

Part []

Council Bodies

Appendix: Personnel Committee

1 Preamble

- 1.1 Part [] (Meeting Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part [] and this Appendix, this Appendix will prevail.

2 Scope of Role

- 2.1 The Local Authorities (Standing Orders) (England) Regulations 2001, set out specific requirements in relation to the recruitment and appointment of the Head of Paid Service, Chief Officers and Deputy Chief Officers. These include a requirement to draw up job descriptions and person specifications.
- 2.2 The Council's recruitment and selection policy is set out in the Recruitment and Selection Policy, Procedure and Guidance document on the Council's intranet.

3 Membership

- 3.1 The Committee shall consist of five Members reflecting the political balance of the Council.

4 Terms of Reference

- 4.1 The principal functions of the Committee shall be to:
 - 4.1.1 appoint staff at Head of Service level or above by means of an Appointments Panel and to agree terms of reference for that the Appointments Panel;
 - 4.1.2 agree and make necessary changes to the Council's Human Resources;
 - 4.1.3 designate an officer as the Director of Adult Social Care and to designate an officer as the Director of Children's Services;
 - 4.1.4 recommend officers as Monitoring Officer and S151 Officer; and
 - 4.1.5 consider requests for the early release of pensions (financial implications of which will need to be considered and approved by Executive).

5 Recruitment of Chief Executive, Executive Directors, Service Directors and Heads of Service

- 5.1 Where the Council proposes to appoint a Chief Executive, Executive Director or Service Director it will:
 - 5.1.1 convene an Appointments Panel, which shall:
 - in the case of the recruitment of a Chief Executive, consist of 5 Members
 - In the case of Executive or Service directors, consist of 3 Members
 - include at least one Executive Member
 - have regard to the political balance of the Council

- 5.1.2 draw up a statement specifying the duties of the Officer concerned and any qualifications or qualities to be sought in the person to be appointed;
- 5.1.3 make arrangements for the post to be suitably advertised.
- 5.2 Council must approve the appointment of the Chief Executive having regard to the recommendations of the Appointments Panel before an offer of employment is made to that person.
- 5.3 Council must approve the designation of an officer as the S151 Officer or the Monitoring Officer, having regard to the recommendations of the Appointments Panel.
- 5.4 The Council may only make or approve the appointment of the Chief Executive where no well-founded objection has been made by any Member of the Executive.
- 5.5 Executive Directors or Service Directors will be appointed by the Appointments Panel, which will include at least one Member of the Executive.
- 5.6 An offer of employment as an Executive Director or a Service Director must not be made until –
- 5.6.1 the Proper Officer has been advised of the name of the person to whom the offer is going to be made, and any other particulars relevant to the appointment;
- 5.6.2 the Proper Officer has notified every Member of the Executive of the Council of –
- the name of the person to whom the Appointor wishes to make the offer
 - any other particulars relevant to the appointment which the Appointor has notified to the Proper Officer; and
 - the period within which any objection to the making of the offer is to be made by the Executive Leader, on behalf of the Executive, to the Proper Officer; and
- 5.6.3 either –
- the Executive Leader has, within the period specified in the Notice, notified the Appointor that neither he nor any other Member of the Executive has any objection to the making of the offer;
 - the Proper Officer has notified the Appointor that no objection was received by him within that period from the Executive Leader; or
 - the Appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

6 Dismissal of Chief Executive, S151 Officer, or Monitoring Officer

- 6.1 Where a Body is discharging, on behalf of the Council, the function of the dismissal of the Chief Executive, the S151 Officer, or the Monitoring Officer, the Council must approve that dismissal before notice is given to that person.
- 6.2 In this paragraph, “Dismissor” means, in relation to the dismissal of an Officer referred to in paragraph 6.1, by the Council or Body, as the case may be.
- 6.3 Notice of the dismissal of an Officer referred to above, must not be given by the Dismissor until –

- 6.3.1 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;
- 6.3.2 the Proper Officer has notified every Member of the Executive of the Council of –
- 6.3.2.1 the name of the person to whom the Dismissor wishes to dismiss;
- 6.3.2.2 any other particulars relevant to the dismissal which the Dismissor has notified to the Proper Officer; and
- 6.3.2.3 the period within which any objection to the dismissal is to be made by the Executive Leader, on behalf of the Executive, to the Proper Officer;
- 6.3.3 and either –
- 6.3.3.1 the Executive Leader has, within the period specified in the Notice above, notified the Dismissor that neither he, nor any other Member of the Executive has any objection to the dismissal;
- 6.3.3.2 the Proper Officer has notified the Dismissor that no objection was received by him within that period from the Executive Leader; or
- 6.3.3.3 the Dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.
- 6.4 In the subsequent paragraphs –
- “the 2011 Act” means the Localism Act 2011;
 - “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; (
 - “Independent Person” means a person appointed under Section 28(7) of the 2011 Act;
 - “Local Government Elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
 - “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 authority;
 - “Relevant Meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - “Relevant Officer” means the Chief Executive, S151, or Monitoring Officer, as the case may be.
- 6.5 A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- 6.6 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.
- 6.7 In paragraph 6.6 “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.

- 6.8 Subject to paragraph 6.9, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 6.6 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.
- 6.9 Not more than two relevant independent persons shall be required to be appointed to the Panel
- 6.10 The Council must appoint the Panel at least 20 working days before the Relevant Meeting.
- 6.11 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.
- 6.12 Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must 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.