

APPEALS SUB COMMITTEE

ABERDEEN, 29 October 2021. Minute of Meeting of the APPEALS SUB COMMITTEE. Present:- Councillor Allan, Convener; Councillor , Vice-Convener; and Councillors Al-Samarai, Cameron, Copland and Macdonald.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the following item which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

APPEAL 21/01

1. The Sub Committee had before it the papers circulated relative to the appeal against the decision of Aberdeen City Council to dismiss the Appellant identified in the Register of Appeals as appeal 21-01. The Sub Committee considered the appeal in accordance with procedure.

The Sub Committee heard submissions on behalf of both parties. One witness was called on behalf of Management and the Sub Committee heard from the Appellant, as well as his companion. Members questioned Management's witness, the Management Representative and the Appellant on the evidence given. Both parties then made a closing statement.

The meeting was then adjourned to allow the Sub Committee to deliberate in private. Thereafter the hearing was re-convened to allow the parties to hear the Sub Committee's decision.

The Convener moved, seconded by Councillor Macdonald:-

that the Committee, on the basis of the evidence, agree to dismiss the appeal on the grounds that it was satisfied that Management had acted fairly and reasonably in this matter and consequently that the decision to dismiss the Appellant on the grounds of gross misconduct should be upheld.

Councillor Copland moved as an amendment, seconded by Councillor Al-Samarai:-

that on the basis of the evidence, that the dismissal was not reasonable in all of the circumstances due to extenuating circumstances and on that basis, the appeal should be upheld, re-instate the appellant and substitute a final written warning in accordance with the Council's Managing Discipline Policy and Procedure.

On a division, there voted:- for the motion (2) – the Convener and Councillor Macdonald - for the amendment (3) – Councillors Al-Samarai, Cameron and Copland.

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The Sub Committee resolved:

to adopt the amendment.

- **COUNCILLOR YVONNE ALLAN, Convener**