

Part 4 – H

OFFICER EMPLOYMENT PROCEDURE RULES

Any mandatory standing orders issued in respect of senior appointments will be incorporated into this Constitution, as they become available.

References to Chief Officers and Deputy Chief Officers in these rules shall be construed in accordance with the provisions of section 2 of the Local Government and Housing Act 1989 and shall include both statutory and non-statutory chief officers as defined by that section. A list of all employees falling within the definition of deputy chief officer shall be maintained by the Head of Human Resources. For the purposes of these rules, the Proper Officer shall be the Head of Democracy Services. For the avoidance of doubt, the following provisions of these rules do not apply to the appointment of officers on an interim basis.

1. Recruitment and Appointment

(a) Declarations

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.

Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the relevant Chief Officer or his/her nominee.

(b) Seeking support for appointment

The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

No councillor or officer will seek support for any person for any appointment with the Council.

2. Recruitment of ~~Head of Paid Service~~Chief Executive 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.

~~2.2(d)~~ For any new appointment where the salary is £100k per annum or more approval should be obtained from Full Council prior to the appointment being made (in practical terms the agreement would be sought at the start of the recruitment process)

3. ~~Appointment of Head of Paid Service~~ the Chief Executive and the Council's Monitoring Officer

3.1 Full Council will, before an offer of appointment is made, approve the appointment of the ~~Head of Paid Service~~ Chief Executive and the Monitoring Officer, following the recommendation of such an appointment by the Council's Appointments Committee. That Committee must include at least one member of the Cabinet.

3.2 Full Council may only make or approve the appointments ~~of this statutory officer~~ the Chief Executive and the Monitoring Officer where no material or well-founded objection has been made by any member of the Cabinet (see paragraph 6 below).

4. Appointment of Chief Officers

4.1 ~~The Appointments Committee or Sub-Committee (the appointer) will appoint Chief Officers. That committee must include at least one member of the Cabinet. The Appointments Committee will appoint Chief Officers (officers at director level or equivalent) the Assistant Chief Executive and the Monitoring Officer. That committee must include at least one member of the Cabinet.~~

4.2 An offer of employment as a Chief Officer or the Monitoring Officer shall only be made where no material or well-founded objection from any member of the Cabinet has been received (see Para 6 below). ~~Or if the salary package of the post is higher than £100,000, then, in line with the Council's Pay policy statement if the will be reported to full Council for approval.~~

4.3 . Where the salary package relating to a post exceeds £100,000, prior approval from full Council must be obtained before that post is advertised but with the exception of the Chief Executive and the Monitoring Officer, the actual appointment to that post does not require Council approval.

5. Other Appointments

~~5.1—Appointment of officers at or below deputy chief officer (other than assistants to political groups and an assistant to the Mayor and the Monitoring Officer) is the responsibility of the Head of Paid Service or his/her nominee(s), (the appointer) and may not be made by members. However, appointments of deputy chief officers are subject to the procedure set out in paragraph 6, even though the appointment is being made by officers. **Officers at or below Deputy Chief Officer.** Appointment of officers at or below deputy chief officer (other than assistants to political groups and an assistant to the Mayor) is the responsibility of the Head of Paid Service or his/her nominee(s), and may not be made by members.~~

6.5.2 Offers of Appointment

6.1 An offer of an appointment to the following posts shall comply with the following provisions of this rule:as

- a) the Chief Executive;
- b) the Director of Communities and Housing*;
- c) the Director of Children, Schools and Families*;
- d) the Director of Public Health*;
- e) the Director of Corporate Services*;
- f) the Director of Environment and Regeneration**;
- g) a deputy chief officer (including the post designated as the Council's Monitoring Officer);

* statutory chief officer

** non statutory chief officer

6.2 Such an appointment shall not be made by the appointer until

- a) the appointer 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 Cabinet 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 ; 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 Cabinet to the Proper Officer; and
- c either –
 - (i) the Leader has, within the period specified in the notice under subparagraph (b)(iii), notified the Proper Officer that neither he nor any Appendix 2 Constitution 4-H Page 4 of 5 2016 other member of the Cabinet has any objection to the making of the offer; and
 - (ii) (ii) the Proper Officer has notified the appointor that no objection has been received by him within that period from the Leader; or

- ~~(i) — (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded a) — (i) — the officer designated as the head of the authority's paid service;~~
- ~~(ii) — a statutory chief officer within the meaning of section 2(6) of the 1989 Act (a) (politically restricted posts);~~
- ~~(iii) — a non-statutory chief officer within the meaning of section 2 (7) of the 1989 Act~~
- ~~(iv) — a deputy chief officer within the meaning of section 2 (8) of the 1989 Act; or~~
- ~~(iv) — a person appointed in pursuance of section 9 of the 1989 act (b) (assistants for political groups).~~

~~Shall not be made by the appointor until~~

- ~~b) — 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;~~
- ~~c) — 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 Leader on behalf of the Cabinet to the proper officer; and~~
- ~~d) — either —~~
 - ~~(i) — the Leader has, within the period specified in the notice under subparagraph (c)(iii), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;~~
 - ~~(ii) — the Proper Officer has notified the appointor that no objection has been received by him within that period from the Leader; or~~
 - ~~(iii) — the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded~~

- 6.3 Appointment of an assistant to a political group under section 9 of the Act shall be made in accordance with the wishes of that group.
- 6.4 No appointment of an assistant to a political group under section 9 of the Local Government and Housing Act 1989 shall be made until the Council has allocated such a post to each of the political groups that qualify for one.
- 6.5 No post as an assistant to a political group under section 9 of the Local Government and Housing Act 1989 shall be made in respect of any party group which does not qualify for one under that Act.
- 6.6 Determination of qualification for posts under section 9 of the Local Government and Housing Act 1989 shall be the responsibility of the Monitoring Officer.
- 6.7 No more than one post as a political assistant shall be allocated to any one political group.~~5.3— Assistants to political groups (Appointment under section 9 of the Local Government and Housing Act 1989)~~

- ~~5.3.1 Appointment of an assistant to a political group under section 9 of the Local Government and Housing Act 1989 shall be made in accordance with the wishes of that group.~~
- ~~5.3.2 No appointment of an assistant to a political group under section 9 of the Local Government and Housing Act 1989 shall be made until the Council has allocated such a post to each of the political groups that qualify for one.~~
- ~~5.3.3 No post as an assistant to a political group under section 9 of the Local Government and Housing Act 1989 shall be made in respect of any party group which does not qualify for one under that Act.~~
- ~~5.3.4 Determination of qualification for posts under section 9 of the Local Government and Housing Act 1989 shall be the responsibility of the Head of Civic and Legal services.~~
- ~~5.3.5 No more than one post as a political assistant shall be allocated to any one political group.~~

6. Suspension

The ~~Head of Paid Service~~Chief Executive, the Chief Finance Officer, and the Monitoring 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 beginning on the day on which the suspension takes effect.

7. Disciplinary action

- 7.1 No disciplinary action to dismiss may be taken in respect of the ~~Head of Paid Service~~Chief Executive, the ~~Chief Finance Officer~~Director of Corporate Services (s. 151 officer) or the Monitoring Officer except after having taken into account any advice, views or recommendations of a ~~p~~PPanel, the conclusions of any investigation and any recommendations of the relevant officer i.e. as set out in the Local Authorities (Standing Orders) (England) (Amendment)

Regulations 2015.

7.2 **Involvement of Councillors.** Subject to paragraph 8.1 above in the case of the Monitoring Officer, Councillors will not be involved in the disciplinary action against any officer at or below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. ~~Councillors will not be involved in the disciplinary action against any officer at or below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.~~

8. Dismissal

8.1 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the Council's ~~Head of Paid Service~~Chief Executive, the Council must approve that dismissal before notice of dismissal is given to him/her.

8.2 Where a committee or a sub-committee if the Council is discharging, on behalf of the Council the function of the dismissal of any officer referred to in paragraph ~~5.2 A(i)-(iv)~~6.1 (a-f) or the Monitoring Officer -at least one member of the Cabinet must be a member of the committee or sub-committee.

8.3 Notice of the dismissal of an officer referred to in paragraph ~~5.2. A (i)-(iv)~~6.1 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 Cabinet ~~of the Council~~ 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 Leader on behalf of the Cabinet to the proper officer; and
- (c) either:
 - (i) the 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 Cabinet 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 Leader; or

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

8.4 Termination payments – for Chief Officers, termination payments are subject to approval by the Standards and General Purposes Committee and all severance packages over £100,000 shall be reported to full Council for approval. ~~Termination payments – for Chief Officers, termination payments are reported to the General Purposes Committee and the rationale for such termination arrangements for these matters are approved by members of the Council. All severance packages over £100,000 will be reported to full Council for approval.~~