

Appeals Committee
3 April 2012

IRVINE, 3 April 2012 - 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, Ruby Kirkwood, Elizabeth McLardy, John Moffat and Joan Sturgeon.

In Attendance

Eleanor McLaren, Senior Solicitor (Litigation) (Corporate Services); G. Young, Senior Manager and A. Young, Team Manager (Human Resources) (Chief Executive's) and O. Clayton, Head of Community Care and Housing (Social Services and Health).

Also In Attendance

The appellant and her representative. A witness called by the Service Representative.

Chair

Councillor R. Barr in the Chair.

Apologies for Absence

William Gibson, Jim Montgomerie and Margaret McDougall.

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 Social Services and Health.

The Service Representative presented the grounds for dismissal as previously advised to the appellant in writing, and called a witness. The appellant and her 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 her 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 and witness, together with the appellant and her representative, withdrew from the hearing to allow the Committee to deliberate, returning to hear the Committee's decision.

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

As an amendment, Councillor Ferguson, 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 2 and for the motion 5 , with 1 abstention, 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 1.55 p.m.