PART 8.4 OFFICER EMPLOYMENT PROCEDURE RULES

1. Introduction

1.1 These rules are intended to give effect to the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 and will form the standing orders prescribed therein regarding employment matters.

2. Interpretation

2.1 For the purposes of these Officer Employment Procedure Rules the following words shall have the following meanings-

"Head of Paid Service" means the Chief Executive of the Council

"Chief Officer" means, subject to the following provisions the Strategic Directors of-

- Communities
- People
- Place
- Resources

and the Director of Finance.

"Deputy Chief Officer" means, a Lead Commissioner, Executive Head of a Delivery Unit or, Head of a Resource or a Finance Unit

3. Recruitment and appointment – general

3.1 Declarations

(a) 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 Member or an officer of the Council; or of the partner of such persons; or have a personal friendship with a Member of the Council

(b) No candidate so related to a Member or an officer or a personal friend of a Member will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

3.2 Seeking support for appointment.

(a) Subject to paragraph (c) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment as an officer with the Council. The content of this paragraph will be included in any recruitment information.

(b) Subject to paragraph (c) below, no Member will seek support for any person for any appointment as an officer with the Council.

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For the purposes of these Officer Employment Procedure Rules, a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a

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(c) Nothing in paragraphs (a) and (b) above will preclude a Member from giving written reference for a candidate for submission with an application for appointment

4. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers

4.1 Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among its 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 (a) to be sent to any person on request.

5. Appointment of Head of Paid Service

5.1 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.

6. Appointment of Chief Officers and Deputy Chief Officers, the Monitoring Officer and the Chief Finance Officer; and administrative arrangements

6.1 A Committee or Sub-Committee of the Council will appoint Chief Officers, Deputy Chief Officers, the Monitoring Officer and the Chief Finance Officer providing that the Chief Executive (in relation to Chief Officers or Executive Heads of Delivery Units) or the relevant Strategic Director (in relation to Lead Commissioners, Heads of Resource Units or Finance Units as appropriate) may appoint such officers where the appointment is on an Acting basis or where the appointment is of a candidate recommended by a selection panel consisting of Members. The Committee, Sub-Committee or Panel must include at least one member of the Cabinet.

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6.2 Whenever a Panel is convened in accordance with paragraph 6.1 above, it shall be constituted as follows:
(i) The Panel shall consist of 6 Members appointed to reflect the political

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composition of the Council providing all the Groups in the Council are represented (on current numbers, this works out 3 Conservative, 1 Labour, 1 Green and 1 Lib Dem).

(ii) The Strategic Director of Resources shall appoint Members of the Panel in accordance with the wishes of the relevant Group/Convenor.

(iii) A Cabinet Member shall be one of the 6 Members of the Panel.

(iv) The Panel shall be chaired by a member of the Group with the largest number of seats in the Council.

(v) The Panel shall endeavour to reach a decision by consensus. If there is no consensus, the matter shall be put to a vote. If there is an equality of votes, the Chairman shall have a casting vote.

(vi) The Strategic Director of Resources is authorised to take all steps necessary or incidental to supporting this appointments process

6.3 (1) In this paragraph, "appointor" means, in relation to the appointment of a person as Head of Paid Service, Full Council or, in relation to the appointment of a person to one of the other officer roles referred to in 6.1 above, the person or body making the appointment.

(2) An offer of appointment as Head of paid Service or as any of the officers referred to in 6.1 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 –

(i) The name of the person to whom the appointor wished 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 Leader on behalf of the executive to the proper officer; and

(c) either –

(i) the Leader has, within the period specified in the notice under 6.3 (2)(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 Leader; or

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(iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

7. Other Appointments

7.1 **Officers below Deputy Chief Officer**. Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his or her nominee, and may not be made by Members.

7.2 **Assistants to political groups**. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group if such an appointment is made.

8. Disciplinary Action - Head of Paid Service, Monitoring Officer and Chief Finance Officer

8.1 **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.

8.2 **Independent person**. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.

9. Disciplinary Action - Chief Officers and Deputy Chief Officers

9.1 A Committee or Sub-Committee of the Council may hear an appeal against disciplinary action or dismissal of a Chief Officer or a Deputy Chief Officer in accordance with the Council's disciplinary procedure rules.

10. Disciplinary Action - Other Officers

10.1 Members will not be involved in the disciplinary action against any officer below Deputy Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disability, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of disciplinary action against officers.

11. Dismissal

11.1 Members will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disability, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of dismissal of officers.