eric Ross who had submitted their apologies, and Stuart Nelson, Administrative Officer, who was replaced by Lynn Young, Administrative Officer.

OUTCOME OF APPEAL

8. The Panel unanimously agreed that the grounds of the appeal had not been substantiated and the appeal was not upheld. The Panel did not accept that in this case custom and practice was an implied term of contract. The Panel further recognised that it is the responsibility of every employee to get to and from work; that some sections of the Vehicle Policy had not been applied; and, in acknowledging the actions already taken by the Chief Executive, that she carry out an immediate full and comprehensive review of the use of Council vehicles for home to work travel, ensuring that the results of the review are communicated to managers and employees.

The meeting terminated at 1645 hrs.