



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

## **Appeals Committee**

A Special Meeting of the of the Appeals Committee of North Ayrshire Council will be held in the **Three Towns Committee Room**, on **8 March 2019** at 10:30 to consider the undernoted business.

### **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 accuracy of the Minutes of the meeting of the Appeals Committee held on 25 February will be confirmed and the Minutes 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 Dismissal**

#### **Non Disclosure of Information**

In terms of Standing Order 19 (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.

#### **4.1 Submit report by the Chief Executive on the background to an appeal against dismissal by a former employee within Place (copy enclosed).**



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Marie Burns  
Davina McTiernan  
Angela Stephen

Chair:

Apologies:

Attending:



## Appeals Committee

25 February 2019

**IRVINE, 25 February** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

### **Present**

Councillors John Easdale, Jimmy Miller and Alex Gallagher.

### **In Attendance**

E. McLaren, Team Manager (Litigation) (Democratic Services) and J. Smillie, Senior Manager (Human Resources & Organisational Development) (Finance and Corporate Support).

### **Also In Attendance**

R. McCutcheon, Head of Service (Commercial) (Place); J. Irvine, Fraud Investigator, F. Carlyle, HR Adviser (Finance and Corporate Support); and the appellant's representative's.

### **Chair**

Councillor John Easdale in the Chair.

## **1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

## **2. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 2 November 2018 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 50A(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 the Place.

The appellant's representative raised a preliminary point advising that the appellant was not present and seeking a postponement to another date. After hearing from the appellant's representative and the service representative, the Committee agreed that the hearing should go ahead in the appellant's absence.

The service representative presented the grounds for dismissal as previously advised to the appellant in writing.

The appellant's representatives 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 the appeal. The service representative was given the opportunity to respond to the issues raised and to ask questions of the appellant's representative. Members of the Committee were also given the opportunity to ask questions of the appellant's representative.

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

Following deliberation, the Committee agreed (a) that the grounds of appeal had not been upheld; (b) to confirm the decision previously imposed on the appellant; and (c) that the appellant be so advised within 14 days.

The Meeting ended at 3.40 p.m.