

EAST AYRSHIRE COUNCIL

APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 8 SEPTEMBER 2006 AT 1033 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors John Knapp, Brian Reeves, Robert McDill, Ray Murray and Stuart Finlayson.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; and Anne Marie Carr, Senior Administrative Officer.

CHAIR: Councillor John Knapp, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. The Sub-Committee 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act.

GRIEVANCE APPEAL NO G19/06

2. The Head of Administrative and Legal Services outlined to the Sub-Committee the difficulties which had come to light on 7 September 2006 regarding the inability of the appellant to ensure that all his witnesses would be present at the Hearing and advised the Sub-Committee that the onus lay with the appellant to make such arrangements as necessary to provide for attendance of all the witnesses he intended to call to the Grievance Hearing. Accordingly, in order to facilitate the efficient running of the Hearing process he advised the Sub-Committee that it would be more appropriate to reschedule the Hearing to the next scheduled meeting of the Appeals Sub-Committee on 27 September 2006. All Members of the Sub-Committee agreed to this proposal.

Both parties were then invited into the meeting and the Chair invited the Head of Administrative and Legal Services to advise the appellant and the management representative of the above proposal. The appellant was also informed of the procedure to be followed in respect of the attendance of those witnesses who are also employed by the Council.

Having heard the Head of Administrative and Legal Services, and having established that the appellant and the management representative had no objection to continuing consideration of the appeal to the meeting on 27 September, the Sub-Committee agreed:

- (i) to continue consideration of the grievance appeal to the next scheduled meeting of the Sub-Committee on 27 September 2006; and
- (ii) that the appellant be advised of the time of the meeting in due course.

The meeting terminated at 1044 hrs.

EAST AYRSHIRE COUNCIL

APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 27 SEPTEMBER 2006 AT 1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors John Knapp, John McGhee, Isabella Macrae, Robert McDill and Neil McGhee.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; and Anne Marie Carr, Senior Administrative Officer.

CHAIR: Councillor John Knapp, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. The Sub-Committee 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 APPEAL NO G16/06

2. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 19 September 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

OUTCOME OF APPEAL

3. Having heard both parties, the Sub-Committee agreed unanimously that the grounds of the appeal had not been substantiated and the appeal had not been upheld.

GRIEVANCE APPEAL NO G20/06

4. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 19 September 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

ADJOURNMENT/RECONVENTION

5. The Sub-Committee adjourned at 1142 hrs and reconvened at 1150 hrs with the same Members and officers present and in attendance.

OUTCOME OF APPEAL

6. Having heard both parties, the Sub-Committee agreed unanimously that the grounds of the appeal had not been substantiated and the appeal had not been upheld.

GRIEVANCE APPEAL NO G21/06

7. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 19 September 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

OUTCOME OF APPEAL

8. Having heard both parties, the Sub-Committee agreed unanimously that the grounds of the appeal had not been substantiated and the appeal had not been upheld.

ADJOURNMENT/RECONVENTION

9. The Sub-Committee adjourned at 1313 hrs and reconvened at 1338 hrs with the same Members and officers present and in attendance.

GRIEVANCE APPEAL NO G19/06

10. There was submitted a copy of the grievance and disputes procedure together with submissions on behalf of the appellant and summary report dated 19 September 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions on behalf of the appellant (all circulated).

ADJOURNMENT/RECONVENTION

11. The Sub-Committee adjourned at 1424 hrs and reconvened at 1429 hrs with the same Members and officers present and in attendance.

CONSIDERATION OF APPEAL

12. Having heard the Head of Administrative and Legal Services, the Sub-Committee agreed:-
 - (i) to continue consideration of the grievance appeal to a further meeting of the Sub-Committee;
 - (ii) that the management representative be requested to submit a more detailed report on the substance of the original complaint by the appellant detailing the nature of the original complaint and the investigative process undertaken by management in terms of the Council's Personal Harassment Policy and Procedures;
 - (iii) that the Sub-Committee have sight of any notes or minutes of meetings, statements, reports or other relevant documentation in respect of the investigation of the appellant's complaint to allow Members to have a comprehensive understanding of the chronology of events surrounding the appellant's grievance.
 - (iv) that the necessary arrangements be made to ensure that the following officers be available at the continued Hearing, viz:- Commercial Waste and Recycling Manager; Recycling Foreman; and the Departmental Personnel Officer.

CHAIR'S REMARKS

- 13.** The Chair suggested to the appellant that he may wish to give consideration to arranging representation for himself at the meeting of the Appeals Sub-Committee at which his continued Hearing would be heard, the date for which had yet to be arranged.

The meeting terminated at 1645 hrs.

EAST AYRSHIRE COUNCIL

APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD ON THURSDAY 19 OCTOBER 2006 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors John Knapp, John McGhee, Isabella Macrae, Robert McDill and Neil McGhee.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; and Julie McGarry, Assistant Administration Manager.

CHAIR: Councillor John Knapp, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. The Sub-Committee 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act.

CONTINUED GRIEVANCE APPEAL NO G19/06 (Item , Page , 03/07)

2. There was submitted a copy of the grievance and disputes procedure together with submissions by appellant and notification of appeal (previously circulated and contained in papers for the meeting of the Sub-Committee held on 27 September 2006) and, as requested by the Sub-Committee, additional submissions by management (Department of Corporate Support) and associated Appendices.

ADJOURNMENT/RECONVENTION/CONTINUATION OF BUSINESS

3. The Sub-Committee adjourned at 1225 hours and reconvened at 1245 hours with the same Members and Officers present and in attendance.

OUTCOME OF APPEAL

4. Having heard both parties, the Sub-Committee unanimously agreed that the grounds of the appeal had not been substantiated and the appeal was not upheld.

The Sub-Committee further agreed:-

- (i) that the Corporate Health and Safety Manager be instructed to conduct a full review of health and safety arrangements at the facility; and
- (ii) that the Council's Monitoring Officer arrange for the investigation of two particular issues which had been identified by the Members of the Sub-Committee and report back further to Members in this regard.

The meeting terminated at 1545 hours.