

Appeals Committee
22 January 2010

IRVINE, 22 January 2010 - At a Meeting of the Appeals Committee of North Ayrshire Council at 1.30 p.m.

Present

Ronnie McNicol, Ruby Kirkwood, Elizabeth McLardy, Margaret McDougall, John Moffat and Joan Sturgeon.

In Attendance

D. Green, Chief Legal Officer (Litigation) (Legal and Protective); G. Clark, Operations Manager, Grounds Maintenance (Property Services); and W. Turpie, HR Team Leader, T. Drain, HR Adviser and R. Alexander, HR Officer (Human Resources).

Also In Attendance

The appellant and his representative.

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Robert Barr, Tom Barr, John Ferguson, David Munn 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 (a) the grounds of the appeal had been substantiated in part; and (b) the appeal is upheld to the extent that the dismissal is withdrawn and a period of suspension without pay substituted. The appellant is to be re-instated and given a written warning with effect from 23 January 2010.

The meeting ended at 4.10 p.m.