

**PART 6 – PROCEDURE RULES (OTHER)
(SECTION 7 – OFFICER EMPLOYMENT)**

Part 6 is set out in eight sections as follows:

- Section 1** Decision Notices
- Section 2** Scrutiny
- Section 3** Budget and Policy Framework
- Section 4** Access to Information
- Section 5** Financial Rules
- Section 6** Standing Orders – Purchasing,
Procurement, Contracts and Disposals
- Section 7** Officer Employment
- Section 8** Corporate Complaints

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1.0 DEFINITIONS

1.1 In these Rules:-

“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

“member of staff” means a person appointed to or holding a paid office or employment under the Council

“proper officer” means the Chief Executive or his nominee and

“senior officer” means:-

- the officer designated as the head of the Council’s paid service,
- a statutory chief officer within the meaning of section 2(6) of the 1989 Act (Section 151 officer, etc.),
- a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act (Directors, etc.),
- a deputy chief officer within the meaning of section 2(8) of the 1989 Act (those reporting to Directors, etc.) and
- a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

2.0 GENERAL

2.1 Subject to Rules 2.2 and 2.3 and 5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the Chief Executive or by an officer pursuant to the officer scheme of delegation.

2.2 The Full Council will approve the appointment of the Chief Executive following the recommendation of such an appointment by a Committee of the Council. That Committee must include at least one Member of the Cabinet.

2.3 Recruitment and selection or termination of service of the Corporate Management Team will remain a function of Full Council, and of staff below that level will be delegated to the Chief Executive, Director or Group Head.

2.4 The Terms of Reference and number of Members to sit upon the Committees pursuant to Rules 2.2, 2.3, 6.2, 6.4 and 6.5 shall be determined by the Chief Executive and he shall then receive nominations to the Committee from the Political Group Leaders for Members to sit upon such Committees.

3.0 CABINET ROLE ON OFFICER APPOINTMENT

3.1 In this paragraph, “appointer” means, in relation to the appointment of a person as an officer of the Council, the Council or, where a Committee or officer is discharging the function of appointment on behalf of the Council, that Committee or officer, as the case may be.

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3.2 An offer of an appointment as a senior officer must not be made by the appointer until:

3.2.1 the appointer has notified the Chief Executive of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment,

3.2.2 the Chief Executive has notified every Member of the Cabinet of:-

- the name of the person to whom the appointer wishes to make the offer,
- any other particulars relevant to the appointment which the appointer has notified to the Chief Executive and
- 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 Chief Executive and

3.2.3 either:

- the Leader has, within the period specified in the notice under Rule 3.2.2, notified the appointer that neither he nor any other Member of the Cabinet has any objection to the making of the offer, or
- the proper officer has notified the appointer that no objection was received by him within that period from the Leader, or
- the appointer is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

4.0 CABINET ROLE ON DISMISSALS

4.1 In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the Council, the Council or, where a Committee or another officer is discharging the function of dismissal on behalf of the Council, that Committee or other officer, as the case may be.

4.2 Notice of the dismissal of a senior officer must not be given by the dismissor until:

4.2.1 the dismissor has notified the Chief Executive 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;

4.2.2 the Chief Executive has notified every Member of the Cabinet of:-

- the name of the person who the dismissor wishes to dismiss,
- any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive and
- 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

4.2.3 either:-

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- the Leader has, within the period specified in the notice under paragraph 4.2.2., notified the dismissor that neither he nor any other Member of the Cabinet has any objection to the dismissal,
- the Chief Executive has notified the dismissor that no objection was received by him within that period from the Leader or
- the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

5.0 APPEALS

Nothing in these Rules shall prevent a person from serving as a Member of any Committee or Panel established by the Council to consider an appeal by:

- another person against any decision relating to the appointment of that other person as a member of staff of the Council or
- a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

6.0 DISCIPLINARY ACTION

- 6.1 In Rule 6.2, “ Group Head of Corporate Support”, “Disciplinary Action”, “Head of the Council’s Paid Service” and “ Group Head of Council Advice 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.
- 6.2 No disciplinary action in respect of the Head of the Council’s Paid Service, its Group Head of Corporate Support or its Group Head of Council Advice and Monitoring Officer, except action described in paragraph 6.3, may be taken by the Council, or by a Committee, a Sub- Committee, a Joint Committee on which the Council is represented or any other person acting on behalf of the Council, 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) as amended from time-to-time.
- 6.3 The action mentioned in paragraph 6.2 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.
- 6.4 Where a Committee or Sub-Committee is discharging on behalf of the Council the function of dismissal of the Head of the Council’s Paid Service, the Council must approve the dismissal before notice of dismissal is given to him.
- 6.5 A Committee or Sub-Committee of the Council may only discharge on behalf of the Council the function of dismissal of an officer where:

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- it relates to a senior officer and
- it is permitted by the Council's adopted personnel procedures. The Committee or Sub-Committee must include at least one Member of the Cabinet.

7.0 RECRUITMENT AND APPOINTMENT GENERALLY

7.1 Declarations

7.1.1 The Council will include in the application for employment forms utilised by it a declaration as to whether any applicant is related to or the partner of any Councillor or officer of the Council.

7.1.2 No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

7.2 Seeking Support for Appointment

7.2.1 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.

7.2.2 No Councillor will seek support for any person for any appointment with the Council.

8.0 RECRUITMENT OF HEAD OF PAID SERVICE AND DIRECTORS/ GROUP HEADS

Where the Council proposes to appoint a Director or Group Head and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

8.1 Draw up a statement specifying:

the duties of the officer concerned; and

any qualifications or qualities to be sought in the person to be appointed;

8.2 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

8.3 make arrangements for a copy of the statement mentioned in paragraph 8.1 to be sent to any person on request.