

OFFICER EMPLOYMENT PROCEDURE RULES**1.0 RECRUITMENT AND APPOINTMENT****1.1 Declarations**

- (a) 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. A candidate who fails to declare such relationship will be **automatically** disqualified from such appointment **without notice with immediate effect**.
- (b) 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 **for that purpose**.
- (c) Every Member and senior officer of the Council shall disclose to the relevant Director any relationship known to that person to exist with a candidate for any appointment. It shall be the duty of the relevant Director to report to the Council or to the appropriate Committee or Sub-Committee including any Member or officer to whom power has been delegated to make an appointment, any such disclosure made by a candidate, Member, or senior officer.
- (d) Directors shall record in a book to be kept for the purpose particulars of such disclosure made under this Rule.
- (e) Where relationship to a Member of the Council is disclosed, that Member shall withdraw from the meeting while the appointment is under consideration.

1.2 Seeking support for appointment

- (a) 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) No Councillor will seek support for any person for any appointment with the Council.

1.3 Non-discriminatory practices Equal Opportunities

The Council will **conduct not unlawfully discriminate in** the recruitment and appointment of officers **in accordance with non-discriminatory practices and all appointments shall be made on merit**.

2.0 RECRUITMENT OF HEAD OF PAID SERVICE AND DIRECTORS

2.1 Where the Council proposes to appoint a **Head of Paid Service or a Director** ~~and it is not proposed that the appointment be made exclusively from among their existing officers;~~¹ 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 for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph ~~(4a)~~ to be sent to any person on request.

2.2 Where a post has been advertised as provided in Rule 2.1, the authority shall:-

- (a) interview all qualified applicants for the post, or
- (b) select a ~~short list~~shortlist of such qualified applicants and interview those included on the ~~short list~~shortlist.

2.3 Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with Rule 2.1(b).

3.0 APPOINTMENT OF HEAD OF PAID SERVICE

3.1 ~~The full Council will approve the appointment of the~~ Following a recommendation of the Employment Committee that a particular candidate should be appointed to the post of Head of Paid Service ~~following, the recommendation of such an~~

¹ "Directors" for the purpose of paragraph 4.1 and "Director" for the purposes of paragraphs 2.1, 4.2 to 4.2.5 and 7.3 and 7.4 shall mean any officer(s) referred to in sub-paragraph (b), (c), or (d) of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001, namely:

- the Deputy Chief Executive, those named as Directors in the Council structure and any other officers who are required to report directly to, or who are directly accountable to, the Chief Executive in relation to most or all of the duties of their posts; and
- any officer who is required to report directly to, or is directly accountable to, any officer included within the immediately preceding paragraph in relation to all or most of the duties of their post.

~~appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one Member~~ Proper Officer shall notify every member of the Executive of the following:

- 3.1.1 The name of the person to whom the Employment Committee recommends that the post be offered;
 - 3.1.2 Any other particulars relevant to the appointment which the Employment Committee has notified to the Proper Officer²;
 - 3.1.3 The period within which any objection to the making of the offer is to be notified to the Proper Officer. The standard period will be 3 working days, but may be shortened by the Chair of the Employment Committee where necessary for the proper discharge of the Authority's functions, subject to a minimum period of 24 hours.
- 3.2 The full Council may only make ~~or approve the~~ an offer of appointment ~~to the post of Head of Paid Service where no well-founded objection has been made to the person recommended by any~~ the Employment Committee provided that:
- 3.2.1 The Proper Officer has, within the period specified in the notice under paragraph 3.1.3, notified the full Council that each member of the Executive ~~has stated that they do not have any objection to the making of the offer; or~~
 - 3.2.2 The Proper Officer has notified the full Council that no objection was received by him from any member of the Executive within the specified period; or
 - 3.2.3 The full Council is satisfied that any objection which has been received from any member of the Executive within the specified period is not material and/or is not well-founded or does not outweigh the other factors taken into consideration by the Employment Committee³.

4.0 APPOINTMENT OF DIRECTORS

² It will be a matter for the Employment Committee to determine in each case what particulars are relevant for these purposes, for example: the identity of the proposed appointee's latest two employers/host organisations, the posts or offices held and the duration of employment/office holding in each case.

³ It will be a matter for the full Council to determine in each case whether any particular objection is material and/or well-founded, having regard to the relevance of any such objection to the suitability of the particular candidate for that particular role, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.

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- 4.1 ~~A committee or sub-committee of the Council~~The Employment Committee will appoint Directors⁴. ~~That committee or sub-committee must include at least one member of the Executive.~~
- 4.2 ~~An~~Before the Employment Committee makes an offer of employment ~~as a~~ appointment to the post of Director, the Proper Officer shall ~~only be made where no well-founded~~ notify every member of the Executive of the following:
- 4.2.1 The name of the person to whom the Employment Committee intends to offer the post;
- 4.2.2 Any other particulars relevant to the appointment which the Employment Committee has notified to the Proper Officer⁵;
- 4.2.3 The period within which any objection to the making of the offer is to be notified to the Proper Officer. The standard period will be 3 working days, but may be shortened by the Chair of the Employment Committee where necessary for the proper discharge of the Authority's functions, subject to a minimum period of 24 hours.
- 4.2.4 The Employment Committee may only make the offer of appointment provided that:
- 4.2.5 The Proper Officer has, within the period specified in the notice under paragraph 4.2.3, notified the Employment Committee that each member of the Executive has stated that they do not have any objection to the making of the offer; or
- 4.2.6 The Proper Officer has notified the Employment Committee that no objection was received by him from any member of the Executive within the specified period; or
- 4.2.7 The Employment Committee is satisfied that any objection which has been received~~-~~ from any member of the Executive within the specified period is not material and/or is not well-founded or does not outweigh the other factors taken into consideration by the Employment Committee⁶.

~~⁴ Director is defined as those officers named in Part 3 Section 2C and Part 3 Section 3E of the Constitution or those officers otherwise identified at the discretion of the Head of Paid Service'.~~

~~⁵ It will be a matter for the Employment Committee to determine in each case what particulars are relevant for these purposes, for example: the proposed appointee's latest two employers/host organisations, the posts or offices held and the duration of employment/office holding in each case.~~

~~⁶ It will be a matter for the Employment Committee to determine in each case whether any particular objection is material and/or well-founded, having regard to the relevance of any such objection to the suitability of the particular candidate for that particular role, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.~~

5.0 OTHER APPOINTMENTS

- 5.1 **Officers below Director.** Appointment of officers below Directors (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.
- 5.2 **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6.0 DISCIPLINARY ACTION

- 6.1 **Suspension.** The Head of Paid Service, 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.~~

~~6.2 **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.⁷~~

~~6.36.2 Councillors will not be involved in the disciplinary ~~action against~~process in respect of any officer below Director level 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.~~~~

7.0 DISMISSAL AND OTHER DISCIPLINARY ACTION

- 7.1 Councillors will not be involved in the dismissal of any officer below Director 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 dismissals.~~

7.2 ~~Head of paid service.~~ ~~Where a committee or sub-committee is discharging the function of dismissal of the~~ **The Head of Paid Service, the authority must approve Chief Finance Officer and Monitoring Officer**

- 7.2.1 Subject to the provisions of paragraph 7.4, the Employment Committee may take disciplinary action short of dismissal or recommend to full Council that the Head of

⁷~~Local Authorities (Standing Orders) (England) Regulations 2001.~~

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Paid Service, Chief Finance Officer or Monitoring Officer be dismissed. Only full council can approve the dismissal ~~before notice of dismissal is given.~~

~~7.3 of the Head of Paid Service and Directors Where a committee or sub-committee is discharging the function,~~ the Chief Finance Officer or the Monitoring Officer (referred to below in each case as “the relevant officer”).

7.2.2 Before taking a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular-

- (a) any advice, views or recommendations of an independent panel⁸.
- (b) the conclusions of any investigation into the proposed dismissal ~~of any of these officers;~~ and
- (c) any representations from the relevant officer.

7.2.3 The independent panel referred to must be appointed by the authority at least ~~one~~20 days before the relevant meeting and should comprise a minimum of two independent panel members

7.3 Directors

7.3.1 Subject to paragraph 7.4 and (in the case of the Chief Finance Officer and the Monitoring Officer) paragraphs 7.2.1 to 7.2.3, the Employment Committee may dismiss or take disciplinary action short of dismissal in respect of Directors.

7.4 Notice of dismissal of a Director (falling within the definition under footnote 1 above) must not be given until the Proper Officer has notified every member of the Executive ~~must be aof~~ the following:

7.4.1 the name of the person who the Employment Committee proposes to dismiss;

7.4.2 any other particulars relevant to the dismissal⁹; and

7.4.3 the period within which any objection to the dismissal is to be made by any member ~~of~~ of the Executive to the Proper Officer; and either:

7.4.4 the Proper Officer has within the specified period notified the Employment Committee ~~that committee or sub-committee~~ each member of the Executive has stated that they do not have any objection to the dismissal; or

⁸ Appointed under s.102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

⁹ It will be a matter for the Employment Committee to determine in each case what particulars are relevant for these purposes.

- 7.4.5 the Proper Officer has notified the Employment Committee that no objection was received by him within the specified period from any member of the Executive; or
- 7.4.6 the Employment Committee is satisfied that any objection received is not material and/or is not well-founded¹⁰.

8.0 POLITICAL ASSISTANTS

- 8.1 Not more than one political assistant's post shall be allocated by the Council, from time to time, to each of the qualifying political groups into which the Council is divided
- 8.2 No appointment to a political assistant's post shall be made until the Council has allocated such a post to each qualifying political group.
- 8.3 For the purpose of this Rule, a "qualifying political group" means a political group which qualifies for the allocation to it of a political assistant's post in accordance with sub-sections 6 and 7 of Section -9 of the Local Government and Housing Act 1989.

9.0 POLITICAL RESTRICTIONS ON COUNCIL EMPLOYEES

- 9.1 All persons exercising powers of appointment, shall do so only in accordance with the legislative provisions restricting political activity as detailed in the Local Government Act 1972 and the Local Government and Housing Act 1989.
- 9.2 The Head of Paid Service will, in accordance with the Local Government and Housing Act 1989 and if requested to do so, determine whether to grant or revoke exemptions to posts from inclusion on the list of politically restricted posts maintained by the Council. In carrying out these functions, the Head of Paid Service will consult the Monitoring Officer.
- 9.3 Directors have a duty to apply to the Head of Paid Service to revoke any exemption to inclusion on the list of politically restricted posts, for a post within their service area, where the duties of that post have substantially changed and/or where the Director believes that the exemption is no longer appropriate.
- 9.4 The Chief Officer (Human Resources) will maintain a list of all politically restricted posts within the Council. Directors have a duty to inform the Chief Officer (Human Resources) of any **post** within their structures which ~~service areas which~~ should be

¹⁰ It will be a matter for the Employment Committee to determine in each case whether any particular objection is material and/or well-founded, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.

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included on the list of politically restricted posts under the Local Government and Housing Act 1989.