

**APPENDIX 1****Officer Employment Procedure Rules**

**(Managing Directors, Assistant Director Community Services, Assistant Director Street Scene, Assistant Director Housing and Regeneration and Assistant Director Planning only and in limited circumstances the Chief Finance Officer).**

**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 parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer 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. This shall not preclude a councillor from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

**2. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers**

Where the Council proposes to appoint a chief officer or deputy chief officer 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 (1) to be sent to any person on request.

### **3. Appointment of Head of Paid Service**

- (a) The Council must approve the appointment of the Head of Paid Service before an offer of appointment is made following the recommendation of such an appointment by the Chief Officers Committee. That Committee will include at least one member of the Cabinet.
- (b) The Council may only make an offer of appointment as the Head of Paid Service where
  - (i) the Chief Officers Committee has notified the Proper Officer of the name of the person the Committee wishes to appoint together with any other particulars which the Committee considers are relevant to the appointment.
  - (ii) the Proper Officer has notified every member of the Cabinet of the name of the person and any other particulars relevant to the appointment which the Committee has notified to the Proper Officer and
  - (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either
    - (1) the Leader of the Cabinet has within the period of 5 working days referred to in (iii) above notified Council that neither he nor any other member of the Cabinet has any objection to the appointment or;
    - (2) the Proper Officer has notified Council that no objection was received by him/her within the period of 5 working days from the Leader of the Cabinet or
    - (3) Council is satisfied that any objection received from the Leader of the Cabinet within the period of 5 working days is not material or is not well-founded.

### **4. Appointment of Chief Officers and Deputy Chief Officers**

- (a) The Chief Officers Committee will appoint chief officers and deputy chief officers. That Committee will include at least one member of the Cabinet.
- (b) The Chief Officers Committee may only make an offer of appointment of chief officer or deputy chief officer where:-
  - (i) the Chief Officers Committee has notified the Proper Officer of the name of the person the Committee wishes to appoint together with any other

particulars which the Committee considers are relevant to the appointment.

- (ii) the Proper Officer has notified every member of the Cabinet of the name of the person together with any other particulars relevant to the appointment which the Committee has notified to the Proper Officer.
- (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either:-
  - (1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified the Committee that neither he nor any other member of the Cabinet has any objection to the appointment
  - (2) the Proper Officer has notified the Committee that no objection was received by him/her within the period of 5 working days from the Leader of the Council or
  - (3) the Committee is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well founded.

#### 5. Other appointments

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

#### 6. Disciplinary Action - Head of Paid Service, Monitoring Officer and Chief Finance Officer

- (a) The Council must approve the dismissal of the Head of the Paid Service, **Monitoring Officer and Chief Finance Officer** before notice of dismissal is given to him/**her**, following the recommendation of such dismissal by the Investigating Committee (that Committee will include at least one member of the Cabinet) **and consideration by Council of:-**
  - (i) any advice, views or recommendations from the Independent Panel**
  - (ii) the conclusions of any investigation into the proposed dismissal and**
  - (iii) any representations from the relevant officer.**
- (b) The Council may only decide that notice of dismissal be given to the Head of the Paid Service, **Monitoring Officer or Chief Finance Officer** where:-

- (i) the Investigating Committee has notified the proper officer of the recommendation to dismiss the Head of the Paid Service, **Monitoring Officer or Chief Finance Officer** together with any other particulars the Committee considers are relevant to the dismissal
  - (ii) the Proper Officer has notified every member of the Cabinet of the recommendation to dismiss the Head of the Paid Service, **Monitoring Officer or Chief Finance Officer** and any other particulars relevant to the recommendation to dismiss which the Committee has notified to the Proper Officer and
  - (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either
- (1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified full Council that neither he nor any member of the Cabinet has any objection to the dismissal,
  - (2) the Proper Officer has notified Council that no objection was received by him or her within the period of 5 working days from the Leader of the Council or
  - (3) Council is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well founded.

7. **Disciplinary action - Dismissal of Chief Officers and Deputy Chief Officers other than Head of Paid Service, Monitoring Officer or Chief Finance Officer**

- (a) The Investigating Committee will be responsible for the dismissal of Chief Officers and Deputy Chief Officers. That Committee will include at least one member of the Cabinet.
- (b) The Investigating Committee may only decide that notice of dismissal be given to a chief officer or deputy officer where:-
  - (i) the Investigating Committee has notified the Proper Officer of the name of the Chief Officer or Deputy Chief Officer it wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal
  - (ii) the Proper Officer has notified every member of the Cabinet of the name of the Chief Officer or Deputy Chief Officer the Committee wishes to dismiss and any other particulars relevant to the dismissal which the Committee has notified to the proper officer, and
  - (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either

- (1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified the Committee that neither he nor any other member of the Cabinet has any objection to the dismissal.
- (2) the Proper Officer has notified the Committee that no objection was received by him/her within the period of 5 working days from the Leader of the Council or
- (3) the Committee is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well-founded.

#### 8. **Disciplinary action - Further Provisions**

(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.

#### 9. **Other Dismissals and Disciplinary Action**

- (a) Officers below Deputy Chief Officers:- the dismissal of and taking disciplinary action against officers below deputy chief officer (other than assistants to political groups) must be discharged on behalf of the Council by the head of the paid service or his/her nominee.
- (b) Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer 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.
- (c) Assistants to Political Groups - the dismissal of an assistant to a political group shall be made by that political group.

#### 10. **Definitions**

For the purpose of these Rules

- (a) Chief Officer is either a statutory or non-statutory chief officer as defined in Section 2(6) and (7) of the Local Government and Housing Act 1989 and a Deputy Chief Officer is as defined in Section 2(8) of that Act, in practice at West Lancashire Borough Council this means the posts of Managing Directors, Assistant Director Community Services, Assistant Director Street Scene, Assistant Director Housing and Regeneration and Assistant Director

Planning only and, in limited circumstances as provided for in these Rules, the Chief Finance Officer.

- (b) the Proper Officer is the Managing Directors or where disciplinary action is being taken against one of them a Head of Service.

**APPENDIX 2**

Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above.

***Employment Appeals Sub-Committee***

Membership – See Appendix at 4.1A

At least 3 Members of the Licensing and Appeals Committee must be present.

Functions and delegations

Full delegation to determine all matters as appropriate in respect of functions 40,41 and 42 of the Licensing and Appeals Committee **except in relation to the dismissal of the Head of the Paid Service, Monitoring Officer and Chief Finance Officer which function will be reserved to the Council.**

***Standards Committee***

Membership - see Appendix at Section 4.1A.

Functions

These are set out in Article 9.03

Delegations

The Committee shall exercise full powers, duties and functions as set out above.

***Assessment Sub Committee***

Membership - see Appendix at Section 4.1A

Functions

To make decisions as to whether to investigate a complaint referred to the Sub-Committee by the Monitoring Officer or to take no further action.

Delegations

Full authority to determine all matters as appropriate

***Hearings Sub Committee***

Membership - see Appendix at Section 4.1A.

Functions

To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.

---

Delegations

Full delegation to determine all matters as appropriate.

**Note for Sub Committees:**

- Membership and chairmanship of sub committees do not have to be fixed.
- At least 3 members of the Standards Committee must be present.

**Investigating Committee**

Membership - see Appendix at Section 4.1A.

Functions

To meet as and when required to consider disciplinary complaints against officers employed on JNC Conditions of Service, referred to the Committee by the proper officer as defined in Rule 10 of the Officer Employment Procedure Rules. The Committee shall have the power to decide the matter on behalf of the Council, by either exonerating the officer, or, if they find misconduct, taking whichever form of disciplinary action is appropriate, except that in the case of the dismissal of the Head of the Paid Service, **Monitoring Officer or Chief Finance Officer** such dismissal must be approved by Council in accordance with the provisions of Rule 6 of the Officer Employment Procedure Rules.

Delegations

This Committee shall exercise the full powers, duties and functions of the Council as set out above, except in the case of the dismissal of the Head of the Paid Service, **Monitoring Officer or Chief Finance Officer**.

**Independent Panel**

**Membership – see Appendix at Section 4.1A**

**Functions**

**To advise the Council on all matters relating to the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.**

**Delegations**

**None**

**Chief Officers Committee**

Membership - see Appendix at Section 4.1A.

Functions

1. To deal with all matters in respect of the appointment of chief officers and deputy chief officers and to make recommendations to full Council in respect of the appointment of the head of paid service



**6. STANDARDS COMMITTEE**  
(6 Members - 3 Lab 3 Con)

**Chairman: Councillor Moran**  
**Vice Chairman : Councillor D. Westley**

Labour: Councillors Davis and Wright

Conservative: Councillors Bailey and Mrs. Marshall

**The Chairman should be the Leader of the Council and the Vice Chairman should be the Leader of the Main Opposition Group.**

(Note: Independent Person: Mr Stuart Ibbs (Appointed 1 July 2012)  
Reserve Independent Person: Mr Stephen Garvey (Appointed 1 July 2012)

**7. INVESTIGATING COMMITTEE**  
(5 Members - 3 Lab 2 Con)

Labour: **(Chairman) Councillor Patterson**  
**(Vice-Chairman) Councillor Wilkie**  
Councillor Savage

Conservative: Councillors C. Marshall and Pope

**Must include at least one Member of the Cabinet.**

**7A. INDEPENDENT PANEL**

**Independent Person: Mr. Stuart Ibbs**  
**Independent Person: Mr. Stephen Garvey**  
**And if advice requires it 5 Members – 3 Lab 2 Con**  
**Names to be nominated by the Group Leaders to the Borough Solicitor**

**8. CHIEF OFFICERS COMMITTEE**  
(5 Members - 3 Lab 2 Con)

Labour: **(Chairman) Councillor Gagen**  
**(Vice-Chairman) Councillor Moran**  
Councillor Bell

Conservative: Councillors Mrs. Houlgrave and D. Westley

**Must include at least one Member of the Cabinet.**

**Appendix (3)  
Equality Impact Assessment Form**



Directorate: Transformation	Service: Human Resources
Completed by: S Lewis	Date: 17 June 2015
Subject Title: Local Authorities (Standing Orders) (England) (Amendments) Regulations 2015 – Mandatory Standing Orders Re Dismissal of Statutory Officers	

**1. DESCRIPTION**

Is a policy or strategy being produced or revised:	Yes <span style="float:right"><i>*delete as appropriate</i></span>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes
Details of the matter under consideration:	To agree to change the Council's constitution to reflect the Regulations for dismissal of statutory officers

*If you answered Yes to any of the above go straight to Section 3  
If you answered No to all the above please complete Section 2*

**2. RELEVANCE**

Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes/No* <span style="float:right"><i>*delete as appropriate</i></span>
If Yes, provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	

**3. EVIDENCE COLLECTION**

Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	The changes impact on a small number of specific officers employed in the Council's workforce.  The Council's workforce has the potential to comprise of all the protected characteristics
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	See Above.
Which of the protected characteristics are most relevant to the work being carried out?	<span style="float:right"><i>*delete as appropriate</i></span>
Age	Yes
Gender	Yes
Disability	Yes
Race and Culture	Yes
Sexual Orientation	Yes
Religion or Belief	Yes
Gender Reassignment	Yes
Marriage and Civil Partnership	Yes
Pregnancy and Maternity	Yes

**4. DATA ANALYSIS**

In relation to the work being carried out, and the service/function in	The changes impact on a small number of officers employed in the Council's workforce, but could in theory impact on all protected
--	---

question, who is actually or currently using the service and why?	characteristics.
What will the impact of the work being carried out be on usage/the stakeholders?	<p>The changes impact on the process used to apply dismissal processes to employees who hold Statutory Roles i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer. There are already specific arrangements in place that need to be followed if action of this nature is to take place for these post holders. The report follows changes to Government Legislation directly affecting how Councils configure these processes.</p> <p>The major change is that, since 2001 these officers have had statutory protection requiring the appointment of a Designated Independent Person (DIP). The DIP is appointed early in the procedure, when it appears to a council that an allegation of misconduct by the relevant officer requires to be investigated. No disciplinary action in respect of these officers may be taken other than in accordance with a recommendation in a report made by a Designated Independent Person.</p> <p>In place of the DIP process, the decision to dismiss will now be taken by full council, which must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.</p>
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The Government undertook a national consultation exercise and any impact on equality has been considered as part of that exercise.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	<p>Census Data</p> <p>Profile information available on the Council's website</p> <p>Workforce Profile</p> <p>Equality Policies within the Council</p> <p>Equal Pay Audit</p> <p>Trade union consultation</p> <p>Direct officer consultation.</p>
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	The changes, are in line with legislation. It is considered that in cases of a proposed action to dismiss one of the statutory officers, the new arrangements would not present any significant negative detriment to any officer based on any particular protected characteristic.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	See above in 5.
What actions do you plan to take to address any other issues above?	No further actions on equality impact need to be taken.
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The Regulations are not clear on some key issues and there is a national dialogue as to interpretation of the Regulations particularly on the constitution of the independent panel. If clarification is provided by the Government it may be necessary to refine our arrangements.