HARROGATE
TOWN COUNCIL

APPEALS COMMITTEE

TERMS OF REFERENCE

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1 PURPOSE OF COMMITTEE

1.1 The purpose of this Committee is to act as a second stage forum to hear and determine appeals and report thereon to the Full Council.

1.2 The Appeals Committee has delegated powers to act on behalf of the Full Council in relation to the defined terms of reference. Any recommendations outside these terms of reference shall be made to the Full Council.

1.3 The Appeals Committee shall be administered and managed in accordance with these Terms of Reference, the Council's Standing Orders, Grievance and Disciplinary Policies and Complaints Policy.

2 MEMBERSHIP AND VOTING

2.1 The Committee shall consist of six Town Councillors to be appointed at the Annual Meeting of the Town Council.

2.2 The Appeals Committee shall appoint a Chair at the commencement of each meeting from among the eligible Members present.

2.3 The Chair will have an ordinary vote and a casting vote and may use the latter although they are not compelled to do so.

2.4 In the event of the resignation, death or disqualification of a Councillor during the year any vacancy on the Committee will be filled at the next meeting of the Full Council.

2.5 Substitutions are not permitted in the event of a member's absence from a meeting of the Appeals Committee.

2.6 The Mayor shall not be a member of this Committee.

3 QUORUM & ATTENDANCE

3.1 The quorum of the Appeals Committee shall be three Members.

3.2 Meetings of the Appeals Committee shall be attended by a quorum of Members who are eligible to hear the appeal and shall have full delegated authority to fulfil the committee's remit in accordance with these terms of reference.

3.3 Only Members who are eligible, and who have had no prior involvement in the matter under appeal, may be counted toward the quorum.

3.3.1 Members of the Staffing Committee shall not be eligible to consider appeals related to employment matters.

3.3.2 Members of the Finance & General Purposes Committee shall not be eligible to consider appeals related to matters which have already been considered by that committee.

4 MEETINGS

4.1 The Town Clerk will convene meetings of the Appeals Committee as necessary.

4.2 Members will be summoned to attend meetings which will be held in a public place and public notice of the meeting shall be given in accordance with Schedule 12, Para 10 of the Local Government Act 1972.

4.3 The agenda of an Appeals Committee meeting will make provision for the Committee to resolve, where necessary, to exclude members of the public under the Public Bodies (Admission to Meetings) Act 1960.

4.4 The Appeals Committee shall have an obligation to ensure that relevant parties are given an adequate hearing in accordance with the Council's grievance & disciplinary and complaints policies.

4.5 Meetings of the Appeals Committee may be recorded and transcribed.

5 DOCUMENTATION

5.1 Minutes of all meetings will be recorded by the Town Clerk or, in the absence of the clerk, by another member of staff present at the meeting.

5.2 Draft minutes will be circulated to all Committee members for verification.

5.3 The draft minutes of the Appeals Committee shall be presented to the next meeting of the Full Council for approval. This arrangement is made on the basis that the Committee meets infrequently and timely approval of its minutes is required to ensure the proper record of proceedings.

5.4 Reports, documents and correspondence relating to this Committee may remain confidential within its membership.

5.5 All correspondence shall be conducted through the Town Clerk. In the event of a grievance appeal relating to the said Town Clerk, correspondence should be directed through the Chair of the Staffing Committee.

6 ACCOUNTABILITY

6.1 The Appeals Committee operates under the authority of Harrogate Town Council and is accountable to Full Council.

6.2 The Committee shall be subject to the Council's Code of Conduct, Standing Orders, and all relevant statutory obligations.

6.3 The Chair of the Committee shall ensure that the Committee operates within its remit and brings any matters beyond its scope to the attention of the Town Clerk or Full Council.

7 REMIT OF THE COMMITTEE

7.1 To hear and determine appeals arising from formal decisions taken at the first stage of disciplinary, grievance, or complaint procedures, in accordance with the Council's adopted policies.

7.2 To consider all relevant documentation, witness statements (where applicable), Council policies, national legislation, ACAS guidance, and any legal or procedural advice relevant to the appeal.

7.3 To determine the outcome of the appeal, which may include upholding, dismissing or varying the original decision.

7.4 Where appropriate, to make formal recommendations to Full Council (or relevant delegated committee) for action required to address any procedural failings, misconduct or lessons learned from the appeal process.

7.5 To ensure that the appeal process remains fair, unbiased, and in line with natural justice and employment best practice.

7.6 To ensure confidentiality is maintained at all times and that all matters considered by the Committee are treated in accordance with data protection law and council policies.

8 REVIEW

8.1 The Terms of Reference for the Appeals Committee are to be reviewed annually at the Annual Meeting of the Council.