

**OFFICER EMPLOYMENT PROCEDURE RULES  
4<sup>th</sup> March 2015**

**Report of the Monitoring Officer**

**PURPOSE OF REPORT**

To enable Council to consider revised Officer Employment Procedure Rules for inclusion in the Constitution, and a consequent amendment to the Terms of Reference of the Personnel Committee.

**This report is public**

**RECOMMENDATIONS**

- (1) That the revised Officer Employment Procedure Rules appended to this report be approved for inclusion in the Constitution.**
- (2) That, subject to the approval of recommendation (1) above, paragraph 6.6 of the terms of reference of the Personnel Committee in Part 3 Section 6 of the Constitution be amended to read: "(a) On the appointment of a Head of Paid Service by Council, to undertake such role as may be requested by Council, and (b) to be responsible for the appointment of other JNC Chief Officer posts."**

**1.0 Introduction**

- 1.1 The Monitoring Officer is responsible for keeping the Council's Constitution under review, and, as part of this exercise, has noted that the Officer Employment Procedure Rules in Part 4 Section 6 of the Constitution are in need of revision to ensure that they comply with statutory requirements and meet the needs of the Council.
- 1.2 Accordingly, the Monitoring Officer has prepared amended Rules, for consideration by Council for inclusion in the Constitution for the next municipal year.
- 1.3 It should be noted that, inevitably, some of the provisions in the amended Rules apply specifically to the Council's Chief Officers and in particular to those Chief Officers who are designated as statutory officers - the Head of Paid Service, Monitoring Officer and Section 151 Officer. Whilst the Monitoring Officer, as the Chief Officer responsible for the Constitution, has drafted the amended Rules, advice has also been taken from the Human

Resources and Organisational Development Manager. Further, the Rules adopted by other local authorities have been examined and followed as examples of good practice.

## **2.0 Proposal Details**

- 2.1 The Council is required by law to have Procedure Rules or Standing Orders which cover the matters prescribed in the Local Authorities (Standing Orders) Regulations 1993 and the Local Authorities (Standing Orders) (England) Regulations 2001. The revised Officer Employment Procedure Rules are drafted to meet the requirements of those Regulations in relation to staffing matters, and to that extent the contents of the Rules are defined by the Regulations. It should be noted that the law require the Council to designate an officer as Head of Paid Service. In this Council, as in many other Councils, it is the Chief Executive who is designated the Head of Paid Service, and to that extent the two terms are interchangeable.
- 2.2. Whilst the Regulations provide for full Council to appoint a Head of Paid Service, they do not prescribe the arrangements a Council makes for elected members to select an appointee for recommendation to Council. Nor do they prescribe which member body should be responsible for the appointment of other Chief Officers.
- 2.3 Currently, the Rules provide for the Personnel Committee to make a recommendation to Council for the appointment of a Head of Paid Service, and for Personnel Committee to appoint other Chief Officers. However, the Personnel Committee comprises only seven members of Council, and Council may feel that for such an important appointment as that of Head of Paid Service/ Chief Executive, there should a wider elected member input, perhaps involving Cabinet, Overview and Scrutiny Committee as well as Personnel Committee. It will be necessary for there to be a Committee which will make a recommendation to Council on the appointment. However, it would perhaps be preferable for Council to consider the most appropriate arrangements at the time of each appointment. Rule 3(a) has therefore been redrafted to enable this.
- 2.4 It is considered that this proposed amendment to Rule 3 (a) would ensure a wider involvement of members in the recruitment process for the Head of Paid Service, whilst giving Council the flexibility to make such arrangements as it considers are appropriate at the time. .
- 2.5 If this recommendation is approved, a consequent amendment to the Terms of Reference of the Personnel Committee would be required to reflect that the Committee would undertake such role in the appointment of a Head of Paid Service as directed by Council, whilst still appointing to other JNC Chief Officer posts.

## **3.0 Details of Consultation**

- 3.1 A draft of this report was submitted to the Personnel Committee at its meeting on the 3<sup>rd</sup> February 2015 and .....

## **4.0 Options and Options Analysis (including risk assessment)**

- 4.1 The Rules must meet the requirements of the Local Authorities (Standing

Orders) Regulations 1993 and the Local Authorities (Standing Orders) (England) Regulations 2001, and to that extent no options are presented on the general substance of the Rules. However, it is for Council to decide the arrangements it wishes to have in place for the member body responsible for making a recommendation to Council for the appointment of a Head of Paid Service. Officers would recommend the amendments set out in the attached draft Rules.

## **5.0 Conclusion**

- 5.1 Council is recommended to approve revised Officer Employment Procedure Rules to replace those currently in Part 4 Section 6 of the Constitution.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None directly arising from this report. The Rules reflect the relevant Standing Orders Regulations, and these and the Council's recruitment procedures are designed to ensure compliance with equality and diversity principles.

### **LEGAL IMPLICATIONS**

The revised Rules reflect the requirements of the relevant Regulations.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

### **OTHER RESOURCE IMPLICATIONS**

#### **Human Resources:**

The revised Rules provide the framework within which the Council will operate. Any detailed processes that are developed to deal with individual cases will comply with the law and follow HR best practice. The Council will also ensure that any arrangements that are developed comply with the provisions of National Frameworks and Conditions of Service for Chief Executives and Chief Officers.

#### **Information Services:**

None

#### **Property:**

None

#### **Open Spaces:**

None

### **SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments. It should be noted that, as set out in paragraph 1.3 of the report, the Rules apply specifically to the Section 151 Officer in her role as such and as a Chief Officer

**MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer as the officer responsible for advising on the Constitution, and again it should be noted that the Rules apply specifically to the Monitoring Officer.

**BACKGROUND PAPERS**

None

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