

Appeals Committee
16 March 2022

A Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m. involving participation by remote electronic means.

Present

John Easdale, Davina McTiernan and Jimmy Miller.

In Attendance

J. Smillie, Senior Manager (HR & OD) (People and ICT) and J. Niven, Solicitor (Litigation) (Democratic Services).

Also In Attendance

L. Morris, Senior Manager (Communities); R. Lightfoot, HR Adviser (HR & OD); and the Appellant; Appellant's representative and Appellant's witness.

Chair

Councillor Easdale in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meeting of the Cabinet held on 17 February 2022 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 50A(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 Demotion

Submitted report by the Chief Executive on the background to an appeal against demotion by an employee within Communities.

The service representative presented the grounds for demotion 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.

In terms of Standing Order 5.7, and with the agreement of the Members, officers and attendees, the Chair adjourned the meeting at 12.50 p.m. to reconvene on 17 March at 2.30 p.m.

The meeting reconvened on 17 March at 2.30 p.m. with the same Members, officers and other attendees present and in attendance.

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 of the appellant.

After summing up their respective cases, the service representative together with the appellant, her representative and witness withdrew from the hearing to allow the Committee to deliberate.

Following deliberation, the Committee agreed that (a) the grounds of appeal had been upheld in part; (b) the appellant should be reinstated to her previous role with a final written warning; (c) the appellant should undertake and successfully complete appropriate training in relation to the Council's Financial processes and procedures and (d) the appellant be so advised within 14 days.

The Meeting ended at 4.00 p.m.