

Highland Council

Appeals and Disputes Committee

Minute of Meeting of the **Corporate Resources Committee's Appeals and Disputes Committee** held in Council Headquarters, Inverness on **Friday 17 February, 2023 at 11.40 a.m.**

PRESENT

Mr M Baird
Mr L Fraser (remote)
Mr R Gale
Mr B Lobban

Mr D Louden
Mr P Oldham
Mr R Stewart (remote)

Officials in Attendance:-

Mr F MacDonald, Head of Property & Facilities Management, Housing & Property (Management Side)
Ms A MacRae, HR Officer, Resources & Finance Service (Management Side)
Mr P MacPherson, GMB (Appellant's Representative)
The Appellant
Interpreter for the Appellant
Mrs L McGunnigle, HR Manager (Adviser to the Committee)
Mr A MacInnes, Committee Officer, Performance & Governance Service (Clerk to the Committee)

BUSINESS

Mr D Louden in the Chair

1. Apologies

An apology for absence was intimated on behalf of Mr C Munro.

2. Declarations of Interest

There were no declarations of interest.

3. Exclusion of the Public

The Committee **RESOLVED** that under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for this item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A of the Act.

4. Appeal Against Dismissal

There had been circulated a written Statement of Case prepared by the Management Side, a written Statement of Case prepared by the Appellant's Side

and a copy of the Appeals Hearing Procedure.

The Chair welcomed both parties and detailed the procedure for the Appeal Hearing.

In accordance with the Appeals Procedure, the Management Side presented their case to the Committee, during which a witness was called and heard. Thereafter, the Appellant's Side presented their case.

Following questioning and after the Management Side and Appellant's Side had been offered the opportunity to sum up their respective cases, both parties withdrew to allow the Committee to deliberate in private.

Having given careful consideration to the various issues raised, the Committee **AGREED** that the grounds of the appeal had been substantiated in part and that the appeal be upheld to the extent that while there had been some misconduct on the Appellant's part for breaches in the use of the Council's Car Club Scheme, a more appropriate sanction would be a written warning. The Committee also determined that the Appellant reimburse the Council with the mileage costs for journeys to and from work for the duration of the period the Appellant used the Car Club, and for the total cost to the Council for instances where the Appellant used the Car Club on non working days.

The meeting ended at 1.40 p.m.