

#### 4. **Standing Orders Relating to Staff**

##### 1. **Definitions**

###### **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 the Articles of the Constitution;

“member of staff” means a person appointed to or holding a paid office or employment under the council; and

“proper officer” means an officer appointed by the council for the purposes of the provisions in this Part.

2. Subject to paragraphs 3 and 10, 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 Chief Executive or by an officer nominated by him.
3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against the Chief Executive or Corporate Director.

##### 4. **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 parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or senior officer of the Council, or of the partner of such persons.
- (ii) No candidate so related to a councillor or senior officer will be appointed without the authority of the Chief Executive or an officer nominated by him/her.

###### **(b) Seeking support for appointment**

- (i) Subject to paragraph (iii) any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council shall be disqualified. 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 (4)(b)(i) and (ii) will prevent a councillor from giving a written reference for a candidate for submission with an application for appointment.

##### 5. **Recruitment of Chief Officer**

When the Council proposes to appoint a Chief Executive or Corporate 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 4 to be sent to any person on request.
6. Before an offer of employment in respect of a Chief Executive or Corporate Director is made the council will appoint an Appointments and Conditions of Service Committee established for the purpose. That committee must include a member of the executive and shall be the “appointor” for the purpose of paragraph 8 below
7. (1) 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 head of the council’s 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 paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.
8. (1) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the council, the council or, where a committee is discharging the function of appointment on behalf of the council, that committee.
- (2) An offer of an appointment as an officer referred to in sub-paragraph (a) or (b) of paragraph 3 must not be made by the appointor until –
- (a) the appointor has notified the Monitoring 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 Monitoring Officer has notified every member of the executive of the council 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 Monitoring Officer; and
    - (iii) the period within which any objection to the making of

the offer is to be made by the Leader to the Monitoring Officer; and

- (c) either –
  - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;
  - (ii) the Monitoring Officer has notified the appointor that no objection was received by him within that period from the Leader; or
  - (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

- 9. (1) In this paragraph, “dismissor” 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) or (b) of paragraph 3 must not be given by the dismissor until: –
  - (a) the dismissor has notified the Monitoring Officer of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
  - (b) the Monitoring Officer has notified every member of the executive of the council of-
    - (i) the name of the person whom the dismissor wishes to dismiss;
    - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Monitoring Officer; and
    - (iii) the period within which any objection to the dismissal is made by the Leader to the Monitoring Officer; and
  - (c) either –
    - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;
    - (ii) the Monitoring Officer has notified the dismissor that no objection was received by him within that period from the Leader; or
    - (iii) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

10. Nothing in paragraph 2 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.

**Disciplinary action against the Head of Paid Service, Monitoring Officer or Chief Financial Officer**

11. In the following paragraphs—

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 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 paid service or monitoring officer, as the case may be.

12. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
13. 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.
14. In paragraph 13 “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 Council or authorities as the Council considers appropriate.
15. Subject to paragraph 16, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 13 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 Council or authorities.

16. The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 15 but may do so.
17. The Council must appoint any Panel at least 20 working days before the relevant meeting.
18. 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.
19. 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.