

Appeals Committee  
11 December 2015

**IRVINE, 11 December 2015** - At a Meeting of the Appeals Committee of North Ayrshire Council at 9.00 a.m.

**Present**

Alan Munro, Marie Burns and Grace McLean.

**In Attendance**

Ailean Craig, Solicitor, Legal Services (Chief Executive's Service); and T. Drain, Senior HR Adviser (Human Resources) (Finance and Corporate Support).

**Also In Attendance**

R. McCutcheon, Head of Service (Commercial Services) and W. Turpie, Operations Manager, Waste (Place); R. Lennon, Senior Hr Adviser (Human Resources) (Finance and Corporate Support); and Appellant 2 and his representative.

**Chair**

Councillor Munro 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 Committee held on 4 December 2015 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**

### **4.1 Appellant 1**

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

The appellant, having been invited to attend a meeting of the Committee on 23 October 2015, was not present. The Committee at that time agreed (a) to adjourn the proceedings and to reconvene at a later date to afford the appellant a further opportunity to appear to present his case; and (b) that the appellant be advised that failure to attend that meeting will result in the Committee considering the appeal 'in absentia'.

The appellant, having been again invited to attend, was not present, and the appeal was considered 'in absentia'.

The Service Representative presented the grounds for dismissal as previously advised to the appellant in writing. Members of the Committee were given the opportunity to ask questions.

After summing up the case, the Service Representative, withdrew from the hearing to allow the Committee to deliberate.

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

In terms of Standing Order 5.7, the Chair then adjourned the meeting at 9.40 a.m. pending the arrival of Appellant 2 at 10.30 a.m. The meeting reconvened with the same Members and officers present and in attendance, together with Appellant 2 and his representative.

### **4.2 Appellant 2**

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

The Committee agreed (a) that the grounds of 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 11.40 a.m.