

Appeals Committee
20 May 2011

IRVINE, 20 May 2011 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

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

In Attendance

D. Green, Chief Legal Officer (Litigation) (Legal and Protective) (Corporate Services); A. Young, Team Manager (Human Resources) (Chief Executive's) and B. Borthwick, Area Manager (Building Services) (Finance and Infrastructure).

Also In Attendance

The appellant and his representative. Witnesses called by the Service representative and the appellant.

Chair

Councillor Barr in the Chair.

Apologies for Absence

Margaret McDougall and David Munn.

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. 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 Building Services.

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

Thereafter the appellant and his representative presented the grounds of appeal and called a witness. The Service Representative was given the opportunity to respond to the issues raised and to ask questions of the appellant and his witness. 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, his representative and witness, withdrew from the hearing to allow the Committee to deliberate, returning to hear the Committee's decision.

Councillor McNicol, seconded by Councillor T. Barr, 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 Sturgeon, 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 4 and for the motion 5, and the motion was declared carried.

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

The meeting ended at 2.20 p.m.