

# Public Document Pack



## Northumberland County Council

**Your ref:**

**Our ref:**

**Enquiries to:** Karon Hadfield

**Email:** karon.hadfield@northumberland.gov.uk

**Tel direct:**

**Date:** 12 July 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **EMPLOYMENT APPEALS COMMITTEE** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **WEDNESDAY, 20 JULY 2022** at **1.00 PM**.

Yours faithfully

Daljit Lally  
Chief Executive

**To Employment Appeals Committee members as follows:-**

**L Dunn, S Lee, J Reid, G Renner-Thompson and D Towns**



**Daljit Lally, Chief Executive**  
County Hall, Morpeth, Northumberland, NE61 2EF  
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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. MINUTES**

(Pages 1  
- 4)

Open minutes of the meeting of the Employment Appeals Committee held on 20 June 2022, as circulated, to be confirmed as a true record and signed by the Chair.

#### **3. 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](mailto: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.

**4. URGENT BUSINESS (IF ANY)**

**5. 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

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

Agenda Item - 6-10

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.

**6. MINUTES**

Confidential minutes of the meeting of the Employment Appeals Committee held on 20 June 2022, as circulated, to be confirmed as a true record and signed by the Chair.

**7. WRITTEN RESPONSE TO THE ISSUES RAISED BY THE INDEPENDENT CORPORATE GOVERNANCE REVIEW**

To receive written representations in respect of the issues raised by the Caller Review from the Chief Officer as identified in the report (Report to follow).

**8. ORAL REPRESENTATIONS IN RESPONSE TO ISSUES RAISED BY THE INDEPENDENT CORPORATE GOVERNANCE REVIEW**

To receive oral representations in respect of the issues raised by the Caller Review from the Chief Officer as identified in the report (Report to follow)

**9. CONSIDERATION ANY DISCIPLINARY ISSUES ARISING FROM THE INDEPENDENT REVIEW OF CORPORATE GOVERNANCE**

To consider whether there are disciplinary allegations that require further investigation in accordance with the JNC process and to be put to an independent investigator (Report to follow).

**10. CONSIDERATION OF APPOINTMENT OF AN INDEPENDENT INVESTIGATOR**

In accordance with the JNC conditions of service to consider a suitably qualified independent investigator (Report to follow).

**11. 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.

<b>Name:</b>		<b>Date of meeting:</b>	
<b>Meeting:</b>			
<b>Item to which your interest relates:</b>			
<b>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):</b>			
<b>Are you intending to withdraw from the meeting?</b>		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.

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## NORTHUMBERLAND COUNTY COUNCIL

### EMPLOYMENT (APPEALS) COMMITTEE

At a meeting of the **Employment (Appeals) Committee** held on Monday, 20 June 2022 at 10.00 am in the Council Chamber, County Hall, Morpeth.

#### PRESENT

D. Towns (in the Chair)

#### COUNCILLORS

Dunn, L  
Lee, L.

Renner-Thompson, G.  
Reid, J.

#### OFFICERS IN ATTENDANCE

Bennett, L.M.  
Binjal, S.  
Crossland, S.  
Furnell, L.  
Sample, C  
Mark

Senior Democratic Services Officer  
Monitoring Officer  
HR Consultant

Employment Lawyer

#### 15. MEMBERSHIP AND TERMS OF REFERENCE

Members noted the terms of reference and election of Chair as agreed by Council on 4 May 2022.

#### 16. MINUTES

**RESOLVED** that the open minutes of the meeting of the Employment (Appeals) Committee held on 21 January 2021 be confirmed as a true record.

#### 17. DISCLOSURES OF INTEREST

The Chair reminded members that they should approach these issues with an open mind and without any preconceptions. It was noted that officers were happy to provide information and advice at any time.

#### 18. TRAINING OF MEMBERS

It was noted that external training was being sought for the pool of members of the Employment (Appeals) Committee.

## 19. MOTIONS REFERRED FROM CABINET AND FULL COUNCIL

Members received the following 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 actions 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.”

## 20. EXCLUSION OF THE PRESS AND PUBLIC

**RESOLVED** that

- (a) under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the Agenda as it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act and as indicated below, and
- (b) the public interest in maintaining the exemption outweighs the public interest in disclosure because of the need for confidentiality when considering matters concerning individual officers.

9, 10, and 11

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.

## 21. MINUTES

**RESOLVED** that the minutes of the meeting of the Employment (Appeals) Committee held on 21 January 2021 be confirmed as a true record and signed by the Chair.

## 22. CONSIDERATION OF DISCIPLINARY AND CAPABILITY ISSUE ARISING FROM THE INDEPENDENT REVIEW OF CORPORATE GOVERNANCE REPORT OF THE INTERIM DIRECTOR OF GOVERNANCE

The Committee **RESOLVED** to agree the resolution as is set out in the part 2 confidential minutes

**23 RECEIVE EXTERNAL LEGAL ADVICE ON THE WORK OF THE COMMITTEE**

The Committee **RESOLVED** to agree the resolution as is set out in the part 2 confidential minutes

**CHAIR** \_\_\_\_\_

**DATE** \_\_\_\_\_

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