

ABERDEENSHIRE COUNCIL

APPEALS COMMITTEE

SKYPE MEETING, 4 JUNE 2021

Present: Councillors G Blackett, R Cassie, I Davidson and H Smith.

Apologies: Councillor R McKail and A Simpson

Officers: Principal Solicitor (Laura Bremner), Legal and People, Team Leader (Julie Bremner), Legal and People, and Senior Committee Officer (Niall David), Legal and People, all Business Services

Also Present: Head of Roads, Landscape Services and Waste (Philip McKay), Infrastructure Services, HR Advisor (Aileen Kennedy), Legal and People, Business Services; and the appellant and representative.

APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor Simpson, the Committee **agreed** to appoint Councillor Cassie as Chair for this meeting. Councillor Cassie took the chair.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. Councillor Cassie intimated that he was a member of the Aberdeen Trades Union Council. Having applied the objective test he concluded that it was so remote and insignificant that he would remain and participate.

No further interests were declared.

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. APPEALS COMMITTEE PROCEDURE

The Committee had before them and **noted** the Appeals Committee Procedure for appeals and the Chair explained the procedure for the benefit of all parties in attendance.

4. APPEAL AGAINST DISMISSAL (CASE NO. 372)

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. 372) against the decision to terminate their employment, with effect from 20 April, 2020.

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

During discussion, the Committee focused their attention on the evidence led, both written and oral, by both parties which related to the dismissal of the appellant.

The Committee carefully considered whether the decision of the Service of the dismissal sanction had been fair and reasonable and took all circumstances into account.

The Committee **agreed** that the grounds of the appeal had not been substantiated and that the appeal be not upheld.