

OFFICER EMPLOYMENT PROCEDURE RULES

I. DEFINITIONS

For the purposes of interpreting these rules the following definitions apply:

“Chief Officer” includes the following as defined by Section 2(6)–(7) of the Local Government and Housing Act 1989 (“the 1989 Act”); the Chief Executive and the Chief Financial Officer (statutory chief officers) and the remaining Strategic Directors (non-statutory chief officers) where “non-statutory chief officer” is defined as a person for whom the head of the authority’s paid service is directly responsible, and who in respect of all or most of his or her duties is required to report directly or is directly accountable to the head of paid service, and who in respect of all or most of his or her duties is required to report directly or is directly accountable to the authority, or a committee or sub-committee of the authority;

“Deputy Chief Officer” as defined by section 2(8) of the 1989 Act means any person who is required to report directly or is directly accountable to a Chief Officer, as defined above, in respect of all or most of his or her duties.

Both the above definitions exclude persons whose duties are solely clerical, secretarial or are otherwise in the nature of support services.

A list of the post titles of the Council’s Chief Officers is set out at the end of these Rules.

2. RECRUITMENT AND APPOINTMENT

2.1 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 disqualified from such appointment without notice.
- b) 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.
- c) Every Member and senior officer of the Council shall disclose to the Chief Executive or relevant Chief Officer any relationship known to that person to exist with a candidate for any appointment. It shall be the duty of the Chief Executive or relevant Chief Officer to report to the Council or to the

Personnel Committee or 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) The Chief Executive or relevant Chief Officers shall keep a record 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.

2.2 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.

3. RECRUITMENT OF CHIEF OFFICERS

3.1 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 appropriate 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 (a) to be sent to any person on request.

3.2 Where a post has been advertised as provided in Rule 3.1, the authority shall:

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

- 3.3 Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with Rule 3.1(b).

4. APPOINTMENT OF HEAD OF PAID SERVICE

- 4.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of a panel appointed by the Personnel Committee. The panel must include at least one member of the Cabinet.
- 4.2 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 Cabinet.

5. APPOINTMENT OF CHIEF OFFICERS

- 5.1 A panel appointed by the Personnel Committee and comprising at least one member of the Cabinet will make permanent appointments to Chief Officer posts.
- 5.2 An offer of employment as a Chief Officer shall only be made if no well-founded objection to such offer has been received from any member of the Cabinet.

6. OTHER APPOINTMENTS

- 6.1 **DEPUTY CHIEF OFFICERS** - Appointment of Deputy Chief Officers will be the responsibility of the head of paid service or his/her nominee and will be made in accordance with the appointments and promotion policy. The appointing panel may include one member of the Cabinet.

An offer of employment shall only be made when no well-founded objection to such offer has been received from any member of the Cabinet. The process for doing so will follow that in Rule 7 below, adapted as appropriate. In particular if an objection is received from a member of the Cabinet, the head of paid service will consider the objection.

- 6.2 **OFFICERS BELOW DEPUTY CHIEF OFFICER** - Appointment of officers below Deputy Chief Officer (other than assistants to political groups) will be the responsibility of the head of paid service or his/her nominee.

7. PROCEDURE FOR THE APPOINTMENT OF CHIEF OFFICERS

- 7.1 The following process will apply after the panel appointed by the Personnel Committee has interviewed all short-listed candidates:

- (a) if the panel agree on a candidate suitable for the post, they will indicate their provisional intention to make an offer to the Chief Executive;
- (b) the panel will tell the Chief Executive the name of the candidate to whom they wish to make an offer together with any relevant particulars which the panel considers relevant in making the appointment;
- (c) the Chief Executive will notify each member of Cabinet within twenty four hours of:
 - (i) the name of the person to whom the panel wish to make an offer;
 - (ii) any other particulars relevant to the appointment notified by the panel;
 - (iii) the period within which any objection to the making of the offer is to be made by any member of Cabinet.
- (d) the period of objection will be two working days. If the period of objection is to be shortened, then notification will be by telephone and e-mail.
- (e) if the Chief Executive notifies the panel that no objection has been received from Cabinet members within the objection period the provisional intention to make an offer will become a firm offer and, subject to Rule 4, the offer will be made without the need for the panel to re-convene.
- (f) if an objection is received from a member of Cabinet, the panel will re-convene to consider the objection. If the panel is satisfied that any objection received from Cabinet is not material or is not well-founded, they will confirm their decision and, subject to Rule 4, a formal offer will be made.

8. APPOINTMENT OF ASSISTANTS TO POLITICAL GROUPS

8.1 Appointment of an assistant to a political group shall be made in accordance with the following rules:

- (a) no appointment to a post of assistant to a political group shall be made unless the Council shall have resolved to allocate a post of political assistant to each of the political groups of the Council which qualify for one;
- (b) no allocation of a post as assistant to a political group shall be made to a political group which does not qualify for one;

- (c) not more than one post of assistant to a political group shall be allocated to any one political group;
- (d) any decision required to be taken in the appointment process shall be taken by the Chief Executive or his or her nominee after consultation with the Leader of the Party (or his or her nominee) to which the post is allocated who shall be entitled to attend any interviews relating to the appointment.

9. DISCIPLINARY ACTION

- 9.1 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Financial 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.
- 9.2 **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.¹
- 9.3 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, although 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.

10. DISMISSAL

- 10.1 Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although 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.
- 10.2 **Head of Paid Service.** The full Council must approve the dismissal of the Head of Paid Service, following the recommendation of a panel appointed by the Personnel Committee, before any notice of dismissal is given. The panel must include at least one member of the Cabinet.
- 10.3 **Chief Officers and Deputy Chief Officers.** Where a committee, sub-committee or panel is discharging the function of dismissal of any of these officers, at least one member of the Cabinet must be a member of that committee, sub-committee or panel.

¹ Local Authorities (Standing Orders) (England) Regulations 2001.

- 10.4 Notice of dismissal to a Chief Officer or Deputy chief officer shall only be made where no well founded objection from any member of the Cabinet has been received.

LIST OF CHIEF OFFICER POSTS

Chief Executive (Head of Paid Service)

Strategic Director of Community Wellbeing

Strategic Director of Corporate Services (Chief Financial Officer)

Strategic Director of Housing, Planning & Regeneration and Regulatory Services