

Chief Officers Appointments and Disciplinary Committee

1. Membership

Councillors (10)						
	<i>Councillors Names</i>				<i>Political Group</i>	
1	CRANE, Mark				Conservatives and Independents	
2	DADD, Gareth				Conservatives and Independents	
3	HARRISON, Michael				Conservatives and Independents	
4	LES OBE, Carl		Chair		Conservatives and Independents	
5	SANDERSON, Janet				Conservatives and Independents	
6	WEIGHELL OBE, John				Conservatives and Independents	
7	FOSTER, Kevin				Green Party	
8	SHAW-WRIGHT, Steve				Labour	
9	GRIFFITHS, Bryn				Liberal Democrats and Liberal	
10	PARSONS, Stuart				North Yorkshire Independent	
Total Membership – (10)				Quorum – (3)		
Con and Ind	Lib Dem and Lib	NY Ind	Labour	Ind	Green Party	Total
6	1	1	1	0	1	10

2. Substitute Members

Conservatives and Independents		North Yorkshire Independents	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1		1	
2		2	
3		3	
Labour		Liberal Democrats and Liberal	
	<i>Councillors Names</i>		<i>Councillor Names</i>
1		1	BROADBANK, Philip
2		2	
3		3	
Green Party			
1			
2			
3			

Note: This Committee (and any Sub-Committee) must include at least one Member of the Executive.

Delegated Powers

Appointments

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 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 Note 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 their 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 Officer), 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.*

Chief Executive Officer and Statutory Officer Disciplinary and Capability

5. To exercise all functions (save as may be delegated elsewhere) of investigating and disciplinary committee as prescribed in the Joint Negotiating Committee National Salary Framework & Conditions of Service for Local Authority Chief Executives, in relation to disciplinary action in respect of the Chief Executive Officer, the Monitoring Officer or the Section 151 Officer, on the grounds of conduct, capability or for other substantial reasons (and where, in the case of the Monitoring Officer or Section 151 Officer, the likely outcome is dismissal; in this regard such delegation including, but not limited to:
 - (a) the initial investigation and consideration of allegation(s) relating to the conduct or capability of the Chief Executive Officer, Monitoring Officer or Section 151 Officer, or other substantial issue(s) which may require investigation;
 - (b) the determination of whether the allegation(s) require any informal or formal action and whether the appointment of an Independent Investigator to investigate the allegation(s) is required;
 - (c) where necessary, the appointment of an Independent Investigator to investigate the allegation(s);
 - (d) the consideration of whether precautionary action is required (including the power to suspend the Chief Executive Officer, Monitoring Officer or Section 151 Officer, subject always to the legal requirements regarding such suspension) and, if so, the determination of the extent and terms of such precautionary action;
 - (e) the receipt and consideration of Independent Investigator reports;
 - (f) where appropriate, the referral of the matter back to the Independent Investigator for further investigation and report;
 - (g) the hearing and determination of the allegation(s) at a disciplinary hearing, including the decision as to whether any disciplinary action (including dismissal) is necessary after consideration of the Independent Investigator's report.
6. Where there is a proposal to dismiss the Chief Executive Officer, the Monitoring Officer or the Section 151 Officer, then the matter must be referred to a Chief Officers Disciplinary Panel, including at least two Independent Persons appointed under section 28(7) of the Localism Act 2011, for the Panel's views and recommendations, which must be taken into account by full Council in determining the matter.

Chief Officers Disciplinary and Capability

7. To hear and determine all appeals made by Chief Officers who are not covered by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, of the Council, against decisions made by the Chief Executive Officer in respect of:

- (a) Disciplinary and capability action (up to and including dismissal),
- (b) Redundancy and sickness absence/ill health dismissals
- (c) Dismissals for some other substantial reason.
- (d) Grievance/Resolving Issues at Work issues

The Committee will be advised by a Head of HR not previously involved.

To hear and determine all appeals made by Statutory Chief Officers of the Council, against decisions made by the Chief Executive Officer in respect of:

- (a) Capability action (less than dismissal)
- (b) Disciplinary action (less than dismissal)
- (c) Redundancy and sickness absence/ill health dismissals
- (d) Grievance/Resolving Issues at Work issues

The Committee will be advised by a Head of HR not previously involved.