

**EAST AYRSHIRE COUNCIL**

**APPEALS PANEL**

**MINUTES OF MEETING HELD ON TUESDAY 16 AUGUST 2011 AT 1000 HOURS  
IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Rose-Ann Cuninghame, John McGhee, Alan Brown, Robert McDill and David Shaw.

**ATTENDING:** Martin Rose, Head of Human Resources/Advisor to the Panel; and Christine Baillie, Senior Administrative Officer.

**CHAIR:** Councillor Alan Brown, Chair.

**APPOINTMENT OF CHAIR**

1. It was unanimously agreed to appoint Councillor Alan Brown as Chair.

**EXCLUSION OF PRESS AND PUBLIC**

2. It was agreed 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**

3. The Panel noted the Appeals Hearing Procedure (circulated) to be followed at the meeting.

**PRELIMINARY MATTER**

4. As a preliminary matter, the Chair advised that Appeals Hearings which related to dismissals would be audio recorded, in order that an accurate record could be retained to support any subsequent proceedings. The Chair further advised that Panel deliberations would not be subject to audio recording.

**CONSIDERATION OF DISMISSAL APPEAL:  
APPEAL REF NO D4/11**

5. There were submitted productions by the Executive Director of Educational and Social Services and productions by the appellant (all circulated).

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

**ADJOURNMENT/RECONVENTION**

6. The meeting adjourned at 1146 hours and reconvened at 1156 hours with the same Members and Officers present and in attendance.

**OUTCOME OF APPEAL**

7. Having heard both parties, the Panel agreed unanimously that the grounds of the appeal against the level of disciplinary action taken had not been substantiated and the appeal was not upheld.

The reasons for this decision would be detailed in a letter to the appellant and their representative.

The meeting terminated at 1336 hours.