

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 2 April 2025

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Depute Provost Steve Delaney, Chairperson;
Lord Provost David Cameron; and

COUNCILLORS

GILLIAN AL-SAMARAI
NURUL HOQUE ALI
CHRISTIAN ALLARD
ALISON ALPHONSE
KATE BLAKE
JENNIFER BONSELL
MARIE BOULTON
DESMOND BOUSE
RICHARD BROOKS
HAZEL CAMERON
DONNA CLARK
JOHN COOKE
NEIL COPLAND
WILLIAM CORMIE
BARNEY CROCKETT
DEREK DAVIDSON
LEE FAIRFULL
EMMA FARQUHAR
GORDON GRAHAM
ROSS GRANT
MARTIN GREIG

DELL HENRICKSON
MICHAEL HUTCHISON
MICHAEL KUSZNIR
GRAEME LAWRENCE
SANDRA MACDONALD
NEIL MacGREGOR
ALEXANDER McLELLAN
KEN McLEOD
CIARAN McRAE
M. TAUQEER MALIK
JESSICA MENNIE
ALEX NICOLL
MIRANDA RADLEY
MRS JENNIFER STEWART
KAIRIN VAN SWEEDEN
LYNN THOMSON
DEENA TISSERA
SIMON WATSON
and
IAN YUILL

Depute Provost Steve Delaney, in the Chair.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

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DETERMINATION OF EXEMPT BUSINESS

1. The Interim Chief Officer - Governance (Legal) recommended that due to the ongoing nature of the statutory consultation on the 35 hour week and discussions around contractual arrangements and potential legal options, that the Council should consider the item in private session in order to protect the Council from any undue prejudice.

Councillor Malik moved as a procedural motion, seconded by Councillor Tissera:-
That item 4.1 be considered in public.

On a division, there voted:-

For the procedural motion (17) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Graham, Grant, Lawrence, Macdonald, McLeod, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

Against the procedural motion (23) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

Absent from the division (2) - Councillors Farquhar and Kuszniir.

The Council resolved:-

- (i) to reject the procedural motion; and
- (ii) in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of item 4.1 so as to avoid disclosure of exempt information of the class described in paragraph 11 of Schedule 7A of the Act.

In terms of Standing Order 32.8, Councillors Ali, Blake, Bonsell, Graham, Grant, Lawrence, Macdonald, Malik, Thomson, Tissera and Watson intimated their dissent against the foregoing decision.

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

2. Councillor Brooks advised that he had a connection in relation to the item due to a family member being employed by the Council, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting, although he would review the situation as the meeting progressed.

Councillors Grant and Davidson advised that they had a connection in relation to the item due to family members being employed by the Council, however having applied the objective test they did not consider that they had an interest and would not be withdrawing from the meeting.

Councillors Tissera, Clark, McRae, Malik, Ali and Crockett advised that they had a connection in relation to the item as members of Unite the Union, however having

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applied the objective test they did not consider that they had an interest and would not be withdrawing from the meeting.

Councillors Blake and Bonsell advised that they had a connection in relation to the item as members of Unison, however having applied the objective test they did not consider that they had an interest and would not be withdrawing from the meeting.

Councillor Watson advised that he had connections in relation to the item by virtue of his employment by Unison, however he had no relationship with the Council in that regard, and due to a family member being employed by the Council, however they were not affected by the proposal. Having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

The Depute Provost advised that he had a connection in relation to the item due to a family member being employed by the Council, however they were not affected by the proposal, and having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor Thomson advised that she had a connection in relation to the item by reason of being a member of the Unison Grampian Health branch, however having applied the objective test she did not consider that she had an interest and would not be withdrawing from the meeting.

The press and public were excluded from the meeting from this point.

WRITTEN REQUEST FOR SPECIAL MEETING

3. The Council had before it the wording of the written request for this special Council meeting which had been signed by 12 members in accordance with Standing Order 8.2.2:-

“The business to be transacted relates to Aberdeen City Council potentially acting unlawfully and in breach of the Equality Act 2010 concerning employment matters.”

The Chief Officer - People and Citizen Services provided a briefing on the current situation, which was followed by an opportunity for questions.

During the course of questions, Councillor Yuill advised that he had a connection to the item as the Council's appointed member of the Board of NHS Grampian, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor Malik moved, seconded by Councillor Ali:-

That the Council -

1. Notes the UK Government has introduced the Employment Rights Bill 2024 with the "fire and rehire" provisions in the Bill aiming to restrict employers' ability to dismiss and rehire employees on altered terms, making such

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- dismissals automatically unfair unless specific conditions, related to financial difficulties, are met.
2. Notes the Bill should become an Act of Parliament on or around 1st July 2025.
 3. Agrees that the SNP administration is trying to circumvent the Bill soon to be Act by using Fire and Rehire tactics noting an Aberdeen City Council spokesperson said fire and rehire is “one possible lawful route” to implement contractual changes.
 4. Agrees the Trade Unions have indicated the SNP Scottish government are “ignoring” the escalating dispute between Aberdeen Council and its employees with Trade Union Officials pointing out vigorously that the council’s proposals are a breach of the Fair Work First agreement which the Scottish Government requires councils to sign to receive millions in grants funding.
 5. Agrees Aberdeen City Council could potentially be acting unlawfully and in breach of the Equality Act 2010, therefore instructs the Chief Executive to share the Equality Impact Assessment with all Elected Members which it relied upon during the consultation period with the Trade Unions, including the date of when that Assessment was conducted.
 6. Agrees that the SNP Administration must reiterate to employees that despite the Council confirming that fire and rehire is “one possible lawful route” to implement contractual changes, fire and rehire will not be used in any circumstances, and to achieve this agrees that Council Leader, Councillor Allard should work with Councillor Malik on a joint proposal to ensure that fire and rehire is no longer an option and that any options required to save the money to stop fire and rehire should come to the next council meeting in April.

Councillor McLellan moved as an amendment, seconded by Greig:-
That the Council take no action.

On a division, there voted:-

For the motion (14) - Councillors Ali, Blake, Bonsell, Crockett, Graham, Grant, Lawrence, Macdonald, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

For the amendment (23) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

Declined to vote (3) - Councillors Brooks, Kuszniir and McLeod.

Absent from the division (2) - Councillors Boulton and Farquhar.

The Council resolved:-

- (i) to adopt the amendment;
- (ii) to note that the Chief Officer - People and Citizen Services would circulate the briefing note to all Councillors in confidence; and

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- (iii) to request that the link to the Integrated Impact Assessment prepared for the Council 2024/25 budget meeting be circulated to all Councillors again.

- **STEVE DELANEY, Depute Provost**.

DRAFT