

APPEALS PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 26th 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: S. O'Neill, Solicitor; L. Boyd, 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 item of business on the agenda, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 1 of Part 1 of Schedule 7(A) of the Act.

2. Appeal Against Dismissal.

The appellant, a former employee of the Directorate of Development and Environment, was in attendance and represented by E. Mowat, Solicitor. M. Newall, Head of Planning and Enterprise, represented the Council and was accompanied by W. Wesson, Senior HR Officer.

The Panel heard both parties fully on the case, including evidence from a witness called by the management representative and, after questions, both parties withdrew. The Chair had advised the appellant and his representative that the decision of the Panel would be intimated in writing.

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.

The meeting ended at 6.40 p.m.