

Appeals Committee
11 October 2013

IRVINE, 11 October 2013 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

Robert Barr, John Easdale, Elizabeth McLardy, Ronnie McNicol and Jim Montgomerie.

In Attendance

A. Young, Acting Human Resources Operations Manager (Human Resources) (Finance and Corporate Support); A. Craig, Team Manager, Litigation and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

D. MacRitchie, Head of Children and Families (Social Services and Health), R. Lightfoot, HR Adviser and F. Meechan, Training Officer and the appellant.

Chair

Depute Provost Barr in the Chair.

Apologies for Absence

Irene Oldfather, David O'Neill and Robert Steel.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 17 May 2013 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 .

3. 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.

4. Disciplinary Procedure: Appeal Against Dismissal

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Social Services and Health.

The Service Representative presented the grounds for dismissal as previously advised to the appellant in writing. The appellant was 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 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, withdrew from the hearing to allow the Committee to deliberate.

Councillor Montgomerie, seconded by Councillor McNicol, moved that the grounds of the appeal had not been substantiated and accordingly that the appeal should not be upheld.

As an amendment, Councillor McLardy, seconded by Councillor Easdale, moved that the grounds of the appeal had been substantiated and accordingly that the appeal should be upheld.

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

Accordingly, the Committee agreed (a) that the grounds of the appeal had not been substantiated and the appeal should not be upheld; and (b) that the appellant be so advised within 14 days.

The meeting ended at 12.25 p.m.