

APPEALS PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 24th August 2011 at 10.00 a.m.

Present: Councillors John Hampton (Chair), John Allan, Brian Connolly and Mike Peddie.

Apologies: Councillors Sandra Goldie and Winifred Sloan.

Attending: K. Briggs, Principal Solicitor; S. O'Neill, Solicitor; L. Boyd, Senior HR Officer; P. Gray, Senior HR Officer; and J. McClure, Committee Administrative Officer.

1. Exclusion of Press and Public.

The Panel resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded for the following items of business on the agenda, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 1 of Part 1 of Schedule 7(A) of the Act.

2. Appeals Against Dismissal.

- (1) With reference to the Minutes of 26th July 2011 (Page 465, paragraph 2) and 29th July 2011 (Page 468, paragraph 2) when it had been decided to continue consideration of this matter, the Panel considered the appeal against dismissal.

Councillor Hampton, seconded by Councillor Connolly moved that the appeal not be upheld.

By way of Amendment. Councillor Allan, seconded by Councillor Peddie, moved that the appeal be upheld and the appellant be issued with a Final Written Warning.

On a vote, two Members voted for the Amendment and two for the Motion. The Chair then exercised his casting vote in favour of the Motion which was accordingly declared carried.

Decided: that the grounds of the appeal had not been substantiated and the appeal not be upheld.

- (2) With reference to the Minutes of 27th July 2011 (Page 466, paragraph 2) and 22nd August 2011 (Page 505, paragraph 2) when it had been decided to continue consideration of this matter, the Panel considered the appeal against dismissal.

Decided: by a majority, that the grounds of the appeal had not been substantiated and the appeal not be upheld.

- (3) With reference to the Minutes of 28th July 2011 (Page 467, paragraph 2) when it had been decided to continue consideration of this matter, the Panel considered the appeal against dismissal.

Decided: unanimously,

- (a) that the grounds of the appeal had been substantiated and the appeal be upheld;
and
- (b) that the appellant be issued with a Final Written Warning.

- (4) With reference to the Minutes of 11th August 2011 (Page 470, paragraph 2) when it had been decided to continue consideration of this matter, the Panel considered the appeal against dismissal.

Councillor Peddie did not take part in the deliberation or decision making for this item as he had not been present at the hearing.

Decided: unanimously,

- (a) that the grounds of the appeal had been substantiated and the appeal be upheld;
and
- (b) that the appellant be issued with a Final Written Warning.

The Chair then advised that the decisions would be intimated to the appellants in writing.

The meeting ended at 4.35 p.m.