

SPECIAL COUNCIL

Mr J Overton
Chairman of the Council

Mr G Minshull
Vice-Chairman of the Council

Agenda

Date

Monday 14 January 2019

Time

7.30 pm

Place

Council Chamber
South Norfolk House
Cygnet Court
Long Stratton Norwich
NR15 2XE

Group Meetings

Conservatives:
Cavell & Colman Rooms 6.15 pm

Liberal Democrats:
Blomefield Room 6.30 pm

Contact

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If you have any special requirements in order to attend this meeting,
please let us know in advance

Large print version can be made available



This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner. Please review the Council's guidance on filming and recording meetings available in the meeting room.

The Council's Prayer

Agenda

1. Apologies for Absence

2. Urgent Items:

Any items of business which the Chairman decides should be considered as matters of urgency pursuant to Section 100 B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To Receive Declarations of Interest from Members

(please see guidance – pages 3 & 4)

4. Senior Management Structure

(report attached – page 5)

5. Recommendation from the Cabinet Meeting held Monday 7 January 2019;

Greater Norwich Joint 5-Year Infrastructure Investment Plan 2019/20 – 2023/24 and the Annual Growth Programme 2019/20

(see report at page 17 of the [Cabinet Agenda](#) 7 January 2019)

NOTE: the recommendation arising from the Cabinet meeting will be tabled at the Council meeting



DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. affect yours, or your spouse / partner's financial position?
2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

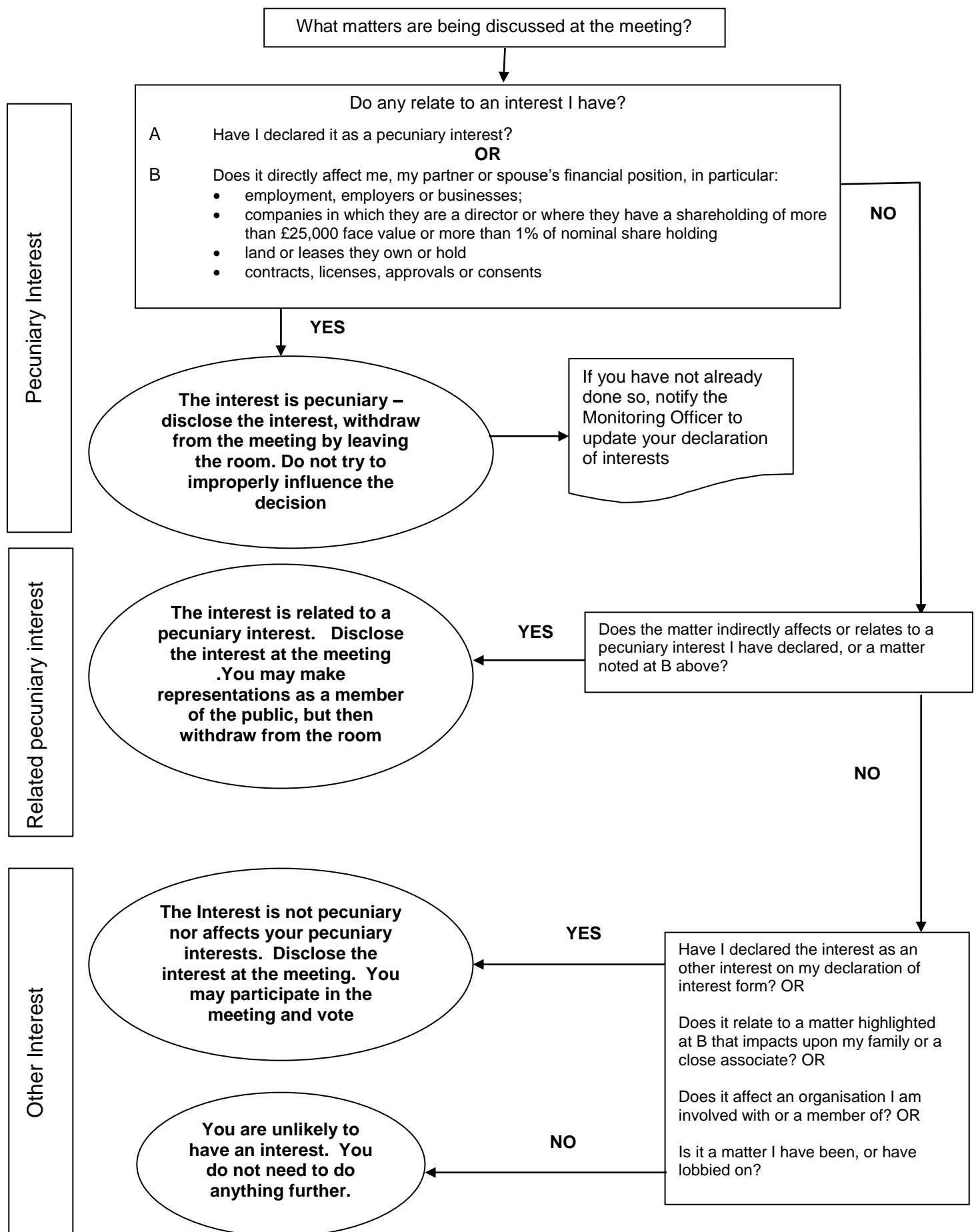
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



SENIOR MANAGEMENT STRUCTURE

Report Author: Trevor Holden, Managing Director, 01508 533603 /
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trevor.holden@broadland.gov.uk

Portfolio: The Economy and External Affairs

Ward(s) Affected: All

Purpose of the Report: This report seeks approval for the Senior Management staffing structure for Broadland District Council and South Norfolk Council that will facilitate a single paid service. It further proposes the process for appointing to the Chief Officer and Deputy Chief Officer roles and the required constitutional changes.

Recommendations:

1. To approve the proposed pre-consultation senior management structure, with any changes, as a result of formal consultation, delegated to the Managing Director in consultation with the Leaders.
2. To approve the appointment panel for Chief Officers and Deputy Chief Officers, including delegation to the Managing Director to appoint on an interim basis to any vacancies arising whilst the interim structure is being finalised.
3. To approve the terms of reference for the Joint Statutory Officer Hearing Committee and Joint Statutory Officer Appeals Committee and approve that meetings of the Committees be included as an approved duty in line with the Member Allowance Scheme.
4. To authorise the Monitoring Officer to make the consequential changes to the constitution necessary for the Council to appoint to the senior management structure.

1. SUMMARY

- 1.1 This report sets out the proposed Senior Management staffing structure for Broadland District Council and South Norfolk Council that will facilitate a single paid service. This is a draft structure that is being proposed for use in the formal consultation with senior managers and Unison. The report also proposes the panel process for appointing to the Chief Officer and Deputy Chief Officer roles and the required constitutional changes.

2. BACKGROUND

- 2.1 The Managing Director commenced employment on 2 January 2019 and proposes a senior management structure for Chief Officers and Deputy Chief Officers to support the delivery of both Councils' ambitions. At Broadland these officers are the Deputy Chief Executive and the Heads of Service, and at South Norfolk these officers are the Directors, Assistant Director and the Heads of Service.
- 2.2 These ambitions were stated within the feasibility report which was approved by Council in July 2018 and are to drive economic and housing growth and improve the services delivered to the residents. The feasibility report also agreed that subsequent to the appointment of the Managing Director, the establishment of a joint senior management team and one joint officer team across the two autonomous Councils was to be progressed.
- 2.3 The Managing Director has been entrusted to take the Councils forward in delivering a single paid service across two autonomous Councils, hand in hand with this, Members also need to own, and be accountable for, the appointment of the senior management structure who will go on to deliver the Council services and ensure that the aspirations will be achieved.
- 2.4 The key driver through the whole appointment process is to ensure that individuals have the opportunity to demonstrate their keys strengths and aptitude to meet the Council's overall objectives. Thus, ensuring that the right people are in the right jobs.

3. CURRENT POSITION

- 3.1 The proposed pre-consultation senior management structure is attached at Appendix A. As agreed in the feasibility report there is a presumption against redundancies, whilst this does not preclude redundancies every endeavour will be made to secure appropriate employment.
- 3.2 The Joint Lead Member Group met on 7 December 2018 to review the proposal within this report regarding the appointment process and the Member role in these appointments. The group were in support of the process and recommendations outlined which are included within this report.
- 3.3 The Managing Director has also met informally with the current Chief Officers, Deputy Chief Officers and staff representatives (union and non-union) to

discuss the proposals for the draft senior structure and the principles of the structure and take initial feedback.

4. PROPOSED ACTION

Pre-Consultation senior management structure and terms

- 4.1 To appoint to the roles within the senior management structure using a strengths-based approach.
- 4.2 To agree to commence the consultation and subsequent assessment process with the aim to have appointments confirmed in early April 2019.
- 4.3 To agree the Managing Director to source external support for the appointment process to provide advice to ensure an objective and robust process.
- 4.4 To appoint on terms and conditions which take their lead from those used to appoint the Managing Director, in essence this approach provides for a single salary figure. Taking the lead from the Managing Director salaries will aim to be market 'attractive' and all inclusive (i.e. for the avoidance of doubt no other cash benefits will apply).

Appointment process for Chief Officers and Deputy Chief Officers

- 4.5 The Local Authority (Standing Orders) (England) Regulations 2001 Part 2 states: where a committee or sub-committee makes the appointments to the Head of Paid Service, statutory chief officers, non-statutory chief officer and deputy chief officers on behalf of the authority at least one member of Cabinet must be a member of that committee or sub-committee.
- 4.6 The options available for the appointment process for chief officers are set out as follows:

Option 1a - Member Panel supported by Head of Paid Service

This option enables Members to be able to shape the direction of each Council, however with a balanced representation from each Council may result in a tie of votes. Built into the appointment would also be the process for notifying Cabinet of the appointments so that any reasonable objections can be raised. The size of the Member panel needs to be considered so that this isn't too unwieldy, but also ensures that the right level of Member involvement is achieved. A large panel may not be conducive to getting the best out of an individual.

Option 1b – Member Panel with Head of Paid Service

The same benefits as realised as with option 1a and the membership, however it will also ensure that the Head of Paid Service has a formal role in the appointment, thus ensuring that the senior management structure is complimentary and is able to forge good working relationships going forwards. This approach has been used by many councils when undertaking such

appointments.

It may also assist to have an independent person from another Council, or a partner organisation involved too, however they would not have a vote, thus providing a different and useful perspective.

To ensure that the panel does not become too unwieldy, consideration could be given to the formation of a stakeholder panel which meets the candidates through facilitated group discussions and consists of Members / independent person / stakeholders and provides a perspective which can be fed into the formal interview process.

Formal interview would then be by the Head of Paid Service and four Members, two from each Council. Built into the process would be the process for notifying Cabinet of the appointment so that any reasonable objections can be raised.

Option 1c – Head of Paid Service with Portfolio Holder

This option would work as 1b but would reduce the formal involvement of Members in the formal interview process.

- 4.7 The options available for the appointment process for deputy chief officers are set out as follows:

Option 2a – Member Panel with Head of Paid Service

The same principles apply as with option 1b for the appointment of Chief Officers.

Option 2b – Head of Paid Service with Portfolio Holders

The same principles apply as with option 1c for the appointment of Chief Officers.

Option 2c – Delegate the Head of Paid Service

This option enables the Head of Paid Service to recruit as he sees fit to the wider senior management structure and enables and empowers the Head of Paid Service to directly influence his team. This is more effective for building a cohesive team & a more efficient use of resources. Built into the appointment would also be the process of notifying Cabinet of the appointments so that any reasonable objections can be raised thus ensuring Member input. This approach has been taken by other Councils i.e. Babergh DC, Mid-Suffolk DC and West Suffolk (Forest Heath DC and St Edmundsbury BC).

- 4.8 The options outlined were discussed at Joint Lead Member Group with the outcomes from this indicating that there was agreement that the proposed process to be followed is a Member Panel with the Managing Director for the appointment of Chief Officers (option 1b) and delegating to the Managing Director the appointment of Deputy Chief Officers (option 2c). Both appointment processes would offer the opportunity for Cabinet to be notified of the appointments and offer the route for reasonable objections to these appointments to be raised through the Leaders.
- 4.9 Appendix B to this report sets out the current section of the constitution for

Broadland with regard to employment procedure rules, and appendix C sets this out for South Norfolk. Appendix D is attached which sets out the proposed constitution for this area, encompassing recent legislation updates, and enabling these options to be adopted.

- 4.10 In the event that on conclusion of the initial round of appointments there are vacancies within the senior management structure the next step will be to advertise these roles externally. In the interim it would be beneficial for the Managing Director to be given delegated authority to appoint on an interim basis, for up to nine months, thus ensuring that progress against the objectives of collaborative working are not hampered. This then allows time for external adverts to be placed and permanent recruitments made, following the preferred route as noted.
- 4.11 The appointments to the statutory posts – Monitoring Officer and Section 151 Officer – and to the Chief Officer roles will require ratification at each (Full) Council meeting.
- 4.12 In addition, with statutory posts – the Head of Paid Service, Monitoring Officer and Section 151 Officer - Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015 sets out how disciplinary action should be taken. Both Councils need to adopt this legislation to ensure that should the need arise there are appropriately constituted committees to deal with such matters. To enable this it is proposed that panels are set up to deal with potential dismissal of these officers, and also to provide an appeals route for the officer should such instances occur. Appendix E provides the terms of reference for the Joint Statutory Officer Hearing Committee and appendix F provides the terms of reference for the Joint Statutory Officer Appeals Committee.

5 OTHER OPTIONS

- 5.1 To continue to work as two separate senior management teams. In doing so the immediate benefits of collaborative working would be lost and therefore it would become difficult to achieve the outcomes that were agreed as part of the feasibility study and the recommendations that were agreed by Members. It would not enable the benefits that are to be realised in terms of maximising efficiencies, developing a joint culture and driving forward the ambition of the Members.
- 5.2 Defer the introduction of the senior management structure, however delays in the process could be sensitive as it would prolong the period of uncertainty for the staff directly affected and impact the pace of delivery of improving our customer offer through joint working.
- 5.3 To take a staged approach to implementing the senior management structure, e.g. using the collaborative service groupings. This would delay the immediate benefits however they could be achieved in the longer term.

6 ISSUES AND RISKS

6.1 **Legal Implications** - Changes to the Constitution are necessary to facilitate the proper implementation of a single management structure. A single management structure is necessary to help both Councils work collaboratively to realise their ambitions.

6.2 **Resource Implications** – Given the presumption of no redundancy the aim is to bring this structure in as cost neutral, however there is potential for savings to be generated as we progress.

Should a redundancy situation arise, each individual Authority's policies and agreements will be respected. There are cost implications to this which each Authority will honour for their individual employees.

6.3 **Equality Implications** – a fair and equitable recruitment process will be applied to all applicants regardless of any protected characteristic, not withstanding, any reasonable adjustment an applicant may require as a result of a protected characteristic.

6.4 **Environmental Impact** – there is no impact on the environment.

6.5 **Crime and Disorder**- there is no impact on crime and disorder.

6.6 **Risks** –The timeline for implementation provides for a speedy process, recognising that this is a period of uncertainty for those individuals affected. However speed should not be at the expense of a robust process in which the relevant individuals and their representatives have had the opportunity to contribute.

7 CONCLUSION

7.1 The report proposes a single senior management structure that will facilitate the ambitions of collaborative working, to drive economic and housing growth and improve services to residents.

7.2 The report proposes how Members will be involved in the recruitment of the single management structure.

8 RECOMMENDATIONS

8.1 To approve the proposed pre-consultation senior management structure, with any changes, as a result of formal consultation, delegated to the Managing Director in consultation with the Leaders.

8.2 To approve the appointment panel for Chief Officers and Deputy Chief Officers, including delegation to the Managing Director to appoint on an interim basis to any vacancies arising whilst the interim structure is being finalised.

- 8.3 To approve the terms of reference for the Joint Statutory Officer Hearing Committee and Joint Statutory Officer Appeals Committee and approve that meetings of the Committees be included as an approved duty in line with the Member Allowance Scheme.
- 8.4 To authorise the Monitoring Officer to make the consequential changes to the constitution necessary for the Council to appoint to the senior management structure.

Appendices –

Appendix A – Draft senior management structure

Appendix B – Current section of Broadland constitution

Appendix C – Current section of South Norfolk constitution

Appendix D – Proposed constitution

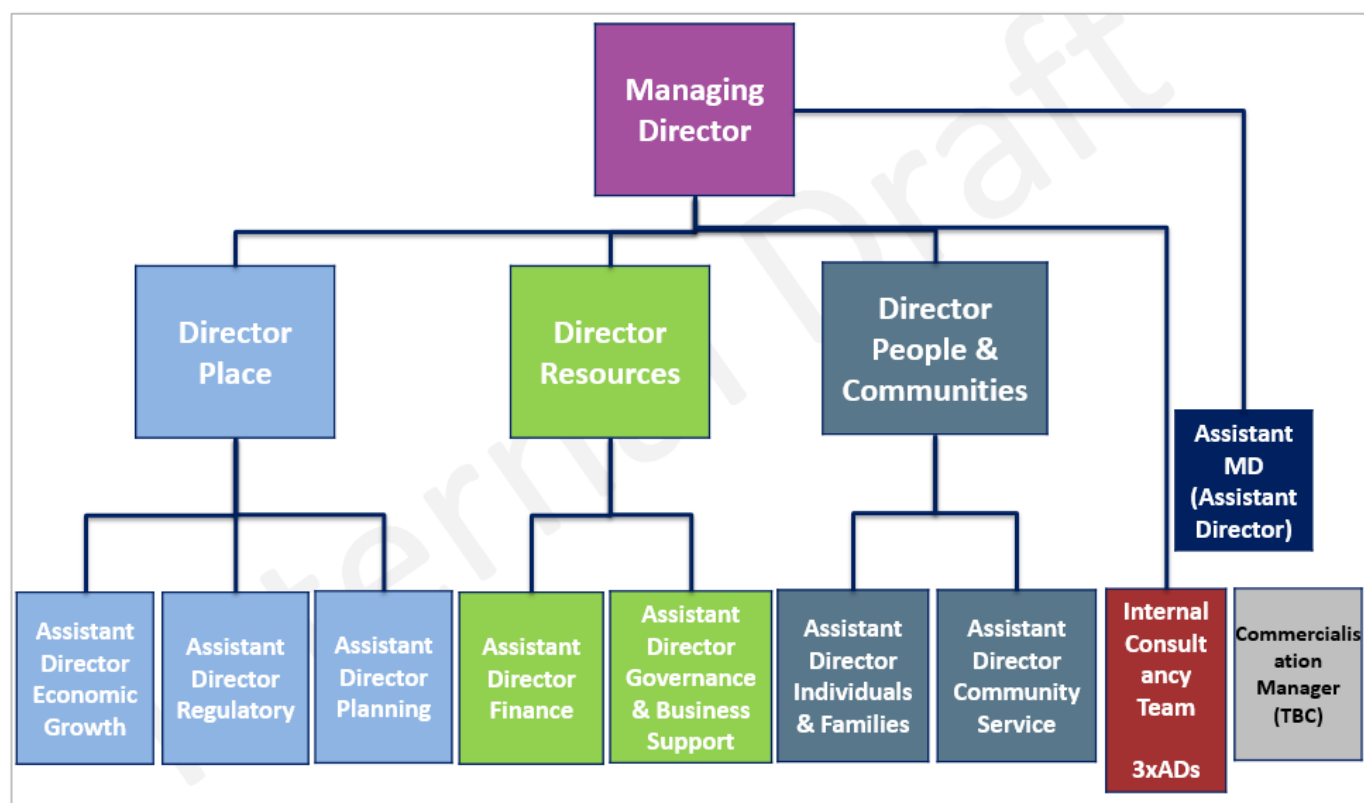
Appendix E – Joint Statutory Officer Hearing Committee terms of reference

Appendix F – Joint Statutory Officer Appeals Committee terms of reference

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Appendix A – Draft senior management structure

The following depicts the draft senior management structure proposed for use in the formal consultation period with senior management and Unison.



Appendix B – Current section of Broadland constitution

Officer employment procedure rules

1. Recruitment and appointment

1.1 Declarations

(1) 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, spouse, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or the spouse or partner of such persons.

(2) 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.

1.2 Seeking support for appointment.

(1) Subject to rule 1.2 (3), 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.

(2) Subject to rule 1.2 (3), no councillor will seek support for any person for any appointment with the council.

(3) Nothing in rules 1.2 (1) and 1.2 (2) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of head of paid service, deputy chief executive and heads of service and posts graded level 3 and above which are not designated head of service posts

2.1 Where the council proposes to appoint any of the above officers and it is not proposed that the appointment be made exclusively from among existing officers, the council will:

(1) draw up a statement specifying:

(a) the duties of the officer concerned and

(b) any qualifications or qualities to be sought in the person to be appointed;

(2) 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

(3) make arrangements for a copy of the statement mentioned in rule 2.1(1) to be sent to any person on request;

(4) interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those included on the short list;

(5) where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with rule 2.1(2).

3. Appointment of head of paid service

3.1 The full council will approve the appointment of the head of paid service following the recommendation of such an appointment by the Appointments & Pay Panel. That Panel must include at least one member of the cabinet.

4. Appointment of deputy chief executive, heads of service and posts graded level 3 and above

4.1 The Appointments & Pay Panel will appoint the deputy chief executive, heads of service and posts graded level 3 and above. That Panel must include at least one member of the cabinet.

4.2 An offer of employment as a deputy chief executive, head of service and posts graded level 3 and above shall only be made where no well-founded objection from any member of the cabinet has been received.

4.3 When considering the appointment of head of service, the relevant portfolio holder will replace one of the existing membership from the same group as determined by the leader if not already a member of the panel.

5. Objections to appointments

5.1 In this paragraph appointor” means, in relation to the appointment of a person as an officer of the authority the authority or, where a committee or sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee or sub-committee or officer, as the case may be.

5.2 An offer of an appointment as head of paid service, deputy chief executive or head of service or to a grade 3 and above post not designated as a head of service must not be made by the appointor until –

(1) 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;

(2) the proper officer has notified every member of the cabinet of

(a) the name of the person to whom the appointor wishes to make the offer;

(b) any other particulars relevant to the appointment which the appointor has notified to the proper officer and

(c) the period within which any objection to the making of the offer is to be made by the leader on behalf of the cabinet to the proper officer and

(3) either:

(a) the leader has, within the period specified in the notice under rule 5.2 (2) (c) notified the appointor that neither he nor any other member of the cabinet has any objection to the making of the offer;

(b) the proper officer has notified the appointor that no objection was received by him within that period from the leader; or

(c) the appointor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

6. Other appointments

6.1 Officers below head of service

(1) Appointment of officers below head of service (other than assistants to political groups) is the responsibility of the head of paid service or his nominee, and may not be made by councillors.

6.2 Assistants to political groups

- (1) Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary action

7.1 In rule 7.2 “chief finance officer”, “council manager”, “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 and “designated independent person” has the same meaning as in regulation 7 of those regulations.

7.2 No disciplinary action in respect of the head of the authority's paid service (unless he is also a council manager of the authority), its monitoring officer or its chief finance officer, except action described in rule 7.3, may be taken by the authority, other than in accordance with a recommendation in a report made by an independent panel convened by the independent person appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011. The constitution and procedures followed by that panel will comply with regulations in place to that effect.

7.3 The action mentioned in rule 7.2 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 on the day on which the suspension takes effect.

8. Dismissal

8.1 Subject to rule 7.3 above and rule 9 below, the chief executive has delegated authority to take disciplinary action, including dismissal, against any officer other than himself. Disciplinary action against the chief executive can be taken by the council subject to rules 7.2 and 7.3. Any disciplinary action taken shall comply with any statutory procedure and disciplinary procedure appropriate to the officer's conditions of service.

8.2 Councillors will not be involved in disciplinary action, including dismissal, against an officer other than the chief executive 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 will allow a right of appeal to members in respect of dismissals.

9. Objections to dismissals

9.1 In this rule, “dismissor” means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee sub-committee or other officer, as the case may be.

9.2 Notice of the dismissal of the head of paid service, deputy chief executive or a head of service must not be given by the dismissor until –

- (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;
- (2) the proper officer has notified every member of the cabinet of
 - (a) the name of the person who the dismissor wishes to dismiss;
 - (b) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer and

(c) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the cabinet to the proper officer and

(3) either:

(a) the leader has, within the period specified in the notice under rule 9.2 (2), notified the dismissor that neither he nor any other member of the cabinet has any objection to the dismissal;

(b) the proper officer has notified the dismissor that no objection was received by him within that period from the leader; or

(c) the dismissor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

10. Appeals

10.1 Nothing in rule 8.2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

(1) another person against any decision relating to the appointment of that other person as a member of staff of the authority, or

a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff

Appendix C – Current section of South Norfolk constitution

Part 4 Rules of Procedure

4.6 Officer employment rules

1 Recruitment and appointment

1.1 Declarations

(a) 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.

(b) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

(c) All decisions relating to the salary or remuneration of Council officers must be made in line with the approved pay policy statement.

1.2 Seeking support for appointment.

(a) Subject to paragraph (c), 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.

(b) Subject to paragraph (c), no councillor will seek support for any person for any appointment with the Council.

(c) Nothing in paragraphs (a) and (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2 Recruitment of Head of Paid Service and Directors

2.1 Where the Council proposes to appoint to posts at this level, 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;

(c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

The following sections are a summary of the procedures laid down by statute and should be used as general guidance only with any decisions being made in accordance with Statutory Instrument 2001 3384.

3 Appointment of the Head of Paid Service and Directors

3.1 Staff may only be appointed by the Chief Executive (or their nominated officer) on behalf of the Council except if s/he is a:

- (a) Chief Executive
- (b) Director (statutory or non-statutory)

(c) Political Assistant

3.2 An offer of employment as an officer in categories a-c must not be made until the Proper Officer has notified every member of the Cabinet of the name of the proposed appointee, any relevant particulars and a period during which objections may be made. Following this, the Leader or proper officer must (within the specified period) notify the appointer of any objections received or report that no objections were made by Cabinet. If an objection is raised, the appointer must be satisfied that any objection received by the Leader is not material or well founded. A similar arrangement is also to be followed for the dismissal of staff in this category.

3.3 When undertaking the function of appointment of the Chief Executive by committee/sub committee/officer, the Council must approve the offer of appointment before an offer is made.

3.4 Where a Committee or Sub Committee is undertaking the function of appointing an officer in categories b-c (above), at least one member of the Cabinet must be a member of the Committee or Sub-Committee. Council is not required to approve the offer of appointment before it is made.

3.5 When recruiting, dismissing or evaluating staff, all decisions on remuneration must be made in line with the approved Pay Policy Statement.

4 Other appointments

4.1 Appointment of officers below the levels in 3.1 above, and assistants to political groups is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.

4.2 Appointment of an unpaid assistant to a political group shall be made in accordance with the wishes of that political group.

5 Disciplinary action against Directors (other than the Head of Paid Service)

5.1 Disciplinary action against Directors (other than the Head of Paid Service) will be carried out in line with relevant Human Resources procedures to be agreed from time to time in consultation with the Joint Consultative Committee.

6 Disciplinary action and Dismissal of Statutory Officers (The Head of Paid Service, Monitoring Officer and Chief Financial Officer)

6.1 An investigation into the alleged misconduct of any Statutory Officer (referred to in 6 above) will be investigated by an investigator to be appointed by agreement between the Council and the Statutory Officer concerned. The investigator will be entitled to review all information necessary to enable them to make an informed and reasoned decision. The Statutory Officer will be suspended whilst an investigation takes place into alleged misconduct.

6.2 The investigator's findings will be presented to a Hearing Panel, to be comprised 3 members from the Standards and Licensing Pool, and 2 Independent Persons. The Hearing Panel will be convened at least 20 working days before the meeting of Council to consider whether or not to dismiss a relevant officer. One Independent Person will be the Council's Independent Person, and the other will be an Independent Person from another local authority. The Hearing Panel will have a quorum of 3, to include 2 Independent Persons, and be chaired by an Independent Person who will have the casting vote in the event of an equal number of votes.

6.3 The Panel will consider the investigator's findings and be entitled to hear from any additional parties or witnesses they consider necessary prior to making a recommendation to Council.

6.4 Full Council will meet to consider the recommendations of the Panel and the conclusions of any investigation into the proposed dismissal, as well as any representations from the officer concerned.

6.5 Should the officer be dissatisfied with the outcome, they are entitled to submit an appeal to a separate Appeals Panel, to be convened of 5 members of the Standards and Licensing Pool who were not present at the original Hearing Panel.

Appendix D – Proposed constitution

Officer employment procedure rules

1. Recruitment and appointment

1.1 Declarations

a. 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, spouse, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor of the Council; or the partner of such persons.

b. No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

c. All decisions relating to the salary or remuneration of Council officers must be made in line with the approved pay policy statement.

1.2 Seeking support for appointment

a. Subject to 1.2c, 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.

b. Subject to paragraph 1.2c, no Councillor will seek support for any person for any appointment with the Council.

c. Nothing in paragraphs 1.2a and 1.2b will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Chief Officers and Deputy Chief Officers

2.1 Where the Council proposes to appoint to posts at this level, 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 qualification 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;
- c. And make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of Head of Paid Service and Chief Officers

3.1 The function for appointment of the Head of Paid Service must be undertaken by the Joint Appointment Panel and that appointment must be approved by Council before an offer of employment can be made.

3.2 The function for appointment of Chief Officers must be undertaken by a Member panel, with the Head of Paid Service and those appointments must be approved by Council before an offer of employment can be made.

3.3 Confirmation of statutory posts (Monitoring Officer and Section 151 Officer), regardless of level, require approval by Council before an offer of employment can be made.

4. Deputy Chief Officers and below

- 4.1 The function for appointment of a member of staff at Deputy Chief Officer level, must be undertaken by the Head of Paid Service or by an officer nominated by him/her. Any objections to the appointment can be made as per section 5 below.
- 4.2 The function for appointment of a member of staff below Deputy Chief Officer level must be undertaken by the Head of Paid Service or by an officer nominated by him/her, and may not be made by Councillors.
- 4.3 The function for dismissal of, and taking disciplinary action against, a member of staff at Deputy Chief Officer level, or below, must be undertaken by the Head of Paid Service or by an officer nominated by him/her, any may not be made by Councillors.
- 4.2 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

5. Objections to appointments

- 5.1 In this section appointor means, in relation to the appointment of a person as an officer of the Authority, the Authority, or where a committee or sub-committee is discharging the function of appointment on behalf of the Authority, that committee or sub-committee, as the case may be.
- 5.2 An offer of appointment at Head of Paid Service, Chief Officer and Deputy Chief Officer level 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 Cabinet 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 Proper Officer; and
 - iii the period within which any objection to the making of the offer is to be made by the leader on behalf of the Cabinet to the Proper Officer.
 - c. either:
 - i. the leader has, within the period specified, notified the appointor that no Member of Cabinet has any objection to the making to the offer;
 - ii the Proper Officer has notified the appointor that no objection was received within that period from the leader;
 - iii the appointor is satisfied that any objection received from the leader within that period is not material and is not well-founded.

6. Disciplinary action - Statutory Officers

- 6.1 Disciplinary action for the Head of Paid Service, Monitoring Officer or Section 151 Officer shall take place in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015.
- 6.2 The Head of Paid Service, Monitoring Officer or Section 151 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, unless the investigator recommends the suspension should continue beyond that point.

6.3 An investigator shall be appointed by agreement between the Council and the officer and the investigator will be entitled to review all information necessary to enable them to make an informed and reasoned recommendation.

6.4 The Joint Statutory Officer Hearing Committee will be convened at least 20 working days before the meeting of Council. The Committee will consider the investigators findings and be entitled to hear from any additional witnesses or parties they consider necessary prior to making a recommendation to Council.

7. Dismissal

7.1 The function of the dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer must be approved by Council before the dismissal notice is given to that person.

7.2 The Council, when making a decision, must take into account the recommendations of the Panel, the conclusions of the investigation into the proposed dismissal and any representations from the relevant officer.

8. Objections to dismissals

8.1 In this section dismisser means, in relation to the dismissal of a person as an officer of the Authority, the Authority, or where a committee or sub-committee is discharging the function of appointment on behalf of the Authority, that committee or sub-committee, as the case may be.

8.2 Notice of the dismissal of the Head of Paid Service and Chief Officer level must not be made by the dismisser until:

a. the dismisser has notified the Proper Officer of the name of the person to whom the dismisser wishes to dismiss and any other particulars which the dismisser considers are relevant to the dismissal.

b. the Proper Officer has notified every Member of Cabinet of:

i. the name of the person to whom the dismisser wishes to dismiss;

ii. any other particulars relevant to the dismissal which the dismisser has notified to the Proper Officer; and

iii the period within which any objection to the dismissal is to be made by the leader on behalf of the Cabinet to the Proper Officer.

c. either:

i. the leader has, within the period specified, notified the dismisser that no Member of Cabinet has any objection to the making to the dismissal;

ii the Proper Officer has notified the dismisser that no objection was received within that period from the leader;

iii the dismisser is satisfied that any objection received from the leader within that period is not material and is not well-founded.

9. Appeals

9.1 Should the officer be dissatisfied with the outcome they are entitled to submit an appeal to the Joint Statutory Officer Appeals Committee.

Appendix E – Joint Statutory Officer Hearing Committee

Terms of Reference

To advise and make recommendations to Council on matters relating to the dismissal of relevant Statutory Officers of the Authority, namely the Head of Paid Service; the Monitoring Officer and the s.151 Officer;

Before reaching a determination on any matter before it, to ensure appropriate investigatory work has been undertaken on which a recommendation should be made.

Membership

The Committee shall consist of 6 persons, to be comprised of:

- 1 Cabinet Member of Broadland District Council
- 1 Cabinet Member of South Norfolk Council
- 1 Member of Broadland District Council's Standard Committee
- 1 Member to be drawn from the membership of South Norfolk Council's Standards and Licensing Pool of Members, and
- 2 Independent Persons.

The Independent Persons shall ordinarily be both Council's appointed Independent Person, unless they confirm they are unable to act in relation to the matter, in which case an Independent Person from another Authority shall be appointed.

The Chairman and Vice-Chairman of the meeting shall be an Independent Person.

Quorum

The minimum number of Members to transact any business of the Committee shall be 4, which must include 2 Independent Persons and a representative from each Council.

Procedures, and protocol

The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee

Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.

Members of the press and public may not attend the Committee, under the provisions of the Local Authorities (Access to information) (variation) Order 2006.

Voting

The Committee shall, whenever possible, come to a consensus view. Where this is not possible voting shall be on a simple majority by a show of hands.

In the event of an equality of votes, the Chairman shall have a second or casting vote.

Appendix F – Joint Statutory Officer Appeals Committee

Terms of Reference

To hear appeals against decisions of the Council to dismiss a Statutory Officer.

Before reaching a decision, the Committee must take into account all representations made to the Statutory Officer Hearing Committee and the Council meeting at which the decision to dismiss was made.

Membership

The Committee shall consist of 6 Members; 3 Members of Broadland District Council' Standards Committee and 3 Members of South Norfolk Council to be appointed from the Members of the Standards and Licensing Pool of Members who were not present at the Statutory Officer Hearing Committee at which the original recommendation was made to Council.

The meeting shall ordinarily be chaired by a Chairman of the Standards Committee of either Broadland District Council or South Norfolk Council.

Quorum

The minimum number of Members to transact any business of the Committee shall be 4 voting Members, with at least a representative from each Council.

Procedures and protocol

The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.

Members of the press and public may not attend the Committee, under the provisions of the Local Authorities (Access to information) (variation) Order 2006.

Voting

The Committee shall, whenever possible come to a consensus view. Where this is not possible voting shall be on a simple majority by a show of hands.

In the event of an equality of votes, the Chairman shall have a second or casting vote.