

# Officer Employment Procedure Rules

## 1 Recruitment and appointment

### 1.1. Declarations

- a) Any candidate for appointment as an Officer must 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 Councillor or Officer of the Council, or of the partner of such persons.
- b) No candidate related to a Councillor, or an Officer will be appointed without the authority of a Director or Assistant Director or officer nominated by them.

### 1.2. Seeking support for appointment.

- a) Subject to paragraph (c), the Council will 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.
- b) Subject to paragraph (c), no Councillor will seek support for any person for any appointment with the Council.
- c) Nothing in paragraphs (a) and (b) above will prevent a Councillor from giving a written reference for a candidate for submission relating to an application for appointment.

## 2 Recruitment of Head of Paid Service and Chief Officers

2.1. Where the Council proposes to appoint a Chief Officer or Deputy 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.
  - 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.
- 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**

- 3.1. Subject to the requirements of legislation, the Full Council will appoint the Head of Paid Service (Chief Executive)..

### **4 Appointment of Statutory Officers**

- 4.1. Subject to the requirements of legislation, the Council, on the recommendation of the Appointments Panel or the Head of Paid Service or their nominee, will appoint Statutory Officers.

### **5 Other appointments**

- 5.1. The appointment of the roles of Head of Paid Service, Section 151 Officer and Monitoring Officer will be subject to Full Council upon the recommendation of the Appointments Panel
- 5.2. The Appointment of Chief Officers is the responsibility of the Appointments Panel.
- 5.3. Appointment of Deputy Chief Officers is the responsibility of the Head of Paid Service or their nominee in consultation with the Leader of the Council
- 5.4. Appointment of all Interim Chief Officers and Interim Deputy Chief Officers remain with Head of Paid Service in consultation with Leader.
- 5.5. Appointment of all other officers remains with Head of Paid Service.
- 5.6. Members of the Appointments Panel must undertake recruitment and selection training prior to their participation in recruitment processes.

### **6 Disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer**

- 6.1. in the following paragraphs:
  - a) the 2011 Act means the Localism Act 2011
  - b) Head of Paid Service, Monitoring Officer, Chief Finance Officer and disciplinary action have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001

- c) Independent Person has the same meaning as section 28(7) of the 2011 Act
  - d) Local government elector shall mean a person registered to vote in local government elections in the register of electors in the district in accordance with the Representation of the People Acts
  - e) The Committee means the Investigatory and Disciplinary Committee (Statutory Officers) appointed by Council.
  - f) Relevant meeting means a meeting of the Council to consider whether or not to dismiss a relevant officer.
  - g) Relevant officer means the Head of Paid Service, Monitoring Officer or s151 Chief Finance Officer
  - h) Relevant Independent Person means one that has been appointed by the Council under the 2011 Act or where fewer than two have been appointed such persons appointed by another local authority or authorities.
- 6.2. A Relevant Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- 6.3. The Council must invite relevant Independent Persons to be considered for appointment to the Committee, with a view of appointing at least two such persons to the Committee.
- 6.4. The Council must appoint to the Committee such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph 6.3 in the following priority order:
- a) A Relevant Independent person who has been appointed by the Council and who is a local authority elector.
  - b) Any other Relevant Independent Person who has been appointed by the Council.
  - c) A Relevant Independent Person who has been appointed by another authority or authorities.
- 6.5. The Council is not required to appoint more than two Relevant Independent Persons but may do so.
- 6.6. The Council must appoint the Committee at least 20 days before the relevant meeting.
- 6.7. Before taking a vote at the relevant meeting on whether or not to approve such a dismissal the Council must take into account, in particular:

- a) Any advice, views or recommendations of the Committee
  - b) The conclusions of any investigation into the proposed dismissal
  - c) Any representations from the relevant Officer.
- 6.8. Any remuneration, allowances or fees paid by the Council to an Independent Person must not exceed the level of remuneration allowances, or fees payable in respect of the person's role as Independent Person under the 2011 Act.

## **7 Dismissal/Disciplinary procedures of other officers**

- 7.1. Councillors will not be involved in the dismissal or disciplinary action short of dismissal of any Officer except as provided in section 6 above. Except for this provision, dismissals and disciplinary action are the responsibility of the Head of Paid Service or their nominee.

## **8 Interpretation**

- 8.1. For the purposes of these rules, "Chief Officers" are the Chief Executive and Directors. Deputy Chief Officers are Assistant Directors.

## **9 Facilities for Officers**

- 9.1. The Council will provide the Monitoring Officer and Chief Finance Officer with Officers, accommodation and other resources that are reasonably needed to perform their duties.
- 9.2. The Monitoring Officer and Chief Finance Officer will receive copies of SMB agendas and minutes and be able to contribute to and take part in relevant decisions taken by SMB.
- 9.3. The Chief Executive, Monitoring Officer and Chief Finance Officer will have unrestricted access to any information held by the Council Internal Audit and any employee (unless it is protected by statutory provisions), which can assist them in the discharge of their functions.
- 9.4. The Chief Executive, Chief Finance Officer, and the Monitoring Officer has the right to report to and advise the Cabinet or a Committee or the Council on any matter which they feel should be drawn to a committee or Council's attention. No veto can be applied to such an intention to report, and the content and form of the report cannot be prescribed by Councillors or other Officers. The party group leaders (or in their absence the deputy group leaders) will also be informed before the report is issued.
- 9.5. The Chief Executive, Monitoring Officer and Chief Finance Officer will have advance notice of any agenda and reports, whether an informal or formal meeting, which may be relevant to their responsibilities.

- 9.6. The Chief Executive, Monitoring Officer and Chief Finance Officer will have copies of all reports to Councillors.
- 9.7. The Chief Executive, Chief Finance Officer and Monitoring Officer will meet regularly to consider and recommend action on matters of governance and/or probity.

## **10 Appraisal of Chief Executive**

- 10.1. The Chief Executive's appraisal will be carried out annually by the Chief Executive's Appraisal Panel.