

# Supplementary Papers



Listening Learning Leading

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FOR THE MEETING OF

## Council

on Thursday 14 December 2017 at 6.00 pm  
held in The Fountain Conference Centre, Howbery Park, Crowmarsh Gifford

**Open to the public including the press**

The reports marked 'to follow' on the agenda published on 6 December 2017 are attached.

Please bring these with you to the meeting.

Steven Corrigan, Democratic Services Officer

1 **Review of the council's constitution** (Pages 3 - 16)

To consider appendices 1 and 2 of the report of the head of legal and democratic services on proposed changes to the council's constitution.

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# Joint staff committee procedure rules

## Purpose of the committee

1. South Oxfordshire and Vale of White Horse district councils have appointed this committee to undertake those non-executive functions relating to the employment of officers in the shared management structure.
2. The terms of reference for this committee are to:
  - establish the framework and procedure for recruitment and appointment of the chief executive, head of paid service, monitoring officer, chief finance officer and heads of service;
  - determine the terms and conditions of service to apply to the chief executive;
  - act as the appointment panel for interviewing for the chief executive, head of paid service, monitoring officer, chief finance officer and heads of service posts, to appoint heads of service and in the case of the chief executive, head of paid service, monitoring officer and chief finance officer to make recommendations on appointments to each council;
  - consider any proposed redundancy dismissals of the chief executive, head of paid service, monitoring officer or chief finance officer, and to make recommendations on redundancy dismissals to each council;
  - consider any proposed redundancy dismissals of heads of service other than the monitoring officer and chief finance officer, and to make recommendations to the head of paid service;
  - determine any proposed efficiency retirement of the chief executive and head of paid service, subject to proposals for enhanced benefits being determined by the Joint Audit and Governance Committee; and
  - consider any proposed efficiency retirements of heads of service and to make recommendations to the head of paid service, subject to proposals for enhanced benefits being determined by the Joint Audit and Governance Committee;
  - approve the sign off of any probationary period for the chief executive and head of paid service;
  - undertake development and performance reviews for the chief executive and head of paid service (based on the objectives and targets for the chief executive and head of paid service set by the leaders);
  - appoint panels to suspend the chief executive and to take disciplinary action against and to make recommendations to the employing Council on matters relating to the dismissal of the chief executive, head of paid service, monitoring officer and chief finance officer in accordance with the procedures set out in the officer employment procedure rules;
  - appoint panels to determine appeals against disciplinary action against the chief executive, head of paid service, monitoring officer, chief finance officer and heads of service, in accordance with the procedures set out in the officer employment procedure rules.

## Membership

3. The committee will comprise:

- South Oxfordshire District Council – Leader and two councillors (politically balanced unless otherwise agreed by Council with no-one voting against).
  - Vale of White Horse District Council – Leader and two councillors (politically balanced unless otherwise agreed by Council with no-one voting against).
4. The leader may be substituted by another Cabinet member. Other members of the committee may be substituted by any other member of the council (Cabinet or non-Cabinet and from any political group). The chairman or the vice-chairman of Council shall not act as chairman or vice-chairman of the committee.

## **Appointment of sub-committees**

### **INVESTIGATION AND DISCIPLINARY SUB-COMMITTEES**

5. The committee may appoint on an ad hoc basis, and agree procedures, for an investigation and disciplinary sub-committee with powers to:
- (a) consider disciplinary and capability matters relating to the chief executive, head of paid service, monitoring officer or chief finance officer;
  - (b) consider grievances relating to the chief executive and head of paid service;
  - (c) suspend the chief executive and head of paid service pending an investigation;
  - (d) appoint an independent investigator to investigate allegations of misconduct or capability relating to the chief executive, head of paid service, monitoring officer or chief finance officer;
  - (e) appoint an independent investigator to investigate grievances relating to the chief executive and head of paid service.
6. Each sub-committee will be politically balanced and comprise three members of the joint staff committee (two members from the employing council, including at least one member of the cabinet, and one from the non-employing council).

### **APPEALS SUB-COMMITTEES**

7. The committee may appoint on an ad hoc basis, and agree procedures for, an appeals sub-committee to consider appeals against any decisions made by the investigation and disciplinary sub-committee to take disciplinary action against the chief executive, head of paid service, monitoring officer or chief finance officer, with the exception of a decision to recommend Council to dismiss the chief executive, head of paid service, monitoring officer or chief finance officer.
8. Each sub-committee will be politically balanced and will comprise three members of the joint staff committee (two members from the employing council, including at least one member of the cabinet, and one from the non-employing council). No councillor who was a member of the investigation and disciplinary sub-committee making the decision which is the subject of the appeal may be a member of the appeals sub-committee.

## **Time and place of meetings**

9. The time and place of meetings will be notified in the agenda for each meeting.

## Notice of and agenda for meetings

10. Meetings of this committee will be arranged as required.
11. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available.

## Chairman of meetings

12. The chairman (or vice-chairman in their absence), appointed by the committee each year, will preside over meetings and lead and guide the work of the committee.

## Quorum

13. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
14. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman.

## Duration of meetings

15. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, votes for the meeting to continue for a further period to complete the business on the agenda.

## Meeting procedure

16. The committee shall consider the following business:
  - (a) To receive any apologies and notifications of substitutes;
  - (b) Declarations of disclosable pecuniary interests and other interests;
  - (c) Minutes of the previous meeting; and
  - (d) The business otherwise set out on the agenda for the meeting.

## Public participation

17. An application to speak must be made in writing or by email to democratic services [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
18. The public may address a committee meeting by asking a question, making a statement or presenting a petition and may speak for up to three minutes each. Every question, statement or petition must relate to an agenda item for that meeting. Public questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.
19. The public address session will be limited to 15 minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
20. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together.
21. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## **Voting**

### **MAJORITY**

22. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

### **CHAIRMAN'S CASTING VOTE**

23. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

### **SHOW OF HANDS**

24. Unless a recorded vote is requested under rule 25, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **RECORDED VOTE**

25. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

## Minutes

26. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## Record of attendance

27. All councillors present must sign the attendance list provided at the meeting.

## Exclusion of the public

28. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rules 34 and 35 (disturbance by the public).

## Councillors' conduct

29. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### CHAIRMAN SPEAKING

30. When the chairman speaks during a debate, any councillor speaking at the time must stop.

### COUNCILLOR NOT TO BE HEARD FURTHER

31. If a councillor persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

### COUNCILLOR TO LEAVE THE MEETING

32. If the councillor continues to behave improperly after such a motion is carried, the chairman may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### GENERAL DISTURBANCE

33. If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

## Disturbance by the public

### REMOVAL OF A MEMBER OF THE PUBLIC

34. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

**CLEARANCE OF PART OF THE MEETING ROOM**

35. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

**Attendance by other district councillors at meetings**

36. With the agreement of the committee, any councillor may attend a meeting of the committee. With the consent of the chairman he/she may speak, but not vote, on any item on the agenda for the meeting.



# Officer employment procedure rules

## General

1. The council's staff are employed, appointed, designated or engaged on behalf of the whole council and not by parts of the organisation or individuals.
2. The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and procedures of the council.
3. Persons employed, appointed, designated or engaged by contractors under specific agreements or contracts are contractor staff and not council staff.
4. Officers may be employees, other persons engaged on temporary contracts, consultancy arrangements or other appropriate terms or contractor staff.
5. Generally (except for certain senior staff appointments) the function of appointment and dismissal of, and taking disciplinary action against a member of staff of the council must be discharged on behalf of the council by the head of paid service or by an officer nominated by him or her.

## Recruitment and appointment of staff

### DECLARATIONS

6. Any candidate for any designation or appointment as an officer with the council who knows that he or she is related to a councillor or officer of the council shall, when making application, disclose, in writing, that relationship to the head of corporate services. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal. The content of this paragraph will be included in any recruitment information.
7. Every councillor and officer of the council shall disclose to the head of corporate services any relationship known to him or her to exist between himself or herself and any person he or she knows is a candidate for a designation or appointment by the council.
8. Persons shall be deemed to be related to a councillor or officer if they are a spouse, partner (i.e. member of a couple living together), parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of these persons.
9. In the case of a dispute under paragraph 8 about the status of a relationship in relation to an appointment, the head of corporate services will rule and such ruling will be applied.

10. No candidate so related to a councillor or an officer will be appointed without the authority of the relevant head of service or an officer nominated by him or her.

**SEEKING SUPPORT FOR APPOINTMENT.**

11. The council will disqualify any candidate who directly or indirectly seeks the support of any councillor or officer for any designation or appointment with the council and, if designated or appointed, shall be liable for dismissal. The content of this paragraph will be included in any recruitment information.
12. Subject to rule 13, no councillor will seek support for any person for any designation or appointment with the council.
13. Nothing in rules 11 and 12 above will preclude a councillor from giving a written reference for a candidate for submission with an application.

**Recruitment of chief executive and statutory officers**

14. Where the council proposes to appoint the chief executive, the head of paid service, the monitoring officer or the chief finance 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 the duties of the officer concerned and 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 14 (a) to be sent to any person on request.

**APPOINTMENT OF CHIEF EXECUTIVE AND STATUTORY OFFICERS**

15. The full Council will approve the appointment of the chief executive, the head paid service, the monitoring officer or the chief finance officer, following the recommendation of such an appointment by the joint staff committee. No offer of appointment may be made until the Council has approved any recommendation to that effect.
16. The full Council may not make or approve the appointment of the chief executive, the head paid service, the monitoring officer or the chief finance officer until:
  - (a) the joint staff committee has notified the head of corporate services of the name of the person to whom the joint staff committee wishes to make the offer and any other particulars which the joint staff committee considers are relevant to the appointment;
  - (b) the head of corporate services has notified every member of the Cabinet of:
    - (i) the name of the person to whom the joint staff committee wishes to make the offer;
    - (ii) any other particulars relevant to the appointment which the joint staff committee has notified to the head of corporate services; and
    - (iii) the period within which any objection to the making of the offer is to be made by the leader of the council on behalf of the Cabinet to the head of corporate services; and
  - (c) either:

- (i) the leader of the council has, within the period specified in the notice under rule 16 (b) above notified the joint staff committee that neither he or she nor any other member of the Cabinet has any objection to the making of the offer;
- (ii) the head of corporate services has notified the joint staff committee that no objection was received by him/her within that period from the leader of the council; or
- (iii) the joint staff committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

## **Dismissal of chief executive and statutory officers**

17. The full Council will approve the dismissal of the chief executive, the head paid service, the monitoring officer or the chief finance officer, following the recommendation of such a dismissal by a sub-committee of the joint staff committee. No notice of dismissal shall be given until the Council has approved any recommendation to that effect.
18. The full Council may not give notice of the dismissal of the chief executive, the head of paid service, the monitoring officer or the chief finance officer until:
  - (a) a sub-committee of the joint staff committee has notified the head of corporate services of the name of the person whom the sub-committee wishes to dismiss and any other particulars which the sub-committee considers are relevant to the dismissal;
  - (b) the head of corporate services has notified every member of the Cabinet of:
    - (i) the name of the person who the joint staff committee wishes to dismiss;
    - (ii) any other particulars relevant to the dismissal which the sub-committee has notified to the head of corporate services and
    - (iii) the period within which any objection to the dismissal is to be made by the leader of the council on behalf of the Cabinet to the head of corporate services; and
  - (c) either:
    - (i) the leader of the council has, within the period specified in the notice under rule 18 (b) above notified the sub-committee that neither he or she nor any other member of the Cabinet has any objection to the dismissal;
    - (ii) the head of corporate services has notified the sub-committee that no objection was received by him/her within that period from the leader of the council; or
    - (iii) the sub-committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

## **DISCIPLINARY ACTION AGAINST STATUTORY OFFICERS**

19. In the following paragraphs:

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the council’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the council’s area in accordance with the Representation of the People Acts;
- (e) “the sub-committee” means a sub-committee comprising a minimum of three members of the joint staff committee (a sub-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 council) plus such independent persons as are appointed to the sub-committee by the sub-committee;
- (f) “relevant meeting” means a meeting of the full Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” means the chief executive, the head of paid service, the monitoring officer or the chief finance officer, as the case may be.

20. A relevant officer may not be dismissed by the Council following disciplinary action unless the procedure set out in the following rules is complied with.

21. The sub-committee must invite relevant independent persons to be considered for appointment to the sub-committee, with a view to appointing at least two such persons to the sub-committee.

22. In rule 21 “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 council or councils as the council considers appropriate.

23. Subject to rule 24, the sub-committee must appoint to the sub-committee such relevant independent persons who have accepted an invitation issued in accordance with rule 21 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 council or councils.

24. The sub-committee is not required to appoint more than two relevant independent persons in accordance with rule 23 but may do so.

25. The joint staff committee must appoint any sub-committee at least 20 working days before the relevant meeting.

26. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the full Council must take into account, in particular—

- (a) any advice, views or recommendations of the sub-committee;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

27. Any remuneration, allowances or fees paid by the council to an independent person appointed to the sub-committee must not 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.

## **Appointment, dismissal of and disciplinary action against heads of service**

### APPOINTMENT OF HEADS OF SERVICE

28. Where the council proposes to appoint a head of service 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 the duties of the officer concerned and 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 28 (a) to be sent to any person on request.
29. The appointment of heads of service is the responsibility of the joint staff committee.
30. The joint staff committee may not make the appointment of a head of service until:
- (a) the joint staff committee has notified the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive) of the name of the person to whom the joint staff committee wishes to make the offer and any other particulars which the joint staff committee considers are relevant to the appointment;
  - (b) the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive) has notified every member of the Cabinet of:
    - (i) the name of the person to whom the joint staff committee wishes to make the offer;
    - (ii) any other particulars relevant to the appointment which the joint staff committee has notified to the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive); and
    - (iii) the period within which any objection to the making of the offer is to be made by the leader of the council on behalf of the Cabinet to the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive); and
  - (c) either:
    - (i) the leader of the council has, within the period specified in the notice under rule 30 (b) above notified the joint staff committee that neither he or she nor any other member of the Cabinet has any objection to the making of the offer;
    - (ii) the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive) has notified the joint staff committee that no objection was received by him/her within that period from the leader of the council; or

- (iii) the joint staff committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

#### DISMISSAL OF HEADS OF SERVICE

- 31. Councillors will not be involved in the dismissal of heads of service, other than the monitoring officer or chief finance officer as set out in rules 17 and 18 above or in dealing with appeals against decisions of the chief executive

#### DISCIPLINARY ACTION AGAINST HEADS OF SERVICE

- 32. Councillors will not be involved in disciplinary action against heads of service, other than the monitoring officer or chief finance officer as set out in rules 19 to 27 above or in dealing with appeals against decisions of the chief executive.

### **Appointment, dismissal of and disciplinary action against service managers**

#### APPOINTMENT OF SERVICE MANAGERS

- 33. Where the council proposes to appoint a service manager and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:
  - (d) 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;
  - (e) 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
  - (f) make arrangements for a copy of the statement mentioned in paragraph 33 (a) to be sent to any person on request.
- 34. The appointment of service managers is the responsibility of the head of paid service or an officer nominated by him or her, and may not be made by councillors, although councillors may be invited to sit on appointment panels as observers.
- 35. The head of paid service or an officer nominated by him or her may not make the appointment of a service manager until:
  - (a) the head of paid service or an officer nominated by him or her has notified the head of corporate services of the name of the person to whom the head of paid service or his or her nominee wishes to make the offer and any other particulars which the head of paid service or an officer nominated by him or her considers are relevant to the appointment;
  - (b) the head of corporate services has notified every member of the Cabinet of:
    - (i) the name of the person to whom the head of paid service or his or her nominee wishes to make the offer;
    - (ii) any other particulars relevant to the appointment which the head of paid service or his or her nominee has notified to the head of corporate services; and
    - (iii) the period within which any objection to the making of the offer is to be made by the leader of the council on behalf of the Cabinet to the head of corporate services; and
  - (c) either

- (i) the leader of the council has, within the period specified in the notice under rule 35 (b) above notified the head of paid service or an officer nominated by him or her that neither he or she nor any other member of the Cabinet has any objection to the making of the offer;
- (ii) the head of corporate services has notified the head of paid service or an officer nominated by him or her that no objection was received by him/her within that period from the leader of the council; or
- (iii) the head of paid service or an officer nominated by him or her is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

36. Councillors will not be involved in the dismissal of or disciplinary action against service managers.

### **Appointment, dismissal of and disciplinary action against officers below service managers**

37. The appointment of officers below service managers (other than assistants to political groups) is the responsibility of the head of paid service or an officer nominated by him or her, and may not be made by councillors.

38. Councillors will not be involved in the dismissal of or disciplinary action against any officer below service managers.

### **Appointment of assistants to political groups**

39. The council may create not more than three posts of assistants to political groups.

40. No such appointment shall be made until the Council has allocated such a post to each political group which qualifies for one under the Local Government and Housing Act 1989.

41. No such appointment shall be made in respect of any political group which does not qualify for one under the Local Government and Housing Act 1989.

42. Not more than one post shall be allocated to any political group.

43. The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

44. Assistants to political groups are responsible to the head of paid service as a member of staff.

45. Disciplinary action and dismissal of an assistant to a political group shall be undertaken by the head of paid service or an officer nominated by him or her.

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