

**Appendix 1 – Officer Employment Procedure Rules – Extract from Part 4,
Section I of the Constitution**

**7. Appointment and dismissal of head of paid service, chief officers,
deputy chief officers and political assistants**

7.1 Paragraph 6.1 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (a) the head of paid service;
- (b) a statutory chief officer of the Council;
- (c) a non-statutory chief officer of the Council, including, if not so designated, the monitoring officer;
- (d) a deputy chief officer of the Council; or
- (e) a political assistant

7.2 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment ~~or dismissal~~ of an officer designated as the Council's head of paid service, the Council must approve that appointment before an offer of appointment is made to that person~~him.~~
~~or, as the case may be, must approve that dismissal before notice of dismissal he is given to him.~~

7.2A 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 Council's head of paid service, as the Council's chief finance officer, or as the Council's monitoring officer, the Council must approve that dismissal before notice is given to that person.

7.3 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 7.1, at least one member of the Cabinet must be a member of that committee or sub-committee.

7.4 An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 7.1 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 Cabinet of the authority 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 has notified to the proper officer; and

- (iii) the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer; and

(c) either:

- (i) the Leader of the Council has, within the period specified in the notice under subparagraph (b) (iii), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;
- (ii) the proper officer has notified the appointor that no objection was received by him within that 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.

7.5 Notice of the dismissal of an officer referred to in subparagraph (a), (b), (c) or (d) of paragraph 7.1 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 Cabinet 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 within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer; and

c) either:

- (i) the Leader of the Council has, within the period specified in the notice under subparagraph (b) (iii), notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
- (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the Leader of the Council; or
- (iii) the dismissor is satisfied that any objection received from the Leader of the Council within that period is not

material or is not well-founded.

7.6 Nothing in paragraph 6.1 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 a disciplinary action against, that member of staff.

8. Disciplinary action in respect of head of paid service, monitoring officer and chief finance officer

~~8.1 No disciplinary action in respect of the head of paid service, the monitoring officer or the chief finance officer, except in action described in paragraph 8.2, may be taken by the Council, or by a committee, an Officer Employment sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).~~

~~8.2 The action mentioned in paragraph 8.1 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 with the day on which suspension takes effect.~~

~~8.1 The Council's head of paid service, chief finance officer or monitoring officer may be suspended for the purpose of investigating the alleged misconduct occasioning the suspension; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning with the day on which the suspension takes effect.~~

~~8.2 The Council's head of paid service, chief finance officer or monitoring officer may not be dismissed unless the procedure in the paragraphs 8.2.1 to 8.2.9 is complied with.~~

~~8.2.1 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 8.1 above.~~

~~8.2.2 The Council must invite relevant independent persons (as defined in paragraph 8.2.3) to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.~~

~~8.2.3 For the purposes of paragraphs 8.2.2 to 8.2.5 "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.

8.2.4 Subject to paragraph 8.2.5, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation pursuant to paragraph 8.2.2 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.

8.2.5 The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 8.2.4 but may do so.

8.2.6 The Council must appoint any Panel at least 20 working days before the relevant meeting (as defined in paragraph 8.2.7).

8.2.7 For the purposes of paragraphs 8.2.6 to 8.2.8, "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.

8.2.8 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.

8.2.9 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.

Although not part of the procedure rules, this note in respect of the employment of serving or former councillors is included for information. The Local Government Act 1972 at Section 116 says:

"A local authority cannot appoint as an employee in any capacity, any councillor who is currently a member of that authority or who had been a member in the previous 12 months."