



**NORTH AYRSHIRE**  
COUNCIL

Cunninghame House,  
Irvine.

9 May 2013

### **Appeals Committee**

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **FRIDAY 17 MAY 2013** at **10.30 a.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

**2. Minutes**

The Minutes of the Meeting of the Committee held on 26 April 2013 will be signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

## **Exempt Information**

**3. Exclusion of the Public**

Resolve 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 Transfer to a Lower Graded Post**

**Non Disclosure of Information**

In terms of Standing Order 17 (Disclosure of Information), the information contained within the following report is confidential information within the meaning of Section 50A of the 1973 Act and shall not be disclosed to any person by any Member or Officer.

Submit report by the Chief Executive on the background to an appeal against demotion by an employee within Social Services and Health (copy enclosed).

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## Appeals Committee

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Sederunt: Alex McLean (Chair)  
Robert Barr (Vice Chair)  
John Easdale  
Elizabeth McLardy  
Ronnie McNicol  
Jim Montgomerie  
Irene Oldfather  
David O'Neill  
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:



Appeals Committee  
26 April 2013

**IRVINE, 26 April 2013** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

**Present**

Alex McLean, Robert Barr, John Easdale, Elizabeth McLardy, Irene Oldfather and Robert Steel.

**In Attendance**

A. Young, Acting Human Resources Team Manager (Human Resources) (Finance and Corporate Support); A. Craig, Team Manager, Litigation and A. Little, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

M. Docherty, Head of Education (Education and Skills); F. Clark, Human Resources Adviser (Finance and Corporate Support); and the appellant and her representative.

**Chair**

Councillor McLean in the Chair.

**Apologies for Absence**

Ronnie McNicol and Jim Montgomerie.

**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 1 of Schedule 7A of the Act.

**2. Declarations of Interest**

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

**3. Disciplinary Procedure: Appeal Against Dismissal**

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Education and Skills.

The Service Representative presented the grounds for dismissal as previously advised to the appellant in writing. The appellant was 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 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 her representative, withdrew from the hearing to allow the Committee to deliberate.

Councillor Oldfather, seconded by Councillor Easdale, moved that the grounds of the appeal had been substantiated and accordingly that the appeal should be upheld.

As an amendment, Councillor Steel, seconded by Councillor Barr, moved that the grounds of the appeal had not been substantiated and accordingly that the appeal should not be upheld.

On a division, there voted for the amendment 3 and for the motion 2, Councillor McLean abstaining from voting, and the amendment was declared carried.

Accordingly, the Committee agreed (a) that the grounds of the appeal had not been substantiated and the appeal should not be upheld; and (b) that the appellant be so advised within 14 days.

The meeting ended at 12.25 p.m.