

Part 4 – Rules of Procedure

Section 1 – Officer Employment Procedure Rules

Explanatory Comment

These rules take account of the **Local Authorities (Standing Orders) (England) Regulations 2001**.

1. Appointments

1.1 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 partner or close family relative of a serving Member or employee of the Council or the partner of such a person. This statement will be included in appropriate recruitment literature.
- ii) Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate ~~Head of Service~~Assistant Director, except where the ~~Head of Service~~Assistant Director is the officer to whom the candidate has declared a relationship, in which case the appropriate ~~Corporate~~ Director will approve any proposed offer of employment or, in the event that the Managing director is the officer to whom the candidate has declared a relationship, in which case the ~~Head of Human Resources~~ Assistant Director: Customer & People Services will approve any proposed offer of employment.

1.2 Seeking support for appointment

- i) The Council will disqualify from consideration any candidate who directly or indirectly seeks the support of any Member or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No Member or officer will seek to support any candidate for appointment. Councillors must not stand as referees for officers or candidates for appointment as officers of the Council.

2. Appointment of ~~Head of Paid Service and~~ Chief Officers

[For the purpose of these Rules, the term Chief Officer shall have the same meaning as in the **Local Government and Housing Act 1989**, and is referred to as a ~~Corporate Director~~the Managing Director. The term Deputy Chief Officer in that Act means an ~~Head of Service~~Assistant Director.]

2.1 Where the Council proposes to appoint a ~~Corporate~~ Director and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:

2.1.1 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

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- iii) 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.

3. Appointment of Head of Paid Service

3.1 ~~The Managing Director will be designated as the Head of Paid Service.~~ The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by ~~a politically balanced Panel of Members Personnel Board set up for that purpose in accordance with the Council's Selection and Recruitment policy.~~ That Panel must include ~~the at least one member of the Leader or at least one member of the Cabinet and Cabinet Executive.~~

3.2 The offer of appointment as Head of Paid Service must not be made until the ~~Panel of Members~~ Personnel Board:-

a) notify the Proper Officer or, ~~if~~ ~~the event that the~~ offer is to an Acting Head of Paid Service, the Assistant Director: Customer & People Services Head of Human Resources shall take the place of the Proper Officer, of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;

b) the Proper Officer has notified every member of the Leader and Cabinet Executive of:-

—i) the name of the proposed appointee

—ii) any other relevant particulars as notified to him/her

iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer

and

c) either

i) the Leader, within the specified time period, notifies the ~~Proper Officer~~ anel that neither he nor any other member of the Leader and Cabinet Executive has any objection to the making of the offer;

ii) the Proper Officer has notified the Panel no objection has been received;
or

iii) the Personnel Board ~~anel~~ is satisfied that any objection received from the Leader is not material or is not well founded.

Note: For the purpose of the Officer Employment Procedure Rules, the Proper Officer shall be the Head of Paid Service, except where the appointment/dismissal relates to of the Head of Paid Service is concerned, whenin which case the Proper Officer shall be the Assistant Director Customer & People ServicesHead of Human Resources.

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4. Appointment of ~~Corporate~~ Directors

4.1 The appointment of a ~~Corporate~~ Director or Statutory Officer will be made by a ~~politically balanced Panel of Members~~ Personnel Board ~~set up for that purpose in accordance with the Council's Selection and Recruitment policy. That which Panel~~ must include ~~at least one member of~~ the Leader or at least one member of the and Cabinet ~~Executive~~ Executive.

4.2 The offer of appointment as ~~Corporate~~ Director must not be made until the ~~Panel of Members~~ Personnel Board:-

- a) notify the Proper Officer of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;
 - b) the Proper Officer has notified every member of the Leader and Cabinet Executive of:-
 - i) the name of the proposed appointee
 - ii) ~~any other relevant particulars as notified to him/her;~~
 - iii) ~~the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer~~
- and
- c) either
 - i) the Leader, within the specified time period, notifies the ~~Panel~~ Proper Officer that neither he nor any other member of the Leader and Cabinet Executive has any objection to the making of the offer;
 - ii) the Proper Officer has notified the Panel no objection has been received; or
 - iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

5. Other Appointments

5.1 Appointments of officers below the level of ~~Corporate~~ Director are the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members. All appointments will be made in accordance with the Council's recruitment and selection policy.

6. Disciplinary action in respect of Head of Paid Service, Monitoring Officer and Chief Finance Officer. ~~Statutory Chief Officers~~

6.1 Suspension

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended on full pay while an investigation takes place into alleged misconduct or incapability. Suspension does not itself constitute disciplinary action and does not imply guilt.

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Suspension must terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

6.2 Independent Person

No disciplinary action may be taken in respect of those officers except in accordance with a recommendation in a report made by a designated Independent Person.

(Explanatory Note: an independent person is a person appointed in accordance with **Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001**. His/her role is to prepare a report before any conclusion on disciplinary action is reached. He/she may direct that no further steps should be taken or recommend the disciplinary action, if any, that should be taken.)

6.3 Members will not be involved in disciplinary action against any officer below Corporate Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

7. Dismissal

7.1 The Full Council will approve the dismissal of the Head of Paid Service following a recommendation of such a dismissal by ~~a politically balanced Panel of Members~~ a Personnel Board set up for that purpose ~~which~~ ~~That Panel~~ must include at least one member of the Leader and Cabinet Executive.

7.2 The dismissal of a ~~Corporate~~ Director or Statutory Officer will be made by a politically balanced ~~Panel of Members~~ Personnel Board. That Panel must include at least one member of the Leader and Cabinet Executive.

7.3 The dismissal of Head of Paid Service must not be made until the ~~Panel of Members~~ Personnel Board:-

- a) notify the Proper Officer of the name of the proposed dismissee and any other particulars which are considered relevant to the dismissal;
- b) the Proper Officer has notified every member of the Leader and Cabinet Executive of:-
 - i) the name of the proposed dismissee;
 - ii) any other relevant particulars as notified to him/her;
 - iii) the period within which any objection to the making of the decision is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officerand
- c) either
 - i) the Leader, within the specified time period, notifies the Panel that neither he or any other member of the Leader and Cabinet Executive has any objection to the dismissal;

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- ii) the Proper Officer has notified the Panel no objection has been received;
or
- iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

7.4 The dismissal of ~~Corporate~~ Directors and or Statutory Officer must not be made until the ~~Panel of Members~~Personnel Board:-

- a) notify the Proper Officer of the name of the proposed dismissee and any other particulars which are considered relevant to the dismissal;
- b) the Proper Officer has notified every member of the Leader and Cabinet Executive of:-
 - i) the name of the proposed dismissee;
 - ii) any other relevant particulars as notified to him/her;
 - iii) the period within which any objection to the making of the decision is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer.

and

c) either

- i) the Leader, within the specified time period, notifies the ~~Proper Officer~~Panel that neither he nor any other member of the Leader and Cabinet Executive has any objection to the dismissal;
- ii) the Proper Officer has notified the Panel no objection has been received;
or
- iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

Members will not be involved in the dismissal of any officer below ~~Corporate~~ Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.