

Appeals Committee  
13 March 2009

**IRVINE, 13 March 2009** - At a meeting of the Appeals Committee of North Ayrshire Council at 1.30 p.m.

**Present**

Robert Barr, Tom Barr, Ronnie McNicol, John Moffat, and David Munn.

**In Attendance**

D. Green, Chief Legal Officer (Litigation); G. Young, H.R. Manager and R. Lennon and L.Campbell, H.R. Advisers (Human Resources); O. Clayton, Head of Housing and Building Services (Property Services).

**Also In Attendance**

The appellant and his representative.

**Chair**

Councillor R. Barr in the Chair.

**Apologies for Absence**

Ruby Kirkwood.

**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 I of Schedule 7A of the Act.

**2. Incapability 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, his representative and witnesses 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 3.30 p.m.