

EAST AYRSHIRE COUNCIL

APPEALS SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 23 JANUARY 2004 AT 0930 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Tommy Farrell, Douglas Reid, Gordon Cree, William Menzies and Elaine Dinwoodie.

ATTENDING: Graham Haugh, Head of Personnel; and Julie Armstrong, Assistant Administration Manager.

CHAIR: Councillor Tommy Farrell, 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.

DISCIPLINARY APPEAL NO D5/03

2. There was submitted a copy of the Disciplinary Appeal procedure together with submissions by the Department and Notification of Appeal form and productions by the appellant (all circulated).

ADVISORY COMMENTS FROM THE CHAIR

3. The Chair outlined the role of the Appeals Sub-Committee and referred to the fact that both parties had included papers that related to correspondence and communications after the date of dismissal.

The Chair therefore asked both parties:

- (i) in terms of management, to focus on the reasons for dismissal which appeared to be set out in their letter dated 13 November 2003;
- (ii) in terms of the appellant, to focus on the response to the reasons which management had presented for dismissal and his version of events and/or actions in response to those reasons; and
- (iii) that if either party intended to refer to any correspondence beyond the date of the dismissal letter, ie 13 November, then the Chair would expect them to explain to the Sub-Committee why they wished to do so before proceeding.

FURTHER SUBMISSION BY THE APPELLANT

4. In response to a request by the appellant's Trade Union representative to submit a medical certificate as a further submission, the Head of Personnel advised that this matter would be dealt with at the appropriate part in the Hearing procedure. The Trade Union representative later referred to the medical certificate in the course of his submission on behalf of the appellant.

ADJOURNMENTS/RECONVENTIONS

5. The Sub-Committee adjourned at 1030 hrs and reconvened at 1035 hrs with the same Members and Officials present and in attendance.

The Sub-Committee adjourned at 1200 hrs and reconvened at 1207 hrs with the same Members and Officials present and in attendance.

The Sub-Committee adjourned at 1315 hrs and reconvened at 1400 hrs with the same Members and Officials present and in attendance.

OUTCOME OF APPEAL

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

The meeting terminated at 1455 hrs.