

## **OFFICER EMPLOYMENT PROCEDURE RULES**

### **1.0 Recruitment and Appointment**

#### **a) Declarations**

1. 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, step-child, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor, the Mayor or Officer of the Council, or of the partner of such persons.
2. No candidate so related to a Councillor, the Mayor 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**

1. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or the Mayor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
2. No Councillor or the Mayor will seek support for any person for any appointment within the Council.

### **2.0 Recruitment of Head of Paid Service 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
  - ii) Any qualifications or qualities to be sought from 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.

### **3.0 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 committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Executive.
- b) i) The committee or sub-committee must not make a recommendation to Council or make an offer of appointment subject to approval of full Council until it has notified the Monitoring Officer of the name of the

person to whom the committee or sub-committee wishes to make the offer and any other particulars which the committee or sub-committee considers are relevant to the appointment until

- ii) the Monitoring Officer has notified every member of the Executive of:
  - the name of the person to whom the committee or sub-committee wishes to make the offer
  - any other particulars relevant to the appointment which the committee or sub-committee had notified to him/her
  - that the Mayor on behalf of the Executive has 3 working days within which to notify the Monitoring Officer that he/she has an objection to the making of the offer to appoint

and either:

- iii) the Mayor has within 3 working days notified the Monitoring Officer that the Executive has no objection to the making of the offer
- iv) the Monitoring Officer notifies the committee or sub-committee that no objections were received from the Mayor within 3 working days

or

- v) the committee or sub-committee is satisfied that any objection received from the Mayor within 3 working days is not material or is not well founded.

#### 4.0 **Appointment of Chief Officers**

- a) A committee or sub-committee of the Council will appoint Chief Officers . That committee or sub-committee must include at least one member of the Executive.
- b) i) The committee or sub-committee must not make a recommendation to Council or make an offer of appointment subject to approval of full Council until it has notified the Monitoring Officer of the name of the person to whom the committee or sub-committee wishes to make the offer and any other particulars which the committee or sub-committee considers are relevant to the appointment until
  - ii) the Monitoring Officer has notified every member of the Executive of:
    - the name of the person to whom the committee or sub-committee wishes to make the offer
    - any other particulars relevant to the appointment which the committee or sub-committee had notified to him/her
    - that the Mayor on behalf of the Executive has 3 working days within which to notify the Monitoring Officer that he/she has an objection to the making of the offer to appoint

and either:

- iii) the Mayor has within 3 working days notified the Monitoring Officer that the Executive has no objection to the making of the offer

iv) the Monitoring Officer notifies the committee or sub-committee that no objections were received from the Mayor within 3 working days

or

v) the committee or sub-committee is satisfied that any objection received from the Mayor within 3 working days is not material or is not well founded.

## 5.0 **Other Appointments**

### a) **Officers below Chief Officer**

Appointment of Officers 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, and may not be made by Councillors.

### b) **Assistants to Political Groups**

Appointment to an Assistant to a Political Group shall be made in accordance with the wishes of that Political Group.

### c) **Assistant to the Mayor**

An Assistant to the Mayor may only be appointed by the Mayor.

## 6.0 **Disciplinary Action**

### a) **Suspension**

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended while an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than 2 months.

### b) **Committee**

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may not be dismissed unless the procedure set out below is complied with:.

- c) The Council must invite independent persons to be considered for appointment to the committee with a view to appointing at least 2 such persons.
- d) Independent persons for these purposes are those persons either appointed by the Council or another Council under section 28(7) of the Localism Act 2011
- e) In the event of a number of applications the independent persons will be accepted in the following priority order;
  - i) a independent person who has been appointed by the Council and who is a local government elector in the Council's area
  - ii) any other independent person who has been appointed by the Council

- iii) an independent person who has been appointed by another authority of authorities.
- f) The Council is not required to appoint more than two independent persons but may do so.
- g) The Council must appoint any committee at least 20 working days before the Full Council meeting to consider whether or not to approve a proposal to dismiss either the Head of Paid Service, Monitoring Officer or Chief Finance Officer
- h) Before taking a vote at a full Council meeting convened to consider whether or not to approve the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer 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; and
  - c) any representation from the officer subject to the dismissal.

## 7.0 **Dismissal**

Councillors will not be involved in the dismissal of any Officer below Chief Officer, except where involvement is necessary for any investigation or enquiry 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 dismissal.

## 8.0 **Dismissal of Chief Officers**

- 8.1 Where a committee or sub-committee of the Council is established to consider the dismissal of a Chief Officer (other than the Head of Paid Service, Monitoring Officer or Chief Finance Officer) that committee or sub-committee must include at least one member of the Executive.
- 8.2 Any committee, sub-committee or officer exercising delegated powers in relation to the dismissal such a Chief Officer must not give notice of dismissal until:
  - i) the committee, sub-committee or officer has notified the Monitoring Officer, of the name of the person proposed to be dismissed and any other particulars it/he/she considers are relevant to the dismissal.
  - ii) the Monitoring Officer has notified every member of the Executive of that person's name and the particulars relevant to the dismissal that the Mayor on behalf of the Executive has 3 working days within which to notify him/her of any objection to the dismissal.

and either:

- iii) the Mayor notifies the Monitoring Officer within 3 working days that the Executive has no objections to the dismissal, or
- iv) no objections are received by the Monitoring Officer from the Mayor within 3 working days, or

- v) the committee, sub-committee or officer considering the dismissal is satisfied that the Mayor's objection if received within 3 working days is not material or is not well founded.