

Appeals Committee  
15 January 2010

**IRVINE, 15 January 2010** - At a Meeting of the Appeals Committee of North Ayrshire Council at 1.30 p.m.

**Present**

Robert Barr, Ronnie McNicol, Tom Barr, John Ferguson, Ruby Kirkwood, Elizabeth McLardy, John Moffat, David Munn and Joan Sturgeon.

**In Attendance**

D. Green, Chief Legal Officer (Litigation) (Legal and Protective); O. Clayton, Head of Housing and Building Services and W. Borthwick, Area Manager (Property Services); and M. Oliphant, HR Team Leader (Human Resources).

**Also In Attendance**

The appellant and his representative.

**Chair**

Councillor R. Barr in the Chair.

**Apologies for Absence**

Margaret McDougall and Robert Rae.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16.

**2. 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 I of Schedule 7A of the Act.

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

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

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.

The Committee, after a full discussion, and careful consideration of the submissions made by both parties agreed that the grounds of the appeal had not been substantiated and accordingly did not uphold the appeal.

The meeting ended at 3.25 p.m.