

Changes to the Officer Employment Procedure Rules

Current wording:

3. Appointment and Dismissal of Chief Officers (Head of Paid Service, Executive Directors, Chief Finance Officer, Monitoring Officer)

- (a) The Council will approve the appointment of the Head of Paid Service, Executive Directors, Chief Finance Officer and Monitoring Officer following the recommendation of such appointments by the Employment Committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Executive. Only the Council may dismiss these officers upon the advice of a designated independent person and the recommendation of the Employment Committee.
- (b) The full Council may only make or approve the appointment of the Head of Paid Service, an Executive Director, the Chief Finance Officer and the Monitoring Officer where no well-founded objection has been made by any member of the Executive.

Replace with:

3. Appointment of Chief Officers (Head of Paid Service, Chief Finance Officer, Monitoring Officer)

- (i) The Council will approve the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer following the recommendation of such appointments by the Employment Committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Executive. Only the Council may dismiss these officers upon the advice of a designated independent person and the recommendation of the Employment Committee.
- (ii) The full Council may only make or approve the appointment of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer where no well-founded objection has been made by any member of the Executive.

4. Dismissal of Chief Officers (Head of Paid Service, Chief Finance Officer, Monitoring Officer)

A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

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. The Council may appoint more than two relevant independent persons if it wishes.

(“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.)

Subject to paragraph 2.6, the authority must appoint to the 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.

The authority must appoint any Panel at least 20 working days before the relevant meeting.

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 Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

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

Footnote: In Section 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.

Terms of Reference for the Employment Committee

To add in the following:

Under **Functions:**

To be responsible for making a recommendation to full council relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.

Under **Delegation of Functions:**

Ad hoc panel of at least three councillors, comprising members of the Employment Committee chosen by the Chairman of the Committee (or the Vice-Chairman in the absence of the Chairman) and including the portfolio holder with responsibility for staffing. So far as circumstances allow, the Chairman shall ensure the panel membership complies with Council policy and good practice on equalities. The panel must also include at least two "independent persons" appointed under section 28(7) of the Localism Act 2011. The panel must make a recommendation to Full Council and must convene at least twenty working days before the Council meeting.