



Appeals Committee

Wednesday, 18 January 2023

NOTICE IS HEREBY GIVEN that a Meeting of the **Appeals Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 18 January 2023 at 09:30.**

BUSINESS

1. **Sederunt**
2. **Declaration of Group Decisions and Members Interests ***
3. **Resolution**

Consider, and if so decide, adopt the following resolution:
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 4 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

Item(s) which the Committee may wish to consider with the Press and Public excluded

4. **Consider and determine Appeal Case No. 2022-01**
Appeals Committee Procedure
- 4a. **Agreed Statement of Facts**

- Information relating to staffing matters;

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4b. **Appellant - Statement of Case**

- Information relating to staffing matters;

4c. **Council - Statement of Case**

- Information relating to staffing matters;

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

THE MORAY COUNCIL

Appeals Committee

SEDERUNT

Councillor Paul McBain (Chair)
Councillor Tracy Colyer (Depute Chair)

Councillor Peter Bloomfield (Member)
Councillor Juli Harris (Member)
Councillor Scott Lawrence (Member)
Councillor Shona Morrison (Member)
Councillor Ben Williams (Member)

Clerk Name:	Tracey Sutherland
Clerk Telephone:	07971 879268
Clerk Email:	committee.services@moray.gov.uk

Appeals Committee Procedure

1. The Appellant, or their representative, will put its case normally taking no longer than 20 minutes*.
2. The Authority's representative will have the opportunity to ask questions of the Appellant, or their representative, and of any witness called by the Appellant taking no longer than 10 minutes*.
3. Where the parties have been unable to agree a Statement of Facts, the Committee and its Advisers will have the opportunity to ask questions of the Appellant, or their representative, only for the purpose of clarification.
4. The Authority's representative will put its case normally taking no longer than 20 minutes*.
5. The Appellant, or their representative, will have the opportunity to ask questions of the Authority's representative and of any witnesses called by the Authority taking no longer than 10 minutes*.
6. Where the parties have been unable to agree a Statement of Facts, the Committee and its Advisers will have the opportunity to ask questions of the Authority's representative, only for the purpose of clarification.
7. The Committee and its Advisers will have the opportunity to ask questions of the Authority's representative(s) and of the Appellant, and/or their representative, and of any witnesses called by the Authority or the Appellant, normally taking no longer than 20 minutes*.
8. The Authority's representative and thereafter the Appellant, or their representative, shall have the opportunity - if they so wish - to sum up their case, introducing no new material.
9. The Authority's representative and the Appellant, and/or their representative and any witnesses will then withdraw.
10. The Committee will then consider the evidence and submissions and, by means of a vote if required, reach a decision on whether or not to uphold the appeal.

11. If necessary, the Committee will recall the parties to clarify points of uncertainty on evidence already given; should this be necessary both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.
12. The decision of the Committee will be communicated to the parties at the conclusion of the hearing if practicable and, in any event, by the Legal or Human Resources Adviser to the Committee within 10 days of the hearing. Where, in the case of an appeal, the Appellant is accompanied by a representative of a recognised trade union, that trade union will receive the communication.
13. The details of the Committee's decision only shall be communicated to the parties and no explanation shall normally be given of the considerations leading to the decision. The form of the decision shall be one of the following as appropriate:-
 - a) That the ground of the appeal have been substantiated and the appeal be upheld;
 - b) That the grounds of the appeal have been substantiated in part and the appeal be upheld to the extent that
 - c) That the grounds of the appeal have not been substantiated and the appeal is not upheld;
 - d) That the appeal be referred to Moray (Full) Council for consideration and decision.

* Time extended at discretion of Chair