

EAST AYRSHIRE COUNCIL

APPEALS SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 5 NOVEMBER 2001 AT 1300 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Eric Jackson, Brian Reeves, Lilian MacLean, John Knapp and Finlay MacLean.

ATTENDING: Graham Haugh, Head of Personnel; and Julie Armstrong, Principal Administrative Officer.

CHAIR: Councillor Eric Jackson, 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.

DISMISSAL APPEAL NO D4/2001

2. There was submitted a copy of the Disciplinary Hearings procedure together with a summary report dated 29 October 2001 by the Depute Chief Executive/Director of Corporate Resources incorporating submission by the Department of Educational and Social Services and related appendices and notification of appeal form from the appellant (all circulated).

The appellant's representative requested that two additional letters be considered, both dated 17 August 2001 to the appellant by the Department of Educational and Social Services.

ADJOURNMENT/RECONVENTION

3. The Sub-Committee, having agreed to accept the additional submissions, adjourned at 1312 hrs to enable the Sub-Committee Members and relevant parties to peruse the additional submissions and reconvened for consideration of the appeal at 1318 hrs with the same Members and officials present and in attendance.

REQUEST FROM APPELLANT

4. The appellant's representative objected to management not calling a witness whom he determined was crucial to the appeals process and requested that this witness be called to give evidence.

ADJOURNMENT/RECONVENTION

5. The Sub-Committee adjourned at 1324 hrs to enable the Sub-Committee Members to take advice on the matter and reconvened at 1335 hrs.

RESPONSE TO REQUEST

6. The Sub-Committee noted the submission made by the appellant's representative and asked the management representative to proceed but that the process would be continually reviewed and that the Sub-Committee would reserve the right to call an adjournment if the Sub-Committee required any additional witnesses to be called.

The appellant's representative stated his unhappiness about being unable to question the proposed witness.

ADJOURNMENT/RECONVENTION

7. The Sub-Committee adjourned at 1530 hrs and reconvened at 1540 hrs with the same Members and officials present and in attendance.

The Sub-Committee adjourned again at 1643 hrs and reconvened at 1650 hrs with the same Members and officials present and in attendance.

OUTCOME OF APPEAL

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

The meeting terminated at 1810 hrs.

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