

ANNEX 2

This report is exempt under paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972

Folkestone

Hythe & Romney Marsh
Shepway District Council



Report Number **AuG/17/14**

To: Audit and Governance Committee
Date: 28 February 2018
Status: Non – executive decision
Leader of the council: Councillor David Monk

SUBJECT: CONSTITUTIONAL CHANGE

SUMMARY: This report considers proposals for changes to the officer employment procedure rules.

REASONS FOR RECOMMENDATIONS: The committee should consider and make recommendation on officer employment procedure rules in view of the proposed recommendations from the Personnel Committee on the appointment process for a head of paid service.

RECOMMENDATIONS:

- 1. To receive and note report AuG/17/14.**
- 2. To recommend to council that sub – paragraph 2.1.4 of the officer employment procedure rules in part 8.2 of the council’s constitution be deleted**

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1. BACKGROUND

- 1.1 Personnel Committee will consider the attached report (No P/17/09) at appendix 1 on the same day as this report is considered by members of this committee. Personnel Committee's decisions will be reported orally.
- 1.2 As will be seen the Personnel Committee are being recommended to, amongst other things, advertise for a head of paid service through an internal advertisement only. In order to do this there would have to be a change to the constitution. Proposed changes to the constitution must be considered by the council on recommendation of this committee.

2. CONSTITUTIONAL PROVISION

- 2.1 The Officer Employment Procedure Rules in part 8.2 of the constitution provide as follows:-

“2. RECRUITMENT OF THE HEAD OF PAID SERVICE AND CHIEF OFFICERS

Subject to 2.1.4 below, where the Council proposes to appoint a Head of Paid Service or other chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

2.1.1 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.*

2.1.2 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.

2.1.3 Make arrangements for a copy of the statement in 2.1.1. above to be sent to any person on request.

2.1.4 The post of the Head of Paid Service will always be subject to external advertisement.” The emphasis is the report writer's.

- 2.2 Sub – paragraph 2.1.4 is a local rule of the council's and is not a statutory requirement. The report to the personnel committee (paragraph 4.3) sets out the rationale for removing this requirement. It is suggested therefore that the sub – paragraph be deleted. As stated in the report to Personnel Committee the removal of the requirement to advertise the post externally does not mean that the council cannot decide to do this in the future.

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3. RISK MANAGEMENT ISSUES

3.1 No perceived risks.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (AK)

The legal issues are covered fully in the body of this report.

4.2 Finance Officer's Comments (CS)

There are no financial implication arising directly from this report

4.3 Diversities and Equalities Implications (AK)

None identified

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Amandeep Khroud, monitoring officer
Telephone: 01303 853253.
Email: Amandeep.khroud@shepway.gov.uk

The following background documents have been relied upon in the preparation of this report:

Exempt

Appendices:

Appendix 1: Report P/17/09 to Personnel Committee – 28 February 2018