

Officer Employment Procedure Rules

1. Recruitment and appointment

(a) *declarations*

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are a relative, friend, or close associate or have some close personal involvement with an existing councillor or officer of the Council; or of the partner of such persons. This close involvement might include membership of, or association with a club, society, other organisation or voluntary body.
- (ii) No candidate so associated with a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- (iii) members involved in the appointment of officers shall declare whether they are a relative, friend, or close associate or have some close personal involvement with any applicant; or of the partner of such a person. This close involvement might include membership of, or association with a club, society, other organisation or voluntary body. In each case if the interest is clear and substantial or could be considered to be clear and substantial the member should consider whether members of the public, knowing the facts of the situation would reasonably think their impartiality might be influenced by it. If the member thinks so, they should regard the interest as clear and substantial, take no part in the proceedings, not vote, and withdraw from the meeting.

(b) *seeking support for appointment.*

- (i) Subject to paragraph (iii) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor or the mayor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of head of paid service and chief officers

Where the Council proposes to appoint a head of service (as designated under section 4(1) of the Local Government and Housing Act 1989), a chief officer (as defined in either section 2(6) or 2(7) of that Act), or a monitoring officer (as designated under section 5(1) of that Act) the Council (or committee, or sub-committee, or chief officer) will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. Appointment of head of paid service

- (a) The full Council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the cabinet.
- (b) The full Council may only make or approve the appointment of the head of paid service where no well founded objection has been made by any member of the cabinet.

4. Appointment of chief officers

For newly created chief officer posts, the chief executive will determinate whether the post will be designated as “Strategic Director” or “Director”. Furthermore, in relation to existing chief officer posts, the chief executive can decide to change the designation from “Strategic Director” to “Director”, or vice versa.

- (a) Subject to Rule 5 below, a committee or sub-committee of the Council will appoint:
 - chief officers,
 - monitoring officer
 - those deputy chief officers (as defined in section 2(8) of the Local Government and Housing Act 1989) whose post reports to an Executive Director

That committee or sub-committee must include at least one member of the cabinet.

- (b) An offer of employment as a chief officer or deputy chief officer shall only be made where no well founded objection from any member of the cabinet has been received.

5. Appointments involving work on behalf of other authorities

- (a) Where the Council is proposing to appoint a monitoring officer or a chief officer whose duties will, in the opinion of the head of paid service, involve a significant amount of work on behalf of one or more other local authorities, then the steps required by Rule 2 might be taken jointly with those other authorities.
- (b) Where the Council is proposing to appoint a monitoring officer or a chief officer or a deputy chief officer whose duties will, in the opinion of the head of paid service, involve a significant amount of work on behalf of one or more other local authorities, then Rule 4(a) will not apply, and the head of paid service can direct that the appointment of the officer be made instead by a joint committee.

For the avoidance of doubt, Rule 4(b) will still apply to such posts.

6. Other appointments

(a) *officers below deputy chief officer.*

Appointment of those deputy chief officers whose post reports to a Director, and appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee and may not be made by councillors.

(b) *assistants to political groups.*

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary action

(a) *suspension.*

The head of paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

- (b) The head of paid service, monitoring officer and chief finance officer may not be dismissed as a result of disciplinary action save in accordance with the Relevant Officer Dismissal Procedure below.

- (c) Councillors will not be involved in the disciplinary action against any officer below chief officer (as defined in paragraph 4) level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the

Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

8. Dismissal

Councillors will not be involved in the dismissal of any officer below deputy chief officer (as defined in paragraph 4) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

9. Notification to Executive of appointment and dismissal of Chief and Deputy Chief Officer

For the purposes of the Local Authorities (Standing Orders) Regulations 1993 and the Local Authorities (Standing Orders) (England) Regulations 2001 the Proper Officer is the Director of Human Resources and Organisational Development

Relevant Officer Dismissal Procedure

1.

In the following paragraphs—

- (a) "the 2011 Act" means the Localism Act 2011;
- (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
- (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) "the Relevant Officer Dismissal Panel" is a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) "relevant meeting" means a meeting of the Full Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be
- (h) "the proper officer" is the Director of Workforce and Organisational Development.

2.

A relevant officer may not be dismissed by an authority as a result of disciplinary action unless the procedure set out in the following paragraphs is complied with.

3.

A relevant officer may not be summarily dismissed, or given notice of dismissal, unless and until Full Council has given its approval. This decision cannot be delegated.

4.

Where there is a proposal to dismiss a relevant officer, a report will be presented to the Chief Officer Panel which will decide whether to reject the proposal, or whether to recommend dismissal. The Chief Officer Panel may take any advice that it considers appropriate in relation to human resources or legal issues prior to making its decision.

5.

Where the Chief Officer Panel decide to recommend dismissal, a Relevant Officer Dismissal Panel must be convened.

6.

The proper officer will invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Relevant Officer Dismissal Panel.

7.

In paragraph 6, “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the proper officer considers appropriate.

8.

The proper officer will appoint two relevant independent persons to constitute the Relevant Officer Dismissal Panel. Where it is not possible to find two relevant independent persons who accept the invitation, the proper officer will appoint one relevant independent person to constitute the Relevant Officer Dismissal Panel. Where the proper officer determines that it is not possible to find any relevant independent persons to accept the invitation, the Chief Officer Panel will constitute the Relevant Officer Dismissal Panel.

9.

Subject to paragraph 8, the proper officer must appoint to the Relevant Officer Dismissal Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;

- (c) a relevant independent person who has been appointed by another authority or authorities.

10.

The Council must appoint any Relevant Officer Dismissal Panel at least 20 working days before the relevant meeting. The Relevant Officer Dismissal Panel shall meet as soon as possible after its appointment to consider the proposed dismissal and the reasons for it, and any other issues which the Relevant Officer Dismissal Panel considers to be relevant. The Relevant Officer Dismissal Panel shall produce a written report for the relevant meeting containing any advice, views or recommendations that its members have in relation to the proposed dismissal.

11.

Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

- (a) any advice, views or recommendations of the Relevant Officer Dismissal Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

12.

Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.