



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Karon Hadfield

Email: karon.hadfield@northumberland.gov.uk

Tel direct: 01670 622610

Date: 10 June 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **EMPLOYMENT APPEALS (WAS STAFF APPEALS) COMMITTEE** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **MONDAY, 20 JUNE 2022 at 10.00 AM.**

Yours faithfully

Daljit Lally
Chief Executive

To Employment Appeals (was Staff Appeals) Committee members as follows

Councillors Dunn, Lee, Reid, Renner Thompson, Towns

Members are referred to the risk assessment, previously circulated, for meetings held in County Hall. Masks should be worn when moving round but can be removed when seated, social distancing should be maintained, hand sanitiser regularly used and members requested to self-test twice a week at home, in line with government guidelines.



Daljit Lally, Chief Executive
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. APOLOGIES FOR ABSENCE

2. MEMBERSHIP AND TERMS OF REFERENCE

To note the terms of reference and election of Chair, as agreed by Council on 4 May 2022:-

Standing Chair: D. Towns

Membership and Terms of Reference

5 members to be drawn from a pool of 20 trained members (to include 4 Cabinet Members in the pool and one on each committee) (2:1:1:1)

| Conservative | Labour | Independent Group | Liberal Democrats | Green Party | Ind Non-Grouped |
|-----------------------|------------|-------------------|-------------------|-------------|-----------------|
| D. Bawn | C. Ball | C. Taylor | J. Reid | N. Morphet | |
| J. Beynon | L. Dunn | S. Lee | | | |
| T. Cessford | A. Watson | | | | |
| D. Ferguson | R. Wilczek | | | | |
| G. Renner Thompson | 2 TBC | | | | |
| J. Riddle | | | | | |
| C. Seymour | | | | | |
| D. Towns | | | | | |
| 2 TBC | | | | | |
| | | | | | |

Terms of Reference

(a) To discharge the Council's disciplinary functions as an employer, in relation to the Head of Paid Service and Chief and Deputy Chief Officers.

NB It should be noted that the arrangements at paragraphs (b) to (e) below apply to disciplinary action in relation to a Statutory Officer (defined as the Head of Paid Service, Monitoring Officer and Chief Finance Officer).

(b) To consider and determine whether a Statutory Officer (defined as the Head of Paid Services, Monitoring Officer and Chief Finance Officer) should be suspended (or continue to be suspended) either immediately, or following a preliminary investigation into their conduct, and to formally review any suspension after it has been in place for two months in consultation with the Independent Investigator and after taking into account any representations by the Officer. Suspension will not be appropriate in every case as this will

depend on the nature of the allegations or seriousness of the issue and before suspending a Statutory Officer careful consideration should be given to whether it is necessary or if there are any suitable alternative ways of managing the situation.

- (c) The Monitoring Officer or, in the case of a conflict of interests, a Deputy Monitoring Officer in consultation with the Director of Human Resources and the Chair of the Committee may determine that a decision on the suspension of a Statutory Officer is required at very short notice and before the Committee can meet, if his or her continued presence at work poses a serious risk to the health and safety of others or to the resources, information or reputation of the Council. Any decision to suspend must be reviewed by the Committee as soon as it is practicable to do so.
- (d) To consider and determine disciplinary action short of dismissal in relation to a Statutory Officer in accordance with the Local Authorities (Standing Orders) Regulations 2001 (as amended) and JNC Model Disciplinary Procedure.
- (e) To make recommendations to Council regarding the dismissal of a Statutory Officer for capability, conduct or for some other substantial reason.
- (f) To determine grievance appeals relating to the Chief Executive and Chief Officers (as defined in the terms of reference for the Grievance Committee).
- (g) To hear and determine disciplinary action in relation to other Chief and Deputy Chief officers (defined in S.2 (1) (b) (c) and (d) of the Local Government and Housing Act 1989).

NB Composition: Members will be drawn from a panel of 20 members (to include 4 Cabinet Members) announced as such a panel at the commencement of the municipal year. No dismissal of a chief or deputy chief officer shall be taken until the officer appointment procedure rules have been complied with.

3. MINUTES

(Pages 1
- 2)

Open minutes of the meeting of the Employment Appeals Committee held on 2 December 2020, as circulated, to be confirmed as a true record and signed by the Chair.

4. DISCLOSURES OF MEMBERS INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

a. Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.

b. Which **directly relates to** the financial interest or well being of a Other

Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.

c. Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.

d. Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.

e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

5. TRAINING FOR MEMBERS

Members sitting in a quasi-judicial capacity in relation to any disciplinary process should receive appropriate training, whilst there is no present need for such a hearing, it would be prudent to provide training to a pool of members who could then sit in such a capacity, if required.

Recommendation: That the Committee requests the Interim Service Director for HR &OD to commission external training for members in the pool identified above.

6. MOTIONS REFERRED FROM CABINET AND FULL COUNCIL

To receive the references from the meeting of the Cabinet on 7 June 2022 and the meeting of the Council on 8 June 2022:

“To commence consideration of who knew what, when and whether any grounds exist to take disciplinary, capability, or other action in relation to any officer or former officer of the Council, or whether there are any circumstances relating to Elected Members arising from the circumstances set out in the Statutory Report”

7. URGENT BUSINESS (IF ANY)

To consider such other business, as in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

PART II

It is expected that matters included in this part of the Agenda will be dealt with in private. Reports referred to are enclosed for members and officers only, coloured pink and marked "Not for Publication".

8. EXCLUSION OF PRESS AND PUBLIC

The Committee is invited to consider passing the following resolution:

(a) That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act, and

That the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Item – 9, 10 and 11

Paragraph of Part I of Schedule 12A – 1 and 5

Information relating to any individual and Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

AND

The public interest in maintaining this exemption outweighs the public interest in disclosure because of the need for confidentiality when considering matters concerning individual officers and obtaining confidential legal advice.

9. MINUTES

Confidential minutes of the meeting of the Employment Appeals Committee held on 2 December 2020, as circulated, to be confirmed as a true record and signed by the Chair.

10. CONSIDERATION OF DISCIPLINARY AND CAPABILITY ISSUES ARISING FROM THE INDEPENDENT REVIEW OF CORPORATE GOVERNANCE REPORT OF THE INTERIM DIRECTOR OF GOVERNANCE

To receive the report of the Independent Review of Corporate Governance as presented to County Council on 8 June 2022 for consideration of any

disciplinary or capability issues relating to Chief and Deputy Chief Officers arising from the findings, including former officers. Report to follow.

11. **RECEIVE EXTERNAL LEGAL ADVICE ON THE WORK OF THE COMMITTEE**

REPORT TO FOLLOW

12. **ANY OTHER URGENT BUSINESS**

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

| | | | |
|---|--|--------------------------------|-------------------------------|
| Name: | | Date of meeting: | |
| Meeting: | | | |
| Item to which your interest relates: | | | |
| | | | |
| Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details): | | | |
| | | | |
| Are you intending to withdraw from the meeting? | | Yes - <input type="checkbox"/> | No - <input type="checkbox"/> |
| | | | |

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.