

LEWES DISTRICT COUNCIL CONSTITUTION - PART 4

Officer Employment Procedure Rules

1 Recruitment and Appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the relative of an existing councillor or officer of the Council;
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

(b) Seeking support for appointment.

- (i) 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) No councillor will seek support for any person for any appointment with the Council.

2 Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Director 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 (2)(a) 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 of the Council comprising the Leader of the Council, Leaders of the Minority Groups, one other councillor nominated by the Leaders of the Minority Groups, a Cabinet Member and one other councillor nominated by the Leader of the Council. Any councillor who cannot attend may appoint a substitute.
- (b) 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.
- (c) No offer of appointment to the position of head of paid service may be made until full Council have approved the appointment.

4 Appointment of Chief Officers and Directors

- (a) A committee of the Council (the "Appointments Committee") will appoint any Chief Officer or Director. The composition of that Committee will vary depending on the appointment under consideration. The remit of the Appointments Committee is contained in Part 11 of the Constitution.
- (b) An offer of employment as a Chief Officer or Director shall only be made where no well-founded objection from any member of the executive has been received.

5 Other Appointments

Officers below Director. Appointment of officers below Director are the responsibility of the head of paid service or his/her nominee, and cannot be made by councillors.

6 Disciplinary action

- (a) **Suspension.** The head of paid service, monitoring officer and chief finance 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.
- (b) ~~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 as required by the Local Authority Standing Orders Regulations 1993. (The designated independent person~~

~~shall be such person as is agreed between the authority and the relevant officer, or in default of such agreement, appointed by the Secretary of State).~~

- (c) Councillors will not be involved in the disciplinary action against any officer below Director 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 disciplinary action.

7 Dismissal

- 7.1 The power to approve the dismissal of the Council's head of paid service, its monitoring officer or its chief finance officer shall be exercised only by full Council. Accordingly, notice of dismissal may not be served on the council's head of paid service, its monitoring officer or chief finance officer until and unless full Council have approved the dismissal.
- 7.2. The Council may not dismiss its head of paid service, its chief finance officer, or its monitoring officer, as the case may be, unless the provisions set out in paragraphs 7.2.1 to 7.2.9 have been complied with.
- 7.2.1 The Council must appoint a committee ('the Panel') under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of officers referred to in paragraph 7.1 above.
- 7.2.2 The Council must invite relevant independent persons (as defined in paragraph 7.2.3) to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 7.2.3 For the purposes of paragraphs 7.2.2 to 7.2.5 "relevant independent person" means any independent person appointed by the Council under section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another local authority or authorities (under that same provision) as the Council considers appropriate.
- 7.2.4 Subject to paragraph 7.2.5, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation pursuant to paragraph 7.2.2 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 in the Council's register of electors;

(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.

7.2.5 The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 7.2.4 but may do so.

7.2.6 The Council must appoint any Panel at least 20 working days before the relevant meeting (as defined in paragraph 7.2.7).

7.2.7 For the purposes of paragraphs 7.2.6 to 7.2.8, "relevant meeting" means a meeting of the Council to consider whether or not to approve a proposal to dismiss its head of paid service, its chief finance officer, or its monitoring officer, as the case may be.

7.2.8 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–

(i) any advice, views or recommendations of the Panel;

(ii) the conclusions of any investigation into the proposed dismissal;
and

(iii) any representations from the officer who is the subject of the proposed dismissal.

7.2.9 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 his/her role as an independent person under the Localism Act 2011.

7.3 Councillors will not be involved in the dismissal of any officer below Director 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 dismissals.