

## **SECTION 12 – 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 the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons, or are otherwise known to them in any capacity.
- (ii) no candidate so related to a Councillor, or an Officer, will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him or her.

#### **(b) Seeking Support for Appointment**

- (i) 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) no Councillor will seek support for any person for any appointment with the Council.

### **2 Recruitment of Head of Paid Service, Directors and Chief Officers**

Where the Council proposes to make an appointment to the designated posts listed in Table 1, and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council 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 to Designated Posts**

#### Chief Officer Posts

Unless otherwise directed by the Council, a Committee or Sub-Committee of the Council, the Council will appoint Chief Officers listed in column 1 of Table 1. That Committee or Sub-Committee must include at least one Member of the Executive.

#### Deputy Chief Officer Posts

The Head of Paid Service, or his or her nominated representative, in consultation with the relevant Executive Member, or Members, and the Leader of the Council, may determine whether any appointment to a Deputy Chief Officer post, listed in column 2 of Table 1, is to be made exclusively from the Council's existing Officers. Where the Head of Paid Service, or his or her nominated representative, determines that such an appointment is to be made exclusively from the Council's existing Officers, such an appointment may be made by the Head of Paid Service, or his or her nominated representative.

Where a recruitment process is undertaken involving external candidates, a Committee or Sub-Committee will be appointed to interview the short-listed candidates and to make the final appointment. That Committee or Sub-Committee must include at least one Member of the Executive.

### **4 Assistants to Political Groups**

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

#### **Appointment and Dismissal of Staff and Disciplinary Action**

5. Subject to Paragraphs 6 and 11-17 below, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged by the Head of Paid Service or by an Officer nominated by him or her.
6. Paragraph 5 shall not apply to the appointment, or dismissal of, or disciplinary action against –
  - (a) the Officer designated as the Head of the Council's Paid Service;
  - (b) a statutory Chief Officer within the meaning of Section 2(6) of the Local Government and Housing Act 1989;
  - (c) a non-statutory Chief Officer within the meaning of Section 2(7) of the 1989 Act;
  - (d) a Deputy Chief Officer within the meaning of Section 2(8) of the 1989 Act; or
  - (e) a person appointed in pursuance of Section 9 of the 1989 Act (assistants to political groups).
7. (1) Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as the head

of the Council's paid service, the Council must approve that appointment before an offer of appointment is made to that person.

- (2) Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the head of the Council's paid service, as the Council's Chief Finance Officer, or as the Council's Monitoring Officer, the Council must approve that dismissal before notice is given to that person.
8.
  - (1) In this Paragraph "Appointor" means, in relation to the appointment of a person as an Officer of the Council, the Council or, where a Committee, or Sub-Committee or Officer is discharging the function of appointment on behalf of the Council, that Committee, Sub-Committee or Officer, as the case may be.
  - (2) An offer of appointment as an Officer referred to in sub-paragraph (a), (b), (c) or (d) of Paragraph 6 above must not be made by the Appointor until –
    - (a) the Appointor has notified the Proper Officer of the name of the person to whom the Appointor wishes to make the offer, and any other particulars which the Appointor considers are relevant to the appointment;
    - (b) the Proper Officer has notified every Member of the Executive of the Council of –
      - (i) the name of the person to whom the Appointor wishes to make the offer
      - (ii) any other particulars relevant to the appointment which the Appointor has notified to the Proper Officer; and
      - (iii) the period within which any objection to the making of the offer is to be made by the Executive Leader, on behalf of the Executive, to the Proper Officer; and
    - (c) either –
      - (i) the Executive Leader has, within the period specified in the Notice, under sub-paragraph (b)(iii), notified the Appointor that neither he nor any other Member of the Executive has any objection to the making of the offer;
      - (ii) the Proper Officer has notified the Appointor that no objection was received by him within that period from the Executive Leader; or
      - (iii) the Appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.
9.
  - (1) In this paragraph, "Dismissor" means, in relation to the dismissal of an Officer of the Council, by the Council or, where a Committee, Sub-Committee or another Officer is discharging the function of dismissal on behalf of the

Council, that Committee, Sub-Committee or other Officer, as the case may be.

- (2) Notice of the dismissal of an Officer referred to in sub-paragraph (a), (b), (c) or (d) of Paragraph 6 above, must not be given by the Dismissor until –
  - (a) the Dismissor has notified the Proper Officer of the name of the person who the Dismissor wishes to dismiss, and any other particulars which the Dismissor considers are relevant to the dismissal;
  - (b) the Proper Officer has notified every Member of the Executive of the Council of –
    - (i) the name of the person to whom the Dismissor wishes to dismiss;
    - (ii) any other particulars relevant to the dismissal which the Dismissor has notified to the Proper Officer; and
    - (iii) the period within which any objection to the dismissal is to be made by the Executive Leader, on behalf of the Executive, to the Proper Officer; and
  - (c) either –
    - (i) the Executive Leader has, within the period specified in the Notice, under sub-paragraph (b)(iii), notified the Dismissor that neither he, nor any other Member of the Executive has any objection to the dismissal;
    - (ii) the Proper Officer has notified the Dismissor that no objection was received by him within that period from the Executive Leader; or
    - (iii) the Dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.
10. Nothing in Paragraph 5 shall prevent a person from serving as a Member of any Committee or Sub-Committee established by the Council to consider an appeal by –
  - (a) another person against any decision relating to the appointment of that person as a member of staff of the Council; or
  - (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
11. In the subsequent 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 Panel” means a Committee appointed by the Council under Section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the authority;
  - (f) “Relevant Meeting” means a meeting of the 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.
12. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
  13. The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
  14. In paragraph 13 “Relevant Independent Person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
  15. Subject to paragraph 16, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 13 in accordance with the following priority order –
    - (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
    - (b) any other relevant independent person who has been appointed by the Council;
    - (c) a relevant independent person who has been appointed by another authority or authorities.
  16. Not more than two relevant independent persons shall be required to be in accordance with paragraph 15 (but more than two such persons may be appointed)
  17. The Council must appoint any Panel at least 20 working days before the relevant meeting.
  18. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular -

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

19. Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must 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.

The following posts are designated for the purpose of the Officer Employment Procedure Rules.

**Column 1**

The Chief Executive and all Director posts

**Column 2**

Chief officers remunerated on the Senior Salary Scale

The Head of Overview and Scrutiny