

8: 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 related to an existing Councillor or Officer of the Council; or of the partner of such persons;
- (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of either the Chief Executive or the Chief Financial Officer or an officer nominated by him/her;

(b) Seeking support for appointment.

- (i) The Council may 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 and Chief Officers

Where the Council proposes to appoint a Chief Officer 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 (a) to be sent to any person on request.

3. **Appointment of 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 Committee or sub-Committee of Council.

4. **Appointment of Chief Officers**

A Committee or Sub-Committee of the Council will appoint Chief Officers.

5. **Other Appointments**

- (a) **Officers below Chief Officers:** Appointment of, and below, Head of Service (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- (b) **Assistants to Political Groups:** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary Action - Provisions to be incorporated in standing orders in respect of disciplinary action**

- (a) Definitions in the following paragraphs -
 - (i) "the 2011 Act" means the Localism Act 2011(b);
 - (ii) "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);
 - (iii) "independent person" means a person appointed under section 28(7) of the 2011 Act;

- (iv) “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;
 - (v) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
 - (vi) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (vii) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.
- (b) A relevant officer may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.
- (c). The authority 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.
- (d) In paragraph (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 (f), 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 -
- (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;
 - (i) a relevant independent person who has been appointed by another authority or authorities.
- (a) The authority is not required to appoint more than two relevant independent persons in accordance with paragraph (e) but may do so.

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

- (h) 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
 - (i) any advice, views or recommendations of the Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the relevant officer.

- (i) 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."

- (j) **Suspension:** The Head of Paid Service, Chief Financial Officer and Monitoring Officer may be suspended by Full Council whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

- (k) Councillors will not be involved in any disciplinary action against any officer below those mentioned in 6(j) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and relevant procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action. That involvement will be via the Council's Appeal Panel.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below those mentioned in 8(6(j)) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.