

Appeals Committee  
22 October 2012

**IRVINE, 22 October 2012** - At a Meeting of the Appeals Committee of North Ayrshire Council at 11.00 a.m.

**Present**

Alex McLean, Robert Barr, John Easdale, Elizabeth McLardy, Ronnie McNicol and Robert Steel.

**In Attendance**

C. Andrew, Senior Legal Services Manager (Corporate Services); L. Campbell, Acting Human Resources Team Manager (Human Resources) and A. Little, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

L. Morrison, Senior Manager and M. Sloan, Administrative Assistant (Human Resources); A. Bodie, Head of Service (Infrastructure and Design) (Finance and Infrastructure); and the Appellant and her representative.

**Chair**

Councillor McLean in the Chair.

**Apologies for Absence**

R. Maguire, Irene Oldfather and J. Sturgeon.

**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. Chair's Remarks**

**2.1 Notes of Meeting**

The Committee was advised that the Service representative had requested that a Human Resources Officer be allowed to attend the Committee in order to take a detailed note of the discussions. The appellant and her representative advised they had no objection on the basis that they are provided with a copy of the notes.

Councillor McNicol, seconded by Councillor Barr, moved that no detailed note be taken.

As an amendment, Councillor Easdale, seconded by Councillor McLardy moved that a detailed note be taken.

On a division, there voted for the amendment 2 and for the motion 3, with one abstention, and the motion was declared carried.

Accordingly, the Committee agreed that no detailed note of the discussions be taken.

M. Sloan, Administrative Assistant left the meeting.

## **2.2 Witnesses**

The Committee was advised that the appellant and her representative had objected to the calling of a particular individual as a witness, on the basis that she had not been interviewed as part of the investigation and the documentation within the agenda provided the relevant information provided by the individual.

The Committee unanimously agreed that the individual be called as a witness.

## **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 Economic Development (Chief Executive's).

The Service Representative presented the grounds for dismissal as previously advised to the appellant in writing, and called witnesses. The appellant and her representative were given the opportunity to respond to the issues raised and to ask questions of the Service Representative and the witnesses called. Members of the Committee were also given the opportunity to ask questions.

Following a short recess period, the appellant and her 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 and witnesses, together with the appellant and her representative, withdrew from the hearing to allow the Committee to deliberate.

Councillor Barr, seconded by Councillor McLean, moved that the grounds of the appeal had been substantiated in part and accordingly that the appeal should be upheld, the appellant reinstated, and given a written warning to remain on the appellant's file for 9 months.

As an amendment, Councillor McNicol, seconded by Councillor McLardy, moved that the grounds of the appeal had been substantiated in part and accordingly that the appeal should be upheld, the appellant reinstated, and given a final written warning to remain on the appellant's file for 12 months.

On a division, there voted for the amendment 3 and for the motion 3. On the casting vote of the Chair, the motion was declared carried.

Accordingly, the Committee agreed that (a) the grounds of the appeal had been substantiated in part; (b) the appeal is upheld to the extent that the dismissal is withdrawn and the appellant is re-instated from the date of dismissal; (c) the appellant is given a written warning to remain on file for 9 months; and (d) that the appellant be so advised within 14 days.

The meeting ended at 3.15 p.m.