

Appeals Committee
7 November 2014

IRVINE, 7 November 2014 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

Robert Barr, John Hunter, Elizabeth McLardy, Jim Montgomerie, Alan Munro and Joan Sturgeon.

In Attendance

T. Drain, Senior HR Adviser (Human Resources) (Finance and Corporate Support);
A. Craig, Team Manager, Litigation (Democratic Services).

Also In Attendance

Y. Baulk, Head of Service (Physical Environment) (Place), R. Lennon, Senior HR Adviser (Finance and Corporate Support), the Appellant and his representative.

Chair

Depute Provost Barr in the Chair.

Apologies for Absence

Ronnie McNicol.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 24 October 2014 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 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 1 of Schedule 7A of the Act.

4. Disciplinary Procedure: Appeal Against Dismissal

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Physical Environment (Place).

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's 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 and her representative. Members of the Committee were also given the opportunity to ask questions of the appellant and his representative.

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 McLardy, seconded by Councillor Montgomerie, moved that the grounds of the appeal had been substantiated and that the appellant be reinstated.

As an amendment, Councillor Hunter, seconded by Councillor Munro, moved that the Appeal be upheld in part and that the appellant be reinstated at a lower grade.

On a division, there voted for the amendment 2 and for the motion 4, and the motion was declared carried.

Accordingly, the Committee agreed that (a) the Appeal is upheld and that the appellant be reinstated; and (b) that the appellant be so advised within 14 days.

The meeting ended at 1.05 p.m.