

## Part 6.7

### Council Bodies

#### Appendix: Personnel Committee

##### 1 Preamble

- 1.1 Part 3 (Meeting Procedure 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 3 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.
- 3.2 The membership is set out in the Committees List and Meeting Rules Table.
- 3.3 The Committee shall also have Substitute Members, but to sit a Substitute Member must be a Member of the same political group as the Member they are substituting for.

##### 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 Appointments Panel;
  - 4.1.2 agree and make necessary changes to the Council's Human Resources policies and procedures;
  - 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 (the financial implications of which will need to be considered and approved by the 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, Service Director or Head of Service it will convene an Appointments Panel, which shall:
  - 5.1.1 in the case of the recruitment of a Chief Executive, consist of five Councillors;
  - 5.1.2 In the case of Executive Directors, Service Directors, or Heads of Service, consist of three Councillors;

- 5.1.3 include at least one Executive Member;
- 5.1.4 have regard to the political balance of the Council;
- 5.1.5 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;
- 5.1.6 make arrangements for the post to be suitably advertised.
- 5.2 The 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 The 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, Service Directors, or Heads of Service will be appointed by the Appointments Panel.
- 5.6 An offer of employment as an Executive Director, Service Director, or Head of Service 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 as to:
    - 5.6.2.1 the name of the person to whom the Appointments Panel wish to make the offer;
    - 5.6.2.2 any other particulars relevant to the appointment which the Appointments Panel has notified to the Proper Officer; and
    - 5.6.2.3 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 either:
      - the Leader has, within the period specified in the Notice, notified the Appointments Panel that neither they nor any other Member of the Executive has any objection to the making of the offer; or
      - the Appointments Panel is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

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

- 6.1 In this Part –
  - “Chief Finance Officer”, “Head of the Authority’s Paid Service” and “Monitoring Officer” (each a “Relevant Officer”), and “disciplinary action” have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - “Independent Person” means an Independent Person (Standards) appointed under s.28(7) of the Localism Act 2011;
  - “the Panel” means a Committee appointed by the Council under s.102(4) of LGA 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant Officers of the authority; and
  - “Relevant Meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant Officer.
- 6.2 The Council must approve that dismissal of a Relevant Officer before notice is given to that person.

- 6.3 In this paragraph, “Dismissor” means, in relation to the dismissal of a Relevant Officer, the Council or Body as the case may be.
- 6.4 Notice of the dismissal of an Officer referred to above, must not be given by the Dismissor until:
- 6.4.1 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;
- 6.4.2 the Proper Officer has notified every Member of the Executive of:
- 6.4.2.1 the name of the person to whom the Dismissor wishes to dismiss;
- 6.4.2.2 any other particulars relevant to the dismissal which the Dismissor has notified to the Proper Officer; and
- 6.4.2.3 the period within which any objection to the dismissal is to be made by the Leader, on behalf of the Executive, to the Proper Officer, and either:
- the Leader has, within the period specified in the Notice above, notified the Dismissor that neither they nor any other Member of the Executive has any objection to the dismissal;
  - the Dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
- 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 its Independent Persons (Standards) to be considered for appointment to the Panel, with a view to appointing at least two such Persons to the Panel.
- 6.7 Where there are fewer than two such Persons available, the Council shall seek to appoint one or more Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate, so that there are at least two Independent Persons appointed to the Panel.
- 6.8 Subject to paragraph 6.9, the Council must appoint to the Panel such Independent Persons who have accepted an invitation issued in accordance with paragraph 6.6 in accordance with the following priority order:
- 6.8.1 an Independent Person (Standards) who has been appointed by the Council and who is a local government elector;
- 6.8.2 any other Independent Person (Standards) who has been appointed by the Council;
- 6.8.3 an Independent Person or Persons who have been appointed by another authority or authorities.
- 6.9 Not more than two Independent Persons shall be required to be in 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:
- 6.11.1 any advice, views or recommendations of the Panel;
- 6.11.2 the conclusions of any investigation into the proposed dismissal; and
- 6.11.3 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.