

### 1. Recruitment and appointment

Subject to paragraph 2, 3, 4, 5, 6 and 7 below the appointment and dismissal of, and taking any disciplinary action against, a member of staff of the Council must be discharged by or on behalf of the authority by the Head of Paid Service or an officer nominated by him or her.

(a) Declarations to be provided with applications for employment

- (i) 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, officer of the Council or of the partner of such persons.
- (ii) 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.

(b) Seeking support for appointment

- (i) Subject to paragraph (iii), 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.
- (ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

### 2. Recruitment of head of paid service and chief officers (as defined from time to time by the Council)

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 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 (1) to be sent to any person on request.

### 3. 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 cabinet.
- (b) An offer of employment as head of paid service shall only be made where each member of the Cabinet has been given notice of the person to whom it is proposed to make an offer together with any other particulars that are relevant and during the period provided for objection either
  - (i) no objection from any Member of the Cabinet has been received;
  - (ii) the Leader confirms that no Member of the Cabinet has any objection; or
  - (iii) the Council is satisfied that any objection is not well founded.
- (c) Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as the head of the Council's paid service, the Council must approve that appointment before an offer of appointment is made to that person.

### 4. Appointment of chief officers and other senior officers

- (a) A Committee or Sub-Committee of the Council will appoint Chief Officers as defined in the constitution. That Committee or Sub-Committee must include at least one Member of the Cabinet. The same procedure will be applied for the appointment of any Head of Service as defined in the constitution unless the Committee or Sub-Committee resolves that the appointment may be by the head of paid service or other officer. The appointment of other chief officers and deputy chief officers as defined in Section 2 of the Local Government and Housing Act 1989 will be the responsibility of the head of paid service.
- (b) An offer of employment as a chief officer or Head of Service shall only be made where each member of the cabinet has been given notice of the person to whom it is proposed to make an offer together with any other particulars that are relevant and during the period provided for objection either:
  - (i) no objection from any member of the cabinet has been received;
  - (ii) the Leader confirms that no member of the cabinet has any objection; or
  - (iii) the appointing body is satisfied that any objection is not well founded.

### 5. Other appointments

- (a) **Officers below chief officer.** Appointment of officers below deputy chief officer as defined in the Local Government and Housing Act 1989 (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.

- (b) **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. Disciplinary action

The following provisions relate to disciplinary action against the Council's chief officers - the head of paid service, the chief finance officer and the monitoring officer as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the Head of the Council's Paid Service, as the Chief Finance Officer, or as the Council's Monitoring Officer, the Council must approve that dismissal before notice is given to that person.

### 1. In the following paragraphs-

- (a) "the 2011 Act" means the Localism Act 2011;
  - (b) "chief finance officer", "disciplinary action", head of the Council's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulation 2001;
  - (c) "independent person" means a person appointed under section 28 (7) of the 2011 Act;
  - (d) "local government elector" means a person registered as a local government elector in the register of electors in the Council's area in accordance with the Representation of the People Acts;
  - (e) "the Panel" means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council;
  - (f) "relevant meeting" means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
  - (g) "relevant officer" means the chief finance officer, head of the Council's paid service or monitoring officer, as the case may be.
2. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
3. The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. In paragraph 3 "relevant independent person", means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
5. Subject to paragraph 6, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order-

- (a) A relevant independent person who has been appointed by the Council and who is a local government elector;
  - (b) Any other relevant independent person who has been appointed by the Council;
  - (c) A relevant independent person who has been appointed by another authority or authorities.
6. The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The Council must appoint any panel at least 20 working days before the relevant meeting.
8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular-
- (a) Any advice, views or recommendations of the Panel
  - (b) The conclusions of any investigation into the proposed dismissal; and
  - (c) Any representations from the relevant officer.
9. Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

## **7. Dismissal**

Councillors will not be involved in the dismissal of any officer below chief officer 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 dismissal