

OFFICER EMPLOYMENT PROCEDURE RULES

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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 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.

(ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking Support for Appointment

(i) 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.

(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 Executive (i.e. Head of Paid Service), a Corporate Director, Finance Director or Head of Service 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 Rule (1)(a) to be sent to any person on request.

3. APPOINTMENT OF HEAD OF PAID SERVICE

(a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Panel of Members comprising not less than five Councillors drawn from all political groups and including at least one member of the Executive.

(b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the executive.

4. APPOINTMENT OF CORPORATE DIRECTORS, FINANCE DIRECTORS AND, HEADS OF SERVICE

(a) A Panel of 7 Members of the Council allocated between political groups in accordance with pro rata rules will interview and, where authorised, appoint Chief Officers. Such a Panel shall include at least 1 Cabinet member.

(b) Appointment of Assistant Heads of Service and below should be the responsibility of the Head of Paid Service or his/her nominee.

(c) An offer of employment as a Chief Officer or Deputy Officer shall only be made where no well-founded objection from any member of the executive has been received.

(d) Any member appointed to such a Panel is required to have undertaken recruitment and selection training before taking part in interviews.

5. OTHER APPOINTMENTS

(a) Officers of Assistant Heads of Service rank and below

Appointments of Assistant Head of Service level and below (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

(a) Suspension

The Head of Paid Service, Monitoring Officer, Deputy 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.

(b) 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.

(c) Councillors will not be involved in the disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any

investigation or inquiry into alleged misconduct, though 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 disciplinary action.

7. DISMISSAL

Councillors will not be involved in the dismissal of any officer of Assistant Head of Service level or below 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.

8. OPERATIONAL STANDING ORDERS

... Operational Standing Orders affecting staff are set out in the Appendix 1 to these Rules. These support the provisions of these rules.

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PROCEDURE RULES**

APPENDIX 1

OPERATIONAL STANDING ORDERS – STAFF

1. Management Board

The Management Board shall comprise the Chief Executive as leader of the Board, the two Corporate Directors, and the Finance Director. The Head of Policy Unit shall act as Secretary to the Board. The team shall meet on a regular basis to consider matters of Council business and shall adopt a 'corporate' outlook on management matters.

2. Working Parties

The Management Board may appoint working parties of officers to examine and report to the team on any matter in respect of which the Council has powers and duties or which affects the District.

3. Canvassing of Members

Canvassing of members or officers of the Council – (i) by or on behalf of a candidate, whether directly or indirectly; (ii) by individual employees in regard to their terms and conditions of service except by way of application to a superior officer, is forbidden.

4. Relatives of Members or Officers

(1) Every person applying for an appointment in the service of the Council shall disclose in writing to the Chief Executive any known family relationship to any member or senior officer of the Council.

(2) The existence of any known family relationship between a member of the Council and a senior officer of the Council shall be notified in writing to the Chief Executive by each party to such relationship.

(3) For the purpose of this Standing Order "senior officer" means any officer of the Council in receipt of a salary in Principal Officer Range (SCP 49-53) related to the JNC Conditions for Chief Officers.

5. Interest of staff in contracts and other matters

(1) If it comes to the knowledge of an officer employed by the Council that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract in which he is himself a party), has been or is proposed to be entered into by the Council or any committee thereof, he shall as soon as practicable give notice in writing to the Chief Executive of the fact that he is interested therein.

(2) If it comes to the knowledge of a Head of Service of the Council that he has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter which is the subject of consideration by the Council or a committee of the Council he shall at the meeting before consideration of the matter disclose (or cause to be disclosed) the fact and (if he is in attendance at the meeting) shall withdraw from the meeting whilst the matter is under consideration.

(3) For the purpose of this Standing Order an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of Section 95 of the Local Government Act 1972 had he been a member of the Council. (A summary of the provisions of Sections 94 to 98 and 117(1) of the Local Government Act 1972 is attached as Appendix 2 to these Standing Orders).

(4) An officer of the Council shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

6. Appointment, Dismissal and Disciplinary Action Against Staff

(1) In this Standing Order -

"the 1989 Act" means the Local Government and Housing Act 1989; "the 2000 Act" means the local Government Act 2000; "disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; "executive" and "executive leader" have the same meaning as in Part II of the 2000 Act; "member of staff" means a person appointed to or holding a paid office or employment under the authority; and "Proper Officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

(2) General Authorisation for Appointing, Dismissal and Disciplinary Action

Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under Section 4(1) of the 1989 Act (designation and reports of Head of Paid Service) as the Head of the Authority's Paid Service or by an officer nominated by him.

(3) Exceptions to Paragraph (2)

Paragraph 2 shall not apply to the appointment or dismissal, of, or disciplinary action against -

- (a) the officer designated as the Head of the Authority's Paid Service;
- (b) a statutory Chief Officer within the meaning of Section 2(6) of the 1989 Act (politically restricted posts);
- (c) a non-statutory Chief Officer within the meaning of Section 2(7) of the 1989 Act;
- (d) a Deputy Chief Officer within the meaning of Section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of Section 9 of the 1989 Act (assistants for political groups).

(4) Appointment or Dismissal of Head of Paid Service and other Designated Postholders

(1) Where a Committee, Sub-Committee or Officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the Head of the Authority's Paid Service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

(2) Where a Committee or a Sub-Committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that Committee or Sub-Committee.

(5) Offers of Appointment

(1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, Sub-Committee or officer is discharging the function of appointment on behalf of the authority, that Committee, Sub-Committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 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 the authority of -

(i) the name of the person to whom the appointor wishes 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 executive leader on behalf of the executive to the Proper Officer; and

(c) either -

(i) the executive leader has, within the period specified in the notice under sub-paragraph (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 executive leader; or

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

(6) Dismissals

(1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a Committee, Sub-Committee or another officer is discharging the function of dismissal on behalf of the authority, that Committee, Sub-Committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:

(a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the Proper Officer has notified every member of the executive of the authority of:

(i) the name of the person who the dismissor wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and

(iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the Proper Officer; and

(c) either -

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal:

(ii) the Proper Officer has notified the dismissor that no objection was received by him within that period from the executive leader; or

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

(7) Appeals

Nothing in paragraph 2 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the authority to consider an appeal by:

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

7. Disciplinary Action - Head of Paid Service, Monitoring Officer, Chief Financial Officer

(1) In Paragraph 2, "Chief Finance Officer", "Council Manager", "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 and "designated independent person" has the same meaning as in Regulation 7 of those Regulations.

(2) No disciplinary action in respect of the Head of the Authority's Paid Service (unless he is also a Council Manager of the authority), its Monitoring Officer or its Chief Finance Officer, except action described in Paragraph 3, may be taken by the authority, or by a Committee, a Sub-Committee, a Joint Committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

(3) The action mentioned in Paragraph 2 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

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