

Appeals Committee  
4 February 2011

**IRVINE, 4 February 2011** - At a Meeting of the Appeals Committee of North Ayrshire Council at 12.30 p.m.

**Present**

Robert Barr, Ronnie McNicol, Tom Barr, John Ferguson, William Gibson, Ruby Kirkwood, Elizabeth McLardy, Margaret McDougall and Joan Sturgeon.

**In Attendance**

A. Craig, Senior Solicitor (Litigation) (Legal and Protective); M. Oliphant, Team Manager and R. Lennon, Human Resources Adviser (Human Resources) and S. Kean, Area Manager (Building Services) (Chief Executive's Service).

**Also In Attendance**

The appellant and his representative

**Chair**

Councillor R. Barr in the Chair

**Apologies for Absence**

John Moffat and David Munn.

**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. Maximising Attendance Procedure: Appeal Against Dismissal**

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

Councillor Ferguson, seconded by Councillor Sturgeon, moved that the grounds of the appeal had been substantiated and accordingly that the appeal should be upheld.

As an amendment, Councillor Gibson, seconded by Councillor McLardy, moved that the groups of the appeal had not been substantiated and accordingly that the appeal should not be upheld.

On a division there voted for the amendment 6 and for the motion 3 and the amendment was declared carried.

Accordingly, the Committee agreed that the grounds of the appeal had not been substantiated and accordingly that the appeal should not be upheld.

The meeting ended at 1.35p.m.