

# Part 15

## OFFICER EMPLOYMENT PROCEDURE RULES

### Appointment of staff

1. In this part:
  - "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;
  - "executive" and "leader" have the same meaning as in Part II of the 2000 Act;
  - "member of staff" means a person appointed to or holding a paid office or employment under the council; and
  - "director of resources" means an officer appointed by the council for the purposes of the provisions in this part.
2. Subject to paragraphs three and seven, 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 head of paid service or by an officer nominated by him.
3. Paragraph two shall not apply to the appointment or dismissal of, or disciplinary action against:
  - (a) the head of the council's paid service;
  - (b) statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
  - (c) non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
  - (d) deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
  - (e) person appointed in pursuance of section nine of the 1989 Act (assistants for political groups).
4.
  - (1) Where a committee, sub-committee or officer is discharging, on behalf of the council, the function of the appointment or dismissal of the head of paid service, the council must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.
  - (2) Where a committee or a sub-committee of the council is discharging, on behalf of the council, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at

least one member of the executive must be a member of that committee or sub-committee.

5. (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, sub-committee or officer is discharging the function of appointment on behalf of the council, that committee, sub-committee or officer, as the case may be.
  - (2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointer until:
    - (a) the appointer has notified the director of resources 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;
    - (b) the director of resources has notified every member of the executive of the council of:
      - (i) the name of the person to whom the appointer wishes to make the offer;
      - (ii) any other particulars relevant to the appointment which the appointer has notified to the director of resources; and
      - (iii) the period within which any objection to the making of the offer is to be made by the leader on behalf of the executive to the director of resources; and
    - (c) either:
      - (i) the leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointer that neither he nor any other member of the executive has any objection to the making of the offer;
      - (ii) the director of resources has notified the appointer that no objection was received by him within that period from the leader; or
      - (iii) the appointer is satisfied that any objection received from the leader within that period is not material or is not well-founded.
6. (1) In this paragraph, "dismitter" means, in relation to the dismissal of an officer of the council, the council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the council, that committee, sub-committee or other officer, as the case may be.
- (2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismitter until:
  - (a) the dismitter has notified the director of resources of the name of the person who the dismitter wishes to dismiss and any other particulars which the dismitter considers are relevant to the dismissal;

- (b) the director of resources has notified every member of the executive of the council of -
    - (i) the name of the person who the dismisser wishes to dismiss;
    - (ii) any other particulars relevant to the dismissal which the dismisser has notified to the director of resources; and
    - (iii) the period within which any objection to the dismissal is to be made by the leader on behalf of the executive to the; and
  - (c) either -
    - (i) the leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismisser that neither he nor any other member of the executive has any objection to the dismissal;
    - (ii) the director of resources has notified the dismisser that no objection was received by him within that period from the leader; or
    - (iii) the dismisser is satisfied that any objection received from the leader within that period is not material or is not well-founded.
7. Nothing in paragraph two shall prevent a person from serving as a member of any committee or sub-committee established by the council to consider an appeal by:
    - (a) another person against any decision relating to the appointment of that other person as a member of staff of the council; or
    - (b) a member of staff of the council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
  8. In paragraph nine, "chief finance officer", "council manager", "disciplinary action", "head of the authority's paid service" and "monitoring officer", have the same meaning as in regulation two of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation seven of those regulations.
  9. No disciplinary action in respect of the head of paid service, the monitoring officer or the chief finance officer, except action described in paragraph 10, may be taken by the authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation seven of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
  10. The action mentioned in paragraph nine 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.

11. Where the council proposes to appoint an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph three 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 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 make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

### **Declarations**

12. 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.
13. 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.

### **Seeking support for appointment**

14. Subject to paragraph 16, 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.
15. Subject to paragraph 16, no councillor will seek support for any person for any appointment with the council.
16. Nothing in paragraphs 14 and 15 above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.