

Officer Employment Procedure Rules

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, aunt, nephew or niece of an existing Member or officer of the Council; or of the partner of such persons.

• No candidate so related to a Member 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

• Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

• Subject to paragraph (iii), no Member will seek support for any person for any appointment with the Council.

• Nothing in paragraphs (i) and (ii) preclude a Member from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service and Members of the Corporate Leadership Team

2.1 Where the Council proposes to appoint a member of the Corporate Leadership Team 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:

• the duties of the officer concerned; and

• 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.

3. APPOINTMENT OF STATUTORY OFFICERS (CHIEF EXECUTIVE, MONITORING OFFICER AND S151 OFFICER)

(a) The Council will approve the appointment of Statutory Officers following the recommendation of such an appointment by the Appointment Committee of the Council. That committee must include at least one member of the Executive

(b) The Council may only make or approve the appointment of Statutory Officers where no material or well-founded objection has been made by any member of the Executive.

4. Appointment Of members of the Corporate Leadership Team

- > The Appointment Committee of the Council will appoint Chief Officers to any posts within the Corporate Leadership Team (salary level W10 and below). That Committee must include at least one member of the Executive. All other senior officers will be appointed by members of the Corporate Leadership Team on behalf of the Head of Paid Service.
- > An offer of employment as a member of the Corporate Leadership Team shall only be made where no well-founded objection from any member of the Executive has been received.

5. Other Appointments

- > Officers below the Corporate Leadership Team. Appointment of officers to positions below the Corporate Leadership Team (W10 or above) (other than any assistants to political groups) is the responsibility of the Head of Paid service and his/her nominee, and may not be made by Members.

(b) Assistants to political groups. Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. DISCIPLINARY ACTION

The Council will follow the Model Discipline Procedure and Guidance for dealing with matters of discipline, capability, redundancy and other dismissals against the Chief Executive, as specified in the latest edition of the Chief Executives of Local Authorities Handbook and any subsequent updates. This procedure will also be used as the framework for dealing with matters of discipline against other statutory officers within the Council.

7. EQUAL OPPORTUNITIES

The Council will publish and follow Equal Opportunities policies in relation to the recruitment of all staff.

4.0 RELATIVES OF MEMBERS OR OFFICERS

4.1

~~Every member, and every member of the Corporate Leadership Team (CLT), of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Council. The Chief Executive shall make disclosures to the Monitoring Officer. The Chief Executive/Monitoring Officer (as the case may be) shall report any disclosure to the Executive.~~

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4.2

~~For the purpose of this Rule persons shall be deemed to be related if they are husband, wife (and where a person is one of an unmarried couple, the other member of that couple), mother, father, son, daughter, grandson, granddaughter, brother, sister, nephew, niece of the member of the CLT (or his or her spouse).~~

4.31.1

~~or the purposes of these Rules the CLT of the Council shall be the Chief Executive, the Monitoring Officer (Director of Legal and Democratic Services), the Chief Finance Officer (Director of Finance), Director of Housing, Director of Neighbourhood Services and Director of Planning or such other composition as the Council may from time to time determine.~~

2.0 APPOINTMENT OF STAFF

~~2.1 anavassing of members of the Council or of any officer of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate for such appointment. The existence of this Rule shall be included in every advertisement inviting applications for appointments or in the form of application.~~ C

~~2.2 here there are more than two persons nominated and seconded for appointment as a member of the Council's staff (in cases to which Rule 2.4 applies) and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.~~ W

~~2.3 here there are more than two persons nominated and seconded for any other position to be filled by the Council, the names of the nominees shall be put to the Council and a count taken of the votes in favour of each and the person (or in the case of several vacancies on the same body the equivalent number of persons) for whom the highest number of votes is given shall be declared to have been appointed.~~ W

~~2.4 he appointment of the Head of Paid Service or any member of the CLT shall be made by the Council and shall comply with Rules 2.10-2.11 below.~~ T

~~2.5 he appointment of Senior Officers shall be made by a member of the CLT acting as the nominee of the Head of Paid Service.~~ T

~~2.6 he appointment of officers to posts graded below Senior Officer shall be made by the Senior Officer (or his or her nominee) acting as the nominee of the Head of Paid Services.~~ T

~~2.7 t shall be a matter for Council or the person making a staff appointment whether the appointment is to be by promotion or transfer, or following public advertisement but regard shall be had to the need to secure the best possible appointment in the circumstances of the case.~~ I

~~2.8 ll appointments shall be conditional on the disclosure in writing of any relationship known to the person to be appointed between himself/herself and any member of the CLT or member of the Council. For the purpose of this Rule 'relationship' has the same meaning as in Rule 1. All such disclosures shall be reported by the Chief Executive to the Executive.~~ A

~~2.9 o officer shall appoint a person as a member of the Council's staff where a relationship between them (as defined in Rule 1) exists. Where an officer intending to make an appointment first becomes aware that a candidate for appointment is a relative as defined, he/she shall report that fact to the Chief Executive.~~ N

Appointment of CLT

~~2.10 Where the Council proposes to appoint a member of the CLT and it is not proposed that the appointment be made exclusively from among its existing officers, the Chief Executive (or, in the case of the appointment of the Chief Executive, the Executive) shall:~~

~~(a) draw up a statement specifying:~~

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- ~~(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.~~

~~2.11 (1) — Where a post has been advertised as provided in Rule 2.10 above, the Executive or an Appointments Panel established for the purpose shall:~~

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

~~(2) — Where no qualified person has applied, the Chief Executive or the Executive shall make further arrangements for advertisement in accordance with Rule 2.10.~~

Appointments and Dismissals — Executive Consultation

~~2.12 — The following provisions for Executive consultation apply to appointments and dismissals of the Head of Paid Service or a member of the CLT.~~

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~~2.13 — “Appointor” means, for the purposes of the following paragraph, 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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~~2.14 — An offer of an appointment must not be made by the appointor until:~~

- ~~(a) — 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;~~
- ~~(b) — the Proper Officer has notified every member of the Executive 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 of two working days within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Executive to the Proper Officer; and~~~~

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~~(c) — either:~~

- ~~(i) — the Leader of the Council has, within the specified period, notified the appointor that neither he/she nor any other member of the Executive has any objection to the making of the offer;~~
- ~~(ii) — the Proper Officer has notified the appointor that no objection was received by him/her within the specified period from the Leader of the Council; or~~
- ~~(iii) — the appointor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.~~

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~~2.15 — “Dismissor” means, for the purposes of the following paragraph, in relation to the~~

~~dismissal of a person as an officer of the Council, the Council or, where a committee or officer is discharging the function of dismissal on behalf of the Council, that committee or officer, as the case may be.~~

~~2.16~~ ~~N~~

~~notice of dismissal 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 Executive 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 of two working days within which any objection is to be made by the Leader of the Council on behalf of the Executive to the Proper Officer; and~~

~~(c) either:~~

~~(i) the Leader of the Council has within the specified period notified the dismissor that neither he/she nor any member of the Executive has any objection to the dismissal;~~

~~(ii) the Proper Officer has notified the dismissor that no objection was received by him/her within the specified period from the Leader of the Council; or~~

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

~~2.17~~ ~~T~~

~~the dismissal of a Statutory Officer (Head of Paid Service, Chief Finance Officer/Section 151 Officer and Monitoring Officer), or other member of the CLT, shall be made by the Council, and shall comply with Rule 3 below.~~

~~3.0 DISCIPLINARY ACTION~~

~~3.1~~ ~~E~~

~~except for action described in Rule 3.2 below, any disciplinary action (within the meaning of regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) against the Head of Paid Service, Monitoring Officer, Chief Finance Officer/Section 151 Officer or other member of CLT shall be approved by the Council.~~

~~3.2~~ ~~T~~

~~the action mentioned in Rule 3.1 above is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.~~

~~3.3~~ ~~A~~

~~any dismissal of the Head of Paid Service, Monitoring Officer, Chief Finance Officer/Section 151 Officer must comply with the requirements of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001, as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("Schedule 3 to the Regulations"), a copy of which is appended to these Rules.~~

~~3.4~~ ~~ny member of the CLT who is not a Statutory Officer shall be deemed to be a "relevant officer" for the purposes of Schedule 3 to the Regulations, and subject to the provisions of Rule 3.3 above.~~ A

4.02.0 INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

(Local Government Act 1972 - Section 117)

~~4.12.1~~ In addition to his/her duty under section 117 of the 1972 Act, if it comes to the knowledge of any officer of the Council that he/she has a disclosable personal interest in any contract which has been, or is proposed to be, entered into by the Council, or in some other matter which is to be considered by the Council or any Committee, and which (in either case) is not: I

- (a) the contract of employment (if any) under which he/she serves the Council; or
- (b) the tenancy of a dwelling provided by the Council.

he/she shall as soon as practicable give notice in writing to the Director of Legal and Democratic Services of the fact that he/she is interested therein.

~~4.22.2~~ or the purposes of this Rule, a disclosable personal interest is F

- (a) an interest that, if the officer were a member of the Council, and if the contract or other matter were to be considered at a meeting of the Council at which he/she were present, he/she would have to disclose under section 94 of the 1972 Act, as a pecuniary interest, and
- (b) an interest of a type that if the officer were a member of the Council, he/she would have to disclose under the Members' Code of Conduct, whether the contract or other matter is to be considered at a Council or Committee meeting or not.

~~4.32.3~~ The Director of Legal and Democratic Services shall record in a book or electronic record to be kept for the purpose particulars of any notice of a personal interest given by an officer of the Council under section 117 of the 1972 Act or Rule 84.1. The book or electronic record shall, during the ordinary office hours of the Council, be open for inspection by any member of the Council. T

~~4.42.4~~ Where an officer submits a report to a meeting of a matter in which he/she has declared an interest under section 117 of the 1972 Act or Rule 84.1 he/she shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report. W

~~4.52.5~~ Where any officer advises orally a meeting of the Council or a Committee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of section 117 of the 1972 Act, or Rule 84.1, he/she shall remind the meeting orally of that interest. W

