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Our reference: Liz Reid-Jones
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Date: 16 May 2011

To all Members of the Council

Dear Councillor

A meeting of the CABINET will be held on Tuesday 24 May 2011 at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely

Head of Corporate Services

AGENDA

1. Apologies for absence
2. Declarations of Interest
3. Minutes of the Meeting held on Tuesday 8 February 2011 (previously circulated)
4. Four Year Service Review Programme – Terms of Reference

The report of the Head of Partnerships and Performance is attached (pages 1 - 4).

5. Officer Employment Procedure Rules – Referral from Council

The report of the Chief Executive is attached (pages 5 -12).

Meeting Room Guidance

Fire Alarm - Evacuation - in the event of an alarm sounding you should evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble in the Nottingham Forest car park adjacent to the main gates.

Toilets - Facilities, including those for the disabled, are located opposite Committee Room 2.

Mobile Phones – For the benefit of other users please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones - When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

**MINUTES
OF THE MEETING OF THE
CABINET**

TUESDAY 8 FEBRUARY 2011

Held at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

Councillors J N Clarke (Chairman), J A Cranswick, J E Fearon, Mrs D J Mason, R Hetherington and Councillor D G Bell

ALSO IN ATTENDANCE:

Councillors S J Boote, Mrs D Boote, C J Evans, R M Jones, A MacInnes and G R Mallender.

OFFICERS PRESENT:

A Graham	Chief Executive (AG)
C Bullett	Deputy Chief Executive (CB)
S Griffiths	Deputy Chief Executive (SG)
J Hicks	Strategic Human Resources Manager
P Randle	Deputy Chief Executive (PR)
N Morton	Head of Financial Services
D Swaine	Head of Corporate Services

APOLOGIES FOR ABSENCE:

There were no apologies.

54. Declarations of Interest

Councillor Mason declared a personal interest in item 6 'Cotgrave Master Plan' as a Spirita Board Member.

55. Minutes

The minutes of the meeting held on Tuesday 11 January 2011 were approved as a correct record and signed by the Chairman.

56. Financial Plans and Strategy 2011-12 to 2015-16

Councillor Clarke presented the report of the Head of Financial Services outlining the financial plans and strategy for the period 2011/12 to 2015/16. He explained that the report set out in detail the financial challenges facing the Council and the extensive work undertaken to engage all Councillors and representative residents in identifying options for the way forward. He believed that this extensive engagement had been very useful in increasing awareness of the challenges facing the Council and determining viable ways to meet these.

Commenting further Councillor Clarke made reference to the reduced grant settlement the Council had received and the funding gap this created. By

referring to the report he outlined the approaches available to the Council to address this issue. He stated that an increase in Council Tax to bridge the gap was not a viable solution due to its negative impact on residents and also the loss of the benefits that Central Government would provide for making no increase. Furthermore any such increase could be capped through Government intervention.

Another option was to make across the board cuts to services to bridge the gap, however such an approach would not be aligned to delivery of the Council's priorities and therefore any such cuts would not protect or preserve services that mattered most. Alternatively a planned and measured approach incorporating a combination of business cost reduction, income generation and service redesign presented the best way forward. Furthermore such an approach would build upon the principles agreed by Cabinet in September last year when it considered the initial budget report.

Councillor Clarke referred to the Members' budget setting workshops and how these principles had informed the suggestions that had been made. The suggestions had then informed the development of a four-year plan of service redesign and review and also other actions to address the financial situation. Commenting further on the proposals considered by Members and residents in their respective workshops, Councillor Clarke referred to the table set out at page 30 of the report which identified potential savings forming part of the actions to address the funding gap. He added that he believed that options 1, 2c, 3, 4 5 6 and 8 within the table should be taken forward as part of the budget savings and these were supported by Cabinet.

Councillor Cranswick supported the proposal and a further paper exemplifying its impact on the budget and five year projections was circulated. He stated that the challenges facing the Council were unprecedented and made more difficult by the fact that much of the impact was felt within the first two years of the four year plan. He added that the Council was a very efficient and effective organisation that had always managed its finances very well. This had been recognised by external validation for the efficient use of its resources and the value for money it provided. Consequently as a lean and well run organisation the financial deficit heightened the challenges faced, but it did mean the Council was well placed to plan the way forward and maintain excellent service delivery. Furthermore it was important that the level of Council Tax remained as it was, in order to maintain a commitment to not increase it.

Councillor Cranswick went onto refer to the extensive engagement that had been undertaken as part of the development of the budget proposals and the financial strategy. He believed that this demonstrated a transparent process for setting a budget which was fair and proportionate given the challenges facing the Council. He added that as part of the engagement with residents they had suggested that an increase in Council Tax could help bridge the funding gap. However, such an increase would lead to capping by central Government and it was important to have a planned, rational and fair approach to meeting the challenges, not solely reliant on increased Council Tax income. On this he believed that it was imperative that there was no Council Tax increase.

Councillor Fearon concurred with these comments and added that the Members' workshops had enabled all Councillors to be actively involved in

determining the way forward. He stated that this process had ensured Councillors, as community leaders, had been able to identify and consider the best options to deal with the difficulties faced.

The Chief Executive referred to the paper circulated setting out adjustments to calculations within the report arising from some very recent changes to the final grant settlement. Councillor Clarke explained that these changes related to the financing arrangements for concessionary fares and where responsibility for delivery of the concessions fell. He added that this made some adjustments to the figures reducing the impact of the settlement in year one, however this was then offset by a greater impact in year two. Consequently some of the calculations and figures had been revised to reflect this.

Commenting further Councillor Clarke stated the success of the budget and the longer term financial strategy was dependant on meeting the savings options within the report which had been identified through the Member workshops and engagement with residents. The Deputy Chief Executive (CB) stated that annex three of the report detailed these options and the paper circulated showed the impact on revenue funding of the savings options 1, 2c, 3, 4, 5, 6 and 8 as set out at the table on page 30 of the report. The paper circulated also incorporated adjustments, where necessary, to the figures as consequences of the recent information provide by Government in respect of concessionary fares.

Councillor Mason stated that the financial strategy presented a balanced approach enabling the Council to meet the challenges it faced. She believed that both Members and officers had worked hard to identify the best way forward with Members from across all parties working well together to determine sensible and clear options that were in the best interests of the Borough and its residents. Councillor Hetherington agreed with this stating that he believed the strategy provided a fair and sensible way forward.

The Chief Executive emphasised that it was important to be clear that the financial strategy set out a sensible and planned approach to meeting the challenges. He added that the diagram at page 40 of the report highlighted the importance of the principles of business cost reduction, income generation and service redesign as agreed by Cabinet in September last year when it had considered the initial budget report. He went on to state that service redesign would be an integral part of meeting the challenges, however, there was no predetermination with respect to how services would be financed, configured or delivered. Where necessary Member engagement would form part of the process for determining how services could be redesigned evidencing a fair and transparent approach.

In conclusion Councillor Clarke thanked Members and officers for the hard work undertaken in the development of the financial strategy and the plans for the next four years. He added that by delivering the plan the Council would be able to maintain its excellent status by providing quality, cost effective services and meeting the needs of residents.

RESOLVED that Cabinet supports and proposes to Council for approval:-

- i. the capital programme as set out in **Annex 1**, and that officers be authorised to take the necessary steps to implement the first two years of that programme;
- ii. the prudential indicators as set out in **Annex 2**;
- iii. delegation to the Section 151 Officer the authority to effect movements between the separately agreed authorised and operational limits for external debt in respect of external borrowing and other long term liabilities, in accordance with optional appraisal and best value for money for the authority;
- iv. The revenue estimates for 2011/12, including the savings options 1,2c,3,4,5,6 and 8 and including the contingency provision, proposed at £80,000 based on the financial strategy as set out in **Annex 3 updated by the attached projection and budget requirement**;
- v. A nil increase in the level of Council Tax for general Borough purposes, leaving the Band D rate at £113.22, with the consequent use of revenue balances;
- vi. The medium term financial strategy as set out in **Annex 3**;
- vii. The four year plan as set out at **Appendix 1** within **Annex 3**;
- viii. The treasury management strategy as set out in **Annex 4**;

57. **Electoral Review Opportunity**

Councillor Clarke presented the report of the Chief Executive indicating that the Local Government Boundary Commission for England (LGBCE) had recently requested the Council's view on the issue of electoral reviews. Consequently Cabinet's views were sort on recommending to Council the submission of a formal request for an electoral review for the Borough of Rushcliffe.

The report indicated that the LGBCE was the body responsible for electoral arrangements in England and it was reviewing its practices and procedures with regards to electoral reviews. In its recent communication with the Council the Commission had indicated that it intended to stream-line its review process so more reviews could be done. By way of a table the report set out the ratio of electorate per Councillor for authorities across the Nottinghamshire area, indicating that Rushcliffe had one councillor for every 1,727 electors. The report also set out the stages of the review process and the anticipated timescale. It also highlighted the potential financial implications of a potential reduction in the number of Councillors stating that any such impact would not come into place until 2015 at the earliest.

Councillor Clarke stated that it was important for Cabinet to recognise that failure to ensure electoral representation that was fair and equitable, restricted the Council's ability to deliver services reflective of local need. Councillor Cranswick stated that he agreed with these comments and in view of the wider

fundamental challenges facing local authorities it was timely to request an electoral review.

RESOLVED to recommend to Council that a request be made to the Local Government Boundary Commission for England to undertake a future electoral review of the Borough of Rushcliffe.

58. Cotgrave Masterplan

Councillor Cranswick presented the report of the Chief Executive detailing the required leadership from the Council and its partners, to champion and support the community in delivering the regeneration of Cotgrave Town Centre.

By way of a presentation the Chief Executive provided Cabinet with further details regarding the masterplanning process. He stated that the process for masterplanning in the Town Centre had commenced in July 2009 following a successful funding bid. It was important that the centre was linked to future developments at the colliery site, which had recently been granted planning approval. The Chief Executive added that the masterplan intended to regenerate the Town Centre providing economic benefits to different parts of the community. The process had been taken forward through engaging with the local community in order to develop proposals that would regenerate and revitalise the area whilst retaining its character and heritage.

The presentation included a map outlining the two preferred masterplan proposals and the Chief Executive summarised the impact of these on the geographical make up of the area particularly the high street, green spaces and houses on Scotland Bank. He also identified the differences between the two preferred plans and the rationale for these. The maps also highlighted the proposal to include a joint public services facility bringing together facilities required by the local community particularly library provision and health services.

A further map detailed public and private land ownership within the masterplan. The Chief Executive explained that a large amount of the land was owned publicly either by the Borough or County Council. He added that bringing the shopping centre into public ownership would facilitate the implementation of the scheme. He confirmed a further report would be presented to Cabinet detailing proposals for this acquisition.

The Chief Executive detailed the next steps in the development of the masterplan, particularly in relation to land assembly and funding. He stated that working with partners was an essential element of a successful delivery of the plan. Therefore it was particularly important that partners were committed to the project and were clear on their responsibilities. Additionally a developer would need to be appointed to oversee the Colliery and the Town Centre element of the project ensuring that they remained linked at all times. Furthermore it would be important to establish open and transparent governance arrangements with the necessary Councillor involvement. Additionally any governance arrangements should sit alongside proper mechanisms for community engagement involving residents in the decision making process.

In conclusion the Chief Executive stated that the regeneration was a long term project and the consultation undertaken so far had indicated overall support for the masterplan's vision. He stressed that it was important as part of delivery of the plan to arrange joint working opportunities, in order to deliver services in the most economical way. It was also important to ensure programmes and interventions were meeting overall objectives and outcomes in relation to social and economic well being.

Councillor Cranswick thanked the Chief Executive for his presentation and stated that the masterplan was a very exciting project which would provide real benefits to Cotgrave and its residents. He added it was proposed that the Council's capital programme would include provision to support the project and more detailed financial modelling would be provided in the future to Cabinet regarding the potential acquisition of the shopping centre. He recognised the importance of effective governance arrangements and engagement with all partners at the formative stages of the project, particularly the Town Council and residents.

Councillor Bell stated he supported the approach being taken and he believed that the masterplan was well supported and presented sound long term proposals for the regeneration of the area. Councillor Fearon concurred with this and added that he believed the proposals would help address some of the difficulties within the area whilst retaining its character and heritage.

In conclusion Councillor Clarke stated that the masterplan presented an opportunity to regenerate and revitalise the area, whilst retaining many of the excellent buildings in Cotgrave that were integral to its unique and attractive character.

RESOLVED that Cabinet:-

- i. Endorses the principle of Rushcliffe Borough Council working in partnership to secure an improved town centre environment for Cotgrave through regeneration of the area in conjunction with the development of the Cotgrave colliery site;
- ii. Supports the need to minimise the risk to the town centre regeneration project by Rushcliffe Borough Council working towards assembling the required site with its public sector partners;
- iii. Receives a future report detailing the feasibility and acquisition options to procure the shopping centre;
- iv. Supports the inclusion of this scheme within the Council's 2011/12-2015/16 capital programme;
- v. Supports the proposed use of the Rushcliffe Borough Council/Spirita partnership funding for housing acquisitions in the town centre area.

59. Review of the Terms of Reference for the Employment Appeals Committee and the Officer Employment Procedure Rules

Councillor Clarke presented the report of the Head of Corporate Services outlining the findings of the review of the terms of reference for the Employment Appeals Committee and the Council's Officer and Employment Procedure rules. The report indicated that at its meeting on the 18 January 2011, the Corporate Governance Group had considered these revisions and

they were now before Cabinet for consideration prior to submission to Council for approval.

The report set out the present terms of reference for the Employment Appeals Committee indicating that these were too far reaching and beyond its originally intended purpose. Subsequently it set out revised terms of reference at paragraph eight explaining that these changes were proposed to ensure consistency with the Council's scheme of delegation and the committee's true role and purpose.

Appendix A of the report set out revised Officer Employment Procedure rules with minor changes being made to bring them up-to-date with the Council's structure and ensure compliance with the regulations within the Local Government and Housing Act.

RESOLVED that Cabinet:-

- i. Endorses the revised terms of reference for the Council's Employment Appeals committee as set out in paragraph 7 of the report;
- ii. Endorses the amended Officer Employment Procedure Rules at Appendix A.

RESOLVED that Cabinet recommends the revisions to Council.

60. Capital Budget Monitoring December 2010 – Period 9

Councillor Cranswick presented the report of the Head of Financial Services detailing the capital budget monitoring at period 9. The report indicated that after nine months of the financial year the difference between the gross Capital budget and the anticipated final spend for the year equated to £519,636. The detailed capital monitoring position had been reviewed by the Corporate Governance Group at its meeting on 18 January 2011 and was now before Cabinet for consideration.

Councillor Cranswick referred to the table within the report highlighting the schemes where significant areas of variance were anticipated at year end. Subsequently the report sought adjustment to the capital programme relating to the Community Contact Centre Spokes, Decent Homes Funding, West Bridgford Environmental Improvements and Vehicle replacement.

RESOLVED that the capital programme be adjusted for the amendments to the Capital Programme, relating to the Community Contact Centre Spokes, Decent Homes Funding, West Bridgford Environmental Improvements and Vehicle Replacement.

61. Revenue Budget Monitoring – December 2010 Period 9

Councillor Cranswick presented the report of the Head of Financial Services detailing the revenue budget monitoring which showed an overall under spend at the end of December of £506,046. This included interest income which was showing a favourable variance of £46, 484 and a current under spend on services of £459, 598. The report indicated that the detailed revenue budget monitoring position had been considered by the Corporate Governance Group

at its meeting on the 18 January 2011 and was now before Cabinet for consideration.

RESOLVED that Cabinet endorse the action being taken in relation to the Revenue budget monitoring position at period 9

The meeting closed at 7.50 pm

CHAIRMAN

REPORT OF THE HEAD OF PARTNERSHIPS AND PERFORMANCE

Summary

This report sets out the proposals to establish two Cabinet Member Groups to oversee and scrutinise the service review of Environment and Waste Management's Streetwise, recycling2go, medical waste and bulky waste services and Community Shaping's community facilities management and sports development services.

Recommendation

It is RECOMMENDED that:

- a) Cabinet Member Groups be appointed with the terms of reference, composition and membership as set out in the report and;
- b) the Head of Corporate Services be requested to seek nominations to the Groups and arrange the first meeting for each.

Detail

1. In September 2010, Cabinet received and approved a report by the Chief Executive that provided a policy framework and strategy for the budgetary and service delivery challenges facing the Council. The strategy identified the following three "work streams"
 - Business cost reduction
 - Income generation and maximisation
 - Service redesign
2. In response to the formula grant settlement the emerging "Big Society" agenda and following an extensive consultation exercise involving all members of the Council, a number of actions, options and preferences were identified for each of the three "work streams" for the next four years. These have been summarised and incorporated into a four year plan.
3. It was acknowledged within this report that the four year plan includes significant proposals or reviews which will require additional monitoring or special consideration to ensure that they are fully contributing to the financial and public sector reform agenda. Therefore each of these "work streams" will be continually monitored by either senior managers, cabinet members within their portfolio responsibilities or through the appropriate scrutiny or member groups.

4. In February 2011, Cabinet supported and proposed to Council the Financial Plans and Strategy 2011-12 to 2015-16. This included support for a planned and measured approach incorporating a combination of business cost reduction, income generation and service redesign which would build upon the principles agreed by Cabinet in September last year when it considered the initial budget report.
5. At the Council meeting held on 3 March the four year plan was approved along with the intention to establish a cross party Cabinet Member Groups to oversee the delivery of a number of the reviews within the four year plan. The formation of such Member Groups is consistent with the provisions within the Council's Constitution Part 4 - Rules of Procedure – 1.3 (b) 'Sub-Delegation of Cabinet Functions'.
6. The proposed terms of reference for each Group are:

Environment and Waste Management Review

To oversee and ensure scrutiny of the Environment and Waste Management review project as it progresses, taking into account Cabinet's direction to:

- *complete to time (December 2011) the efficiency and savings review of the Streetwise, recycling2go, medical waste and bulky waste services*
- *identify areas where efficiencies and the required savings of £375,000 per annum from October 2012 can be achieved, while still meeting customer needs*
- *identify and consider in-house and alternative service delivery options, including, where appropriate, partnerships and community based initiatives*
- *oversee any consultation with the public, partners and other key stakeholders*
- *advising and reporting any recommendations for the future delivery of the services to Cabinet prior to a formal decision being made.*

Community Facilities Review

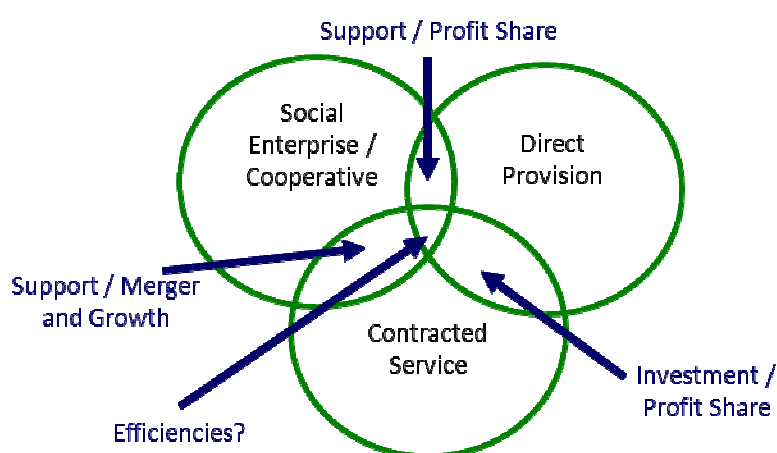
To oversee and ensure scrutiny of the Community Facilities review project as it progresses, taking into account Cabinet's direction to:

- *complete to time (March 2012) the efficiency and savings review of the management of community facilities and sports development services*
- *identify areas where efficiencies and the required savings of £40,000 per annum from October 2012 can be achieved, while still meeting customer needs*
- *identify and consider in-house and alternative service delivery options, including, where appropriate, partnerships and community based initiatives*

- *oversee any consultation with the public, partners and other key stakeholders*
- *advising and reporting any recommendations for the future delivery of the services to Cabinet prior to any formal decision being made.*

7. It is anticipated that as part of their work the Cabinet Member Groups will give due regard to:

- The achievement of the overall four year service review savings target.
- Different models of service provision to respond to the national agendas of the “big society”, localism, personalisation of services and efficiency. While there are a number of such models, it is considered that they generally fall into three categories as demonstrated by the diagram below:



8. In terms of membership it is considered that each Group should comprise of nine Members based on political representation of the Council. It is proposed that the Group’s Chairman will be a Cabinet Member.
9. In order to ensure consistency of debate and composition substitutes will not be permitted at the Member Group’s meetings.
10. Cabinet should be mindful that any delay in the review or failure to select and implement options to achieve the required savings will have an impact on the achievement of the overall savings target.

Financial Comments

There are no direct financial implications from appointing the Cabinet Member Groups. The work of the groups will assist in the overall requirement for financial savings included within the four year plan.

Section 17 Crime and Disorder Act

Although there are no direct implications from this report, Community Safety is one of the Council's priorities and an area in which much joint working with other bodies takes place. The impact of changes in service and budget on this aspect of the Council's work need to be understood.

Diversity

Although there are no direct implications from this report, When considering options for savings and changes in services it will be vital that the potential impact on specific groups of residents and the vulnerable in particular is understood and taken into account in any decision making process.

Background Papers Available for Inspection: Nil

REPORT OF THE CHIEF EXECUTIVE

Summary

This report sets out the revised Officer Employment Procedure Rules considered by Council in March 2011 that were referred to Cabinet for further consideration.

Recommendation

That Cabinet -

- (i) Considers the issues highlighted by Council in respect of the Officer Employment Procedure Rules and determines if these should be amended further prior to referral to Council for approval.

Detail

1. At its meeting on 8 February Cabinet considered a report setting out amended Officer Employment Procedures Rules, as contained within Part 4 of the Council's Constitution. These amended rules were recommended for adoption by Council at its meeting in March 2011. During Council's consideration of the matter further clarification was sought regarding paragraph two of the Officer Employment Procedures Rules that relate to the recruitment of the Chief Executive and Deputy Chief Executives.
2. Council resolved that the amended rules be referred back to Cabinet for further consideration and clarification. The rules, as currently proposed, are written to enable the Council to either undertake an external recruitment or undertake the recruitment from internal candidates only when making an appointment for the posts of the Chief Executive or Deputy Chief Executives.
3. Cabinet is requested to determine the levels of flexibility required and in particular whether the current proposal should be retained or an alternative recommendation be put to Council stating these posts would be subject to external recruitment only. Therefore Cabinet have a choice of two options and these are set out as follows:
 - (i) Retain the existing provisions within the Officer Employment Procedure Rules regarding the process for recruitment to the posts of Chief Executive and Deputies; or
 - (ii) Request that the existing provisions within the rules be amended so that in future recruitment to the posts of Chief Executive and Deputies always be subject to an external recruitment exercise.

4. In considering these options it is important to consider that whilst external recruitment advertising for these posts can widen the scope for candidates it will also carry a likely financial implication. Therefore the flexible arrangement was designed to provide a mechanism to avoid these costs should a judgement be made to recruit to such a vacancy from among existing officers, which might be more applicable in terms of financial constraint or downsizing.
5. Cabinet may also wish to note that the proposed approach mirrors the Authority's Managing Change Policy which states 'we wish to appoint the best person for the job but retain flexibility to deviate in certain circumstances or financial constraints'.

Risk and uncertainties

6. It is also important to emphasise that on each occasion it will be for Council to determine the scope of the appointment process.
7. In the present financial climate it is important to retain flexibility for recruitment to the posts identified in order to minimise costs. However it is also important to ensure that the scope of such a recruitment process is wide enough to attract suitably experienced, skilled and qualified candidates.

Financial Comments

There are no direct financial implications arising from this report however undertaking external advertising for the posts identified in this report carries a significant costs dependant on its extent and the methods used.

Section 17 Crime and Disorder Act

There are no direct implications from this report.

Diversity

There are no direct equality and diversity implications arising from this report. However in order for the Council to effectively fulfil its obligations and expectations with regard to diversity and equality it is essential it has in place clear Officer Employment Procedure Rules compliant with the rules set out in the Local Government and Housing Act 1989.

Background Papers Available for Inspection:

Rushcliffe Borough Council Constitution

Review of the terms of reference for the Employment Appeals Committee and the Officer Employment Procedure Rules – Cabinet report 8 February 2011 – Council report 3 March 2011

PROCEDURE RULES

OFFICER EMPLOYMENT

These procedure rules incorporate (in paragraphs 5 to 10) the provisions which authorities are required to include in their Standing Orders relating to staff under the Local Authorities (Standing Orders) (England) Regulations 2001 and shall be interpreted in accordance with those Regulations.

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 related to an existing Councillor or senior officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a Councillor or a senior officer will be appointed without the authority of the Chief Executive or a Deputy Chief Executive or an officer nominated by him/her.

(b) Seeking support for appointment

- (i) Subject to (iii), 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) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.
- (iii) This would not preclude a Councillor from providing an official reference for an applicant, provided the Councillor did not participate or seek to influence in any other way in the appointment.

2. **Recruitment of Head of Paid Service and Deputy Chief Executives**

Where the Council proposes to appoint a Chief Executive or Deputy Chief Executive 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 (a) to be sent to any person on request.

3. **Appointment of Head of Paid Service, Monitoring officer and Section 151 officer**

The full Council or a committee appointed by the Council for this purpose will approve the appointment of the head of paid service, and appointment to the roles of Monitoring officer and the Section 151 officer.

4. **Appointment of Deputy Chief Executives**

A committee of the Council will appoint Deputy Chief Executives.

5. **Appointment and Dismissal of Head of Paid Service**

Where a committee, sub-committee or officer is discharging on behalf of the Council the function of the appointment or dismissal of the Head of Paid Service, the Council must approve the appointment before an offer of appointment is made to him/her or, as the case may be, must approve the dismissal before notice of dismissal is given to him/her.

6. Notification Procedures – Appointments

- (1) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the authority, the Council, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.
- (2) An offer of an appointment as an officer referred to in Appendix 1 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 the 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; and
 - (c) either–
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b) (iii), notified the appointor that neither he nor any other Member of the Cabinet has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received by him within that period from the Leader; or
 - (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

7. Notification Procedures – Dismissals

- (a) In this paragraph, “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 Council, that committee, sub-committee or other officer, as the case may be.
- (b) Notice of the dismissal of an officer referred to in Appendix 1 must not be given by the dismissor until-
 - i. 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;
 - ii. 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 Leader on behalf of the Cabinet to the proper officer; and
 - iii. either-
 - A. the Leader has, within the period specified in the notice under sub-paragraph (b) (iii), 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.

8. Cabinet Member on Committees

Where a committee or sub-committee is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in Appendix 1, at least one Member of the Cabinet must be a Member of the committee or sub-committee.

9. Member Involvement

- (a) Save as provided for in sub-paragraphs (b) and (c) below, the function of the appointment and dismissal of, and taking disciplinary action against, a member of staff must be discharged, on behalf of the Council, by the head of paid service or by an officer nominated by him.
- (b) The above requirement shall not apply to the appointment or dismissal of, or disciplinary action against an officer referred to in Appendix 1.
- (c) Sub-paragraph (a) above shall not prevent any Member from serving as a Member of the Employment Appeals Committee.

10. Disciplinary Action – Head of Paid Service, Monitoring Officer and Section 151 Officer

- (a) No disciplinary action in respect of the head of paid service, the Monitoring officer or the Chief Finance officer (Section 151 officer), except action described in sub-paragraph (b) below, may be taken by the Council, or by a committee, a sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- (b) The action referred to in sub-paragraph (a) above is suspension of the officer for the purposes 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.

APPENDIX 1

The posts listed in paragraph 3 of Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) regulations 2001, namely:

- (a) The head of paid service (Chief Executive)
- (b) Statutory chief officer (Section 151 officer)
- (c) Non-statutory chief officer (Deputy Chief Executives)
- (d) Deputy chief officer (Heads of Service)
- (e) Assistant for a political group

Note: the above posts are defined more specifically in the Regulations and the Strategic Human Resources Manager will be able to advise which posts on the establishment fall within the definitions.