

Appeals Committee
28 August 2009

IRVINE, 28 August 2009 - At a meeting of the Appeals Committee of North Ayrshire Council at 1.30 p.m.

Present

Robert Barr, John Ferguson, Ruby Kirkwood, Ronnie McNicol, Robert Rae, and Joan Sturgeon.

In Attendance

D. Green, Chief Legal Officer (Litigation); T. Jones, Operations & Waste Strategy Manager (Property Services); A. Young, HR Team Leader and T.Drain, HR Adviser (Human Resources).

Also In Attendance

The appellant and his representative.

Chair

Councillor R. Barr in the Chair,.

Apologies for Absence

Tom Barr, John Moffat, David Munn and John Reid.

1. Exclusion of the Public

The Committee resolved, in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 1 of Part I of Schedule 7A of the Act.

2. Incapability Procedure: Appeal Against Dismissal

Submitted report by the Chief Executive on the background to an appeal against dismissal submitted by a former employee within Property Services.

The service representative presented the grounds for dismissal as previously advised to the appellant in writing. The appellant and his representative were given the opportunity to respond to the issues raised and to ask questions of the service representative. Members of the Committee were also given the opportunity to ask questions.

Thereafter the appellant and his representative presented the grounds of appeal. The service representative was given the opportunity to respond to the issues raised and to ask questions of the appellant. Members of the Committee were also given the opportunity to ask questions.

After summing up their respective cases, the service representative together with the appellant and his representative, withdrew from the hearing to allow the Committee to deliberate.

Councillor Rae, seconded by Councillor Kirkwood, moved that the grounds of the appeal had not been substantiated and accordingly that the appeal should not be upheld. As an amendment, Councillor Ferguson, seconded by Councillor Sturgeon, moved that the grounds of the appeal had been substantiated and accordingly that the appeal should be upheld and the appellant reinstated. On a division there voted for the amendment 3 and for the motion 3. On the casting vote of the Chair, the motion was declared carried.

Accordingly, the Committee agreed that the grounds of the appeal had not been substantiated and accordingly that the appeal should not be upheld.

The meeting ended at 3.50 p.m.