

Appeals Committee
5 October 2012

IRVINE, 5 October 2012 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

Alex McLean, Robert Barr, Ronnie McNicol, Irene Oldfather, Robert Steel and Joan Sturgeon.

In Attendance

C. Hatton, Head of Environment and Related Services (Finance and Infrastructure); A. Craig, Team Manager (Litigation) (Corporate Services); A. Young, Acting Senior Human Resources Manager; M Youd and R. Lightfoot, Human Resource Advisers (Human Resources); and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

The appellant, his representative and witness.

Chair

Councillor McLean in the Chair.

Apologies for Absence

Ruth Maguire and David O'Neill.

1. Exclusion of the Public

The Committee resolves 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. Disciplinary Procedure: Appeal Against Dismissal

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Environment and Related Services (Finance and Infrastructure).

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

As an amendment, Councillor Sturgeon, seconded by Councillor Oldfather, 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 amendment was declared carried.

Accordingly, the Committee agreed that (a) the grounds of the appeal had been substantiated; and (b) the appeal is upheld to the extent that the dismissal is withdrawn and the appellant is re-instated from the date of dismissal.

The meeting ended at 12.25 p.m.