

APPENDIX IV

EAST AYRSHIRE COUNCIL

**APPEALS SUB-COMMITTEE OF THE
CORPORATE GOVERNANCE COMMITTEE**

**MINUTES OF MEETING HELD ON THURSDAY 3 AUGUST 2006 AT 1005 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors John Knapp, Robert McDill, William Crawford, Elaine Dinwoodie and Jimmy Carmichael.

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 APPEALS NOS G13/06, G14/06 AND G17/06

2. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellants, and summary reports dated 21 July 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellants (all circulated).

OUTCOME OF APPEAL

3. Having heard both parties, the Sub-Committee agreed, by a majority, that the grounds of the appeals had not been substantiated and the appeals were not upheld.

GRIEVANCE APPEAL NO G15/06

4. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 21 July 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

ADJOURNMENT/RECONVENTION/CONTINUATION OF BUSINESS

5. The Sub-Committee adjourned at 1146 hours and reconvened at 1150 hours with the same Members and Officers present and in attendance.

OUTCOME OF APPEAL

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

ADJOURNMENT/RECONVENTION/CONTINUATION OF BUSINESS

7. The Sub-Committee adjourned at 1227 hours and reconvened at 1402 hours with the same Members, with the exception of Councillor Dinwoodie, and Officers present and in attendance.

GRIEVANCE APPEAL NO G16/06

8. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 21 July 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

The appellant's representative, in referring to paragraph 2.5 of management's summary report, queried the status of the appellant's grade as detailed in the report, as he advised that the appellant's contract of employment stated that he had been employed as a Catering Assistant since 1992.

The Management's representative advised that he had obtained information from On-site Services which clarified the appellant's current status, albeit that this information did not form part of the productions from the Management's representative.

Having heard the Head of Administrative and Legal Services, the Sub-Committee agreed to adjourn the meeting at this point to allow the appellant the opportunity to view the above information.

ADJOURNMENT/RECONVENTION/CONTINUATION OF BUSINESS

9. The Sub-Committee reconvened at 1435 hours with the same Members, with the exception of Councillor Dinwoodie, and Officers present and in attendance.

The Head of Administrative and Legal Services reported he was now in receipt of copies of letters obtained by the Management's representative from Onsite Services to the appellant dated 25 August 1995 and 9 October 1996, together with a pro-forma dated 13 September 2005 signed by the appellant in respect of the employee data validation exercise, all of which confirmed the appellant's designated post as that of Driver.

The Sub-Committee agreed that all of the above information be circulated, it having been established that the appellant's representative had no objection to this.

OUTCOME OF APPEAL

10. Having heard both parties, and having heard the Head of Administrative and Legal Services, the Sub-Committee agreed to continue consideration of the Hearing and requested the appellant's representative to provide comparator information to the Head of Personnel to enable him to investigate and take instruction from Onsite Services and thereafter to establish the status of the grievance appeal.

The meeting terminated at 1512 hours.