

**ABERDEENSHIRE COUNCIL****APPEALS COMMITTEE****WOODHILL HOUSE, ABERDEEN, 18 NOVEMBER, 2016**

**Present:** Councillors J Ingram (Chair), G Blackett, R Cassie, E A Robertson and I S Tait.

**Apologies:** Councillor W A C Shand.

**Officers:** Legal Service Manager (Alistair Stobie); HR Manager (Margaret Connon); and Senior Committee Officer (Frances Brown), all Business Services.

**Also Present:** Landscape Services Manager, HR Advisor (Keri Green) and the appellant (for Item 3); Head of Finance, HR Advisor (Jennifer Lovie), HR Advisor (Nicola Robertson) and the appellant and the appellant's representative (for Item 4).

**1. DECLARATION OF MEMBERS' INTERESTS**

No interests were declared by any member of the Committee, in terms of the Councillors' Code of Conduct.

**2A. PUBLIC SECTOR EQUALITY DUTY**

In taking decisions on the undernoted items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to :-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

**2B. RESOLUTION**

The Committee **agreed**, in terms of Section 50 A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, to exclude the public from the meeting during consideration of the matters before them so as to avoid disclosure of exempt information of the class described in paragraph 1 of Part 1 of Schedule 7A of the Act.

**3. APPEAL AGAINST DISMISSAL (CASE NO. 345)**

The Committee had under consideration, in accordance with the procedure recommended for the local hearing of appeals by employees against termination of employment or other action, an appeal by a member of staff (identified in the Register of Appeals as Case No. 345) against the decision to terminate his employment, with effect from 7<sup>th</sup> September, 2016.

The Committee heard both parties to the appeal, who then withdrew from the meeting to allow members to deliberate in private.

Thereafter Councillor Ingram, seconded by Councillor Cassie, **moved** that the grounds of the appeal had not been substantiated and that the appeal should not be upheld.

As an amendment, Councillor Robertson, seconded by Councillor Blackett, **moved** that the grounds of the appeal had been substantiated and that the appeal should be upheld.

Members of the Committee voted as follows:-

for the motion	(2)	Councillors Cassie and Ingram.
for the amendment	(2)	Councillors Blackett and Robertson.
absent from the vote	(1)	Councillor Tait.

There being an equality in the vote, the Chair exercised his casting vote and the **motion** was duly carried.

Councillor Tait did not take part in the deliberations or the final vote and as such he requested that all parties should be advised accordingly.

**The motion was carried** in the following terms:-

that the grounds of the appeal had not been substantiated and that the appeal should not be upheld.

The parties were recalled to the meeting and advised of the Committee's decision.

#### **4. APPEAL AGAINST DISMISSAL (CASE NO. 346)**

The Committee had under consideration, in accordance with the procedure recommended for the local hearing of appeals by employees against termination of employment or other action, an appeal by a member of staff (identified in the Register of Appeals as Case No. 346) against the decision to terminate his employment, with effect from 7th October, 2016.

The Committee heard both parties to the appeal, who then withdrew from the meeting to allow members to deliberate in private.

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

The parties were recalled to the meeting and advised of the Committee's decision.