

North Yorkshire County Council

Chief Officer Appointment and Disciplinary Committee

24 January 2017

Appointment of Corporate Director Children and Young People's Service - Establishment of a Chief Officer Appointment and Disciplinary Sub-Committee**1.0 Purpose of the Report**

- 1.1 In accordance with the County Council's Constitution, it is necessary to establish a Chief Officer Appointment and Disciplinary Sub-Committee to appoint to the post of Corporate Director Children and Young People's Service.

2.0 Establishment of a Sub-Committee

- 2.1 The delegated powers/terms of reference of the Chief Officers' Appointments and Disciplinary Committee regarding appointments state:-

"1. Where a vacancy occurs in the position of Chief Executive Officer, to:

- (a) interview all qualified applicants for the post; or
- (b) select a shortlist of such qualified applicants and interview those on the shortlist;

and (in either case)

- (c) having carried out such interviews, either appoint (*NB see Note 1 below*) one of the candidates to the vacancy, or decide not to appoint any of the candidates, but instead to take such further action in relation to the filling of the post as the committee may determine.

2. Where a vacancy occurs in the position of any Chief Officer other than the Chief Executive Officer, to appoint a sub-committee (*NB 4 below*) to perform the functions set out at 1 (a)-(c) above in relation to that vacant post.

3. To consider the outcome of the annual appraisal of the performance of the Chief Executive Officer by the Leader of the Council where the outcome will affect the terms and conditions of the Chief Executive Officer and to determine any necessary changes to such terms and conditions. Where, on appraisal of the Chief Executive Officer, the Leader and/or the Chief Officers Appointments and Disciplinary Committee determines that an increment should not be awarded, the Chief Executive Officer will have a right of appeal to the Employment Appeals Committee.

Note: for the avoidance of doubt, issues such as the award (or non-award) of an increment within the grade band of the Chief Executive Officer will not amount to a change in his/her terms and conditions necessitating a referral to this Committee.

4. Subject to the sub-paragraphs below, to consider from time to time the terms and conditions of Chief Officers and make necessary changes to them:

- (a) The determination of the remuneration and other terms and conditions which shall apply to a Chief Officer post on appointment must comply with the Pay

Policy Statement, provided that if it is proposed to make an appointment on terms and conditions which do not comply, the matter shall be referred to full Council for consideration as to whether the Pay Policy Statement should be amended prior to a final offer being made to any candidate.

- (b) Any amendments proposed to Chief Officer remuneration and other terms and conditions, which would comprise an amendment to the Pay Policy Statement, shall be considered by the Chief Officers Appointments and Disciplinary Committee (or, in the case of Assistant Directors and Assistant Chief Executives, by the Chief Executive), and recommended by them to full Council for approval.

Notes:

1. *Full Council must approve, in advance, any offer of appointment as, or any notice of dismissal to, the Chief Executive Officer.*
 2. *Action under 2 above is to be reported to full Council at the first available opportunity.*
 3. *NB also Rules 5 and 6 of the Staff Employment Procedure Rules.*
 4. *Any Sub-Committee must include at least one member of the Executive.”*
- 2.2 There are no rules in the Constitution about how large the Sub-Committee to deal with appointments of Chief Officers should be, but any such Sub-Committee needs to comply with the legislation relating to proportional allocation of seats. Because the Conservative Group has a majority of seats on the Council, under that legislation it must also have a majority of seats on any committee or sub-committee. **Historically there has been a preference for the Sub-Committee to mirror the size proportionate composition of the Committee itself. This is presently 5 Conservative Members, 1 NY Independent, 1 Labour, and 1 Liberal.**
- 2.3 Members of the Sub-Committee can be drawn from the Members or Substitute Members of the Chief Officer Appointment and Disciplinary Committee, but do not have to be. It is for the Committee to determine the number of seats on the Sub-Committee, but then for the relevant political groups to identify which Members they wish to nominate to fill the seats allocated to their Group.

3.0 Recommendations

- 3.1 That the Committee establish a Sub-Committee to appoint a new Corporate Director Children and Young People’s Services, specifying the number of seats on the sub-committee and their allocation between the political groups, which must comply with the proportionality rules in the Local Government and Housing Act 1989.
- 3.2 That the Committee appoint to the Sub-Committee those County Councillors nominated by the political group to which the seats have been allocated.

County Hall
Northallerton

16 January 2017

Background Documents: Constitution Issue 20 - 2016