

## H. Officer Employment Procedure Rules

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## 1. Recruitment and Appointment

### 1.1. Declarations

- (a) The Council shall draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are closely connected to any existing councillor or officer of the Council; or to any partner of those persons.
- (b) No candidate so closely connected to a councillor or an officer shall be appointed without the authority of the relevant chief officer or an officer nominated by them.

### 1.2. Seeking support for appointment.

- (a) Subject to paragraph (c), the Council shall disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph shall be included in any recruitment information.
- (b) Subject to paragraph (c), no councillor shall seek support from any person for any appointment with the Council.
- (c) Nothing in paragraphs (a) and (b) shall preclude a councillor 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

- 2.1 Where the Council proposes to appoint a Head of Paid Service, or a Chief Officer, and (where equal opportunities policies allow) it is not proposed that the appointment shall be made exclusively from among their existing officers, the Council shall:
  - (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 (a) to be sent to any person on request.

### **3. Appointments**

#### **3.1 Head of Paid Service, Chief Finance Officer and Monitoring Officer**

The full Council shall approve the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer following the recommendation of such appointments by the Employment and Staffing Committee or a panel of the committee. That committee or panel shall include at least one member of the Cabinet.

#### **3.2 Chief Operating Officer**

The Employment and Staffing Committee, or a panel of that committee, shall appoint the Chief Operating Officer. That committee or panel shall include at least one member of the Cabinet

#### **3.3 Joint Director of Planning and Economic Development**

The Employment and Staffing Committee, or a panel of that committee, or a joint panel appointed specifically for the purpose, shall appoint the Joint Director of Planning and Economic Development. That committee or panel shall include at least one member of the Cabinet.

#### **3.3 Other Employees**

Appointment of officers at Head of Service level or below (other than assistants to political groups) is the responsibility of the Head of Paid Service, or their nominee, and shall not be made by councillors.

#### **3.4 Assistants to Political Groups**

In the event of an appointment of an assistant to a political group, such appointment shall be made in accordance with the wishes of that political group.

#### **3.5 Cabinet Notification**

An offer of appointment as Head of Paid Service, Chief Finance Officer, Joint Director of Planning and Economic Development or Head of Service, shall not be made until:

- (a) The Council or committee or panel, or other appointer, as appropriate, has supplied the Head of Paid Service (or the Monitoring Officer in the

case of the appointment of the Head of Paid Service) with details of the proposed appointment;

- (b) The Head of Paid Service has supplied members of the Cabinet with details of the proposed appointment and allowed a period for objection to the offer by the Leader of the Council on behalf of the Cabinet; and
- (c) The Leader has informed the Head of Paid Service that there is no objection to the offer, such an objection has not been received within the requisite period or the Council or committee panel or other appointer are satisfied that any objection is not material or well-founded.

## 4. Dismissals

### 4.1 Head of Paid Service, Chief Finance Officer, Monitoring Officer

- (a) The Head of Paid Service, Chief Finance Officer or Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- (b) The Council shall invite relevant independent persons to be considered for appointment to an independent panel ["the Independent Panel"], with a view to appointing at least two such persons to the Independent Panel.
- (c) The Council may appoint more than two relevant independent persons if it wishes.
- (d) In paragraph 4.1(c) "*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 authority considers appropriate.
- (e) Subject to paragraph 4.1(c), the authority shall appoint to the Independent Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 4.1(b) in the following priority order:
  - (i) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - (ii) any other relevant independent person who has been appointed by the authority;
  - (iii) a relevant independent person who has been appointed by another authority or authorities.

- (f) The authority shall appoint any Independent Panel at least 20 working days before the relevant meeting.
- (g) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority shall take into account, in particular:
  - (i) any advice, views or recommendations of the Independent Panel;
  - (ii) the conclusions of any investigation into the proposed dismissal; and
  - (iii) any representations from the relevant officer.
- (h) Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Independent Panel shall 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.

#### **4.2 Chief Operating Officer and Joint Director of Planning and Economic Development**

The Employment and Staffing Committee, or a panel appointed for that purpose, may approve the dismissal of the Chief Operating Officer or the Joint Director of Planning and Economic Development. That committee or panel shall include at least one member of the Cabinet.

#### **4.3 Cabinet notification**

- (a) A notice of dismissal of the Head of Paid Service, Chief Finance Officer, Monitoring Officer, Chief Operating Officer, Joint Director of Planning and Economic Development or Head of Service shall not be given until:
  - (i) The Council or committee or panel, or other dismisor as appropriate, has supplied the Head of Paid Service (or Monitoring Officer in the case of the proposed dismissal of the Head of Paid Service) with the details of the proposed dismissal;
  - (ii) The Head of Paid Service has supplied members of the Cabinet with details of the proposed dismissal and allowed a period for objection to the dismissal by the Leader of the Council on behalf of the Cabinet; and
  - (iii) The Leader has informed the Head of Paid Service that there is no objection to the dismissal, such an objection has not been received within the requisite period or the Council or committee or panel or other dismisor are satisfied that any objection is not material or well-founded.

#### 4.4 Other Employees

**Officers at Head of Service level and below** Dismissal of officers at Head of Service or below (other than assistants to political groups) is the responsibility of the Head of Paid Service or an officer nominated by them, and may not be made by councillors.

#### 4.5 Interpretation

In Rule 4 above:

- (a) “**the 2011 Act**” means the Localism Act 2011(b);
- (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 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 authority 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.

### 5 Disciplinary Action

#### 5.1 Investigation and determination:

The Employment and Staffing Committee has responsibility for disciplinary action (subject to the following provisions of this paragraph)

#### 5.2 Head of Paid Service, Chief Finance Officer and Monitoring Officer

**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 shall be on full pay and shall normally last no longer than two months. The continuance of a suspension shall be reviewed after it has been in place for two months

### **5.3 Chief Operating Officer and Joint Director of Planning and Economic Development**

Disciplinary action against the Chief Operating Officer and Joint Director of Planning and Economic Development shall be dealt with under the Council's disciplinary policy and procedures and their terms and conditions of service. The Employment and Staffing Committee shall have powers of disciplinary action [including dismissal].

### **5.4 Other Employees**

Responsibility for investigating and taking disciplinary action against officers at Head of Service level or below lies with the Head of Paid Service, or an officer nominated by them. Councillors shall only be involved in cases where an officer submits an appeal against dismissal and, in those circumstances, they may sit on the Employee Appeals panel to hear appeals by those officers (where such a right is exercisable) against their dismissal.

## **6 Supplementary**

In the event of the above rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Monitoring Officer.