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To: All Members of the Standards and
General Purposes Committee
(Other Members for Information)

When calling please ask for:
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Policy and Governance

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Date: 2nd January 2024

Dear Councillors

STANDARDS AND GENERAL PURPOSES COMMITTEE - 8 JANUARY 2024

I refer to the agenda for the Standards and General Purposes Committee, on Monday, 8 January 2024 and now enclose the following item which was marked To Follow in your agenda papers:

OFFICER EMPLOYMENT PROCEDURE RULES (Pages 3 - 38)

The Committee is recommended to make the resolutions set out in the report at item 7.

(Report and appendices to follow).

Yours sincerely

Leila Manzoor
Democratic Services Officer



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Waverley Borough Councils

Report to: Standards and General Purposes Committee

Date: 8 January 2024

Ward(s) affected: All

Report of Director: Transformation and Governance

Senior Officer: Susan Sale, Joint Executive Head of Legal & Democratic Services

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Report Status: Open

Waverley Borough Council Officer Employment Procedure Rules

1. Executive Summary

- 1.1 There is a statutory obligation upon every Local Authority to have a constitution and to both maintain and publish it. It is considered good practice to keep the constitution under constant review and for councillors to consider a more formal review on an annual basis.
- 1.2 As part of the current work programme to update the constitutions of both Guildford Borough Council (GBC) and Waverley Borough Council (WBC), the Joint Executive Head of Legal and Democratic Services has deemed the Officer Employment Procedure Rules as a high priority, requiring urgent attention, particularly at WBC where none currently exist.

- 1.3 WBC currently does not have any Officer Employment Procedure Rules published in its constitution. Officers are recommending the introduction of new Officer Employment Procedure Rules, using examples of good practice, based on the statutory framework.
- 1.4 This report asks the Waverley Borough Council Standards and General Purposes Committee to consider the proposals in this report and provide feedback on the suggested new Officer Employment Procedure Rules. The report also asks the Standards and General Purposes Committee to recommend the proposed new Procedure Rules to be recommended to WBC full Council for adoption into the constitution.
- 1.5 All members of the Joint Management Team (JMT) are employed by WBC and the Officer Employment Procedure Rules based on the Council's current staff structures, apply only to members of the JMT. It is proposed that the new Officer Employment Procedure Rules will be included in the constitution of both councils.
- 1.6 The Joint Appointments Committee was formed in August 2021 to deal with the appointments of joint senior members of staff. The terms of reference of the Guildford & Waverley Joint Appointments Committee includes the process for the appointment of the Joint Chief Executive, Joint Section 151 Officer, Joint Monitoring Officer, and Joint Strategic Director posts.
- 1.7 The TOR for this committee lies in the constitution for both councils, Part 3 page 19 of the GBC constitution and Part 3 appendix 2 of the WBC constitution. To support the improvements to the Officer Employment Procedure Rules, and incorporate statutory requirements, it has become evident that the Joint Appointment Committee's remit needs to be expanded to also deal with disciplinary action against, and the dismissal of, joint senior members of staff.

- 1.8 It is proposed that the Joint Appointments Committee's TOR be amended to deal with appointments, disciplinaries and dismissals of relevant officers, to reflect legislation. As such, the Committee will require a change of name to better reflect its new purpose, and it is proposed that it be known as the 'Joint Senior Staff Committee' (JSSC), rather than the 'Joint Appointments Committee' (JAC).
- 1.9 A report on the proposed new Officer Employment Procedure Rules was taken to the G&W Joint Constitutions Review Group on 30 November 2023. Members of the group welcomed the proposal and approved the recommendations to refer the new Office Employment Procedure Rules and subsequent amendments to the Standards and General Purposes Committee with a further recommendation to full council for adoption into the constitution.
- 1.10 A similar report will be taken to the Guildford Borough Council Corporate Governance & Standards Committee on 18 January 2024, where it will be proposed that the attached new Officer Employment Procedure Rules be recommended to the Guildford Borough full Council for adoption.

2. Recommendations

That the Standards and General Purposes Committee resolve to:

- 2.1 Note the report and the proposed new Officer Employment Procedure Rules as set out in **Appendix 1** of this report.
- 2.2 Recommend the new Officer Employment Procedure Rules as set out in **Appendix 1** to this report to the Waverley Borough Council full Council with a recommendation to for adoption into their constitutions.
- 2.3 Recommend to the Waverley Borough full Council, the revised terms of reference for the Joint Appointment Committee and name change to reflect its expanded responsibilities to the new Joint Senior Staff

Committee, as set out in **Appendix 4**, to this report and recommend them to full Councils for formal adoption.

- 2.4 Recommend to the Waverley Borough full Council, that the Officer Scheme of Delegations be amended to provide authority for the Monitoring Officer to convene an Independent Panel, as provided for in the Officer Procedure Rules, where necessary, and recommend such an amendment to full Council.

3. Reason(s) for Recommendation:

- 3.1 To ensure that Waverley Borough Council have adequate arrangements in place to deal with the employment of all officers including senior management and statutory officers.
- 3.2 The approval of the new Officer Employment Procedure Rules will be the first step in the process to align the constitutions of GBC and WBC where appropriate to do so.

4. Exemption from publication

- 4.1 No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 This report asks the WBC Standards and General Purposes Committee to;
 - (a) To discuss and consider the proposed new Officer Employment Procedure Rules, and
 - (b) To make recommendations to the WBC full Council in respect of the formal adoption of the new Officer Employment Procedure Rules into the constitution.

6. Strategic Priorities

- 6.1 This report will assist in the delivery of the Councils' Corporate Plan priorities and collaborative working agenda.

7. Background

The Officer Employment Procedure Rules

- 7.1 The statutory officers of both councils, the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Head of Finance) and the Monitoring Officer (Executive Head of Legal and Democratic Services), have duties to advise and protect the councils as corporate bodies. In carrying out their duties at times they may be required to provide advice to members that is not welcome or popular, or to take such action in connection with that advice in order to fulfil their statutory responsibilities.
- 7.2 Accordingly, these three statutory posts are protected by law under specific regulations from unwarranted political interference in carrying out their proper duties. In the event that disciplinary action is contemplated against a statutory officer, members will need to ensure that they understand the procedure to be used complies with the regulatory requirements and the relevant terms and conditions of employment.
- 7.3 The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 amended the previous legislation to change the statutory process for dismissing the Head of Paid Service, Monitoring Officer and Chief Finance Officer ("the relevant officers"). Previously no disciplinary action could be taken against a relevant officer other than in accordance with a recommendation in a report made by a Designated Independent Person (DIP). The 2015 Regulations abolished the role of the DIP and outlined a new process to be followed and to be incorporated into Council constitutions.
- 7.4 The Model Disciplinary Procedure and Guidance which incorporate the relevant statutory requirements was nationally negotiated and agreed by the Joint Negotiating Committee (JNC) for Local Authority Chief

Executives issued in October 2016. It was then incorporated into the contractual terms and conditions of employment for Local Authority Chief Executives.

- 7.5 Additionally, the August 2017 Chief Officers' JNC contains a modified procedure for Monitoring Officers and Section 151 Officer, indicating that the relevant provisions of the Chief Executives' Handbook can be used as a reference guide in such circumstances. This Model Procedure for Chief Executives has been adopted across England and it is now recommended that it should govern any future disciplinary procedures for the relevant Statutory Officers employed here.

Guildford and Waverley Borough Council Collaboration

- 7.6 Following the commitment by both Guildford and Waverley to collaborate and the establishment of a JMT, with the prospect of further collaborative proposals coming forward, the benefits of approving new Officer Employment Procedure Rules and related governance processes within the respective Constitutions, where appropriate to do so, are becoming increasingly apparent.
- 7.7 The current published version of WBC constitution lists the Officer Employment Procedure Rules in Part 4 (4.8), however there is a note advising that the section is under review. The previous version was removed in October 2022. This was initially due to the timing of the recruitment process of the JMT and was left under review with an update imminent.
- 7.8 The GBC Officer Employment Procedure rules can be found in Part 4, pages 77 -94 of its constitution, it is a total of 17 pages. As part of the constitutions review process, we have compared both sections to guidance, best practice, and those of several other collaborating borough/district councils. In comparison the average length of the Officer Employment Procedure Rules is 6 pages, they also tend to be less descriptive and more succinct.

- 7.9 It was decided by both councils in April 2022 that all Statutory officers (The Head of Paid Service, Monitoring Officer, and Chief Finance Officer) and the entire JMT would be employed directly by WBC. It is proposed that the new Officer Employment Procedure Rules will be included in the constitution of both councils. The existing Officer Employment Procedure Rules in GBC's Constitution would be superseded by the new rules.
- 7.10 The group is invited to consider the draft Officer Employment Procedure Rules set out in **Appendix 1** to this report. If approved by both Councils, the new Rules will be included in Waverley's Constitution and will supersede the existing Officer Employment Procedure Rules in Guildford's Constitution.
- 7.11 It will also be necessary for Guildford to formally disband its existing Employment Committee.
- 7.12 The terms of reference for the current Joint Appointments Committee are set out in appendix 2 to this report, the proposed changes are found as a tracked change version at appendix 3 and a clean copy of proposed changes can be found at appendix 4 to this report.

8. Equality and Diversity Implications

- 8.1 There are no equality and diversity implications arising from this report. This report has given due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning constitutional arrangements.

9. Financial Implications

- 9.1 There are no financial implications arising from this report. Any proposals, projects, or suggestions from the groups with financial implications will either be contained within approved budgets or considered as part of the Service and Financial Planning cycle.

10. Legal Implications

- 10.1 The Local Authorities (Standing Orders) (England) Regulations 2001, as amended, govern the appointment and disciplinary arrangements within a Local Authority relevant to senior officers.
- 10.2 Section 112 Local Government Act 1972 provides a Local authority with the power to appoint such officers as they think necessary for the proper discharge by the authority of their functions.

11. Human Resource Implications

- 11.1 The Human Resources implications for certain senior Officers of the Council are set out in the body of the report.

12. Summary of Options

- 12.1 The Standards and General Purposes Committee is invited to consider the proposed new Officer Employment Procedure Rules attached as **Appendix 1**.
- 12.2 In terms of options available, the Standards and General Purposes Committee may:
 - (a) accept the proposed new Officer Employment Procedure Rules and agree to submit them to each council's relevant committee and commend them for adoption by each authority's full Council;
 - (b) amend any of the proposed new Rules; or
 - (c) ask officers to reconsider any part(s) of the new Rules that raise concerns.

13. Background Papers

Waverley Borough Council Constitution
Guildford Borough Council Constitution
Minutes from the GBC Full Council meetings held on 5 April 2022
Minutes from the GBC Full Council meetings held on 26 April 2022

14. Appendices

Appendix 1: Draft Officer Employment Procedure Rules

Appendix 2: TOR for the Joint Appointments Committee

Appendix 3: Draft TOR for the Joint Senior Staff Committee (tracked
change version)

Appendix 4: Draft TOR for the Joint Senior Staff Committee (clean
version)

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OFFICER EMPLOYMENT PROCEDURE RULES

1.0 INTRODUCTION

1.1 Definitions

In these Rules:

- 1.1.1 'The 2001 Regulations' means the Local Authorities (Standing Orders) (England) Regulations 2001; 'The 2015 Regulations' means the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 1.1.2 'Appointor' means, in relation to the appointment of a person as an Officer of the Authority, the Authorities or, where a Joint Committee, Committee, Sub-Committee or Officer is discharging the function of appointment on behalf of the Authorities, that Joint Committee, Committee, Sub-Committee or Officer, as the case may be;
- 1.1.3 'Disciplinary Action' in relation to an Officer of the Council means any action occasioned by alleged misconduct which, if proven, would, according to the Council's usual practice, be recorded on the member of staff's personal file. This includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Authority has undertaken to renew such a contract;
- 1.1.4 'Dismissor' means, in relation to the dismissal of an Officer of the Authority, the Authorities or, where a Joint Committee, Committee, Sub-Committee or another Officer is discharging the function of dismissal on behalf of the Authorities, that Joint Committee, Committee, Sub-Committee or other Officer, as the case may be;
- 1.1.5 The 'Joint Management Team' means the group of Officers consisting of the Joint Chief Executive, the Joint Strategic Directors and the Joint Executive Heads of Service.
- 1.1.6 'Head of Paid Service' means the Officer designated under *Section 4(1) of the Local Government and Housing Act 1989* – the Council's Joint Chief Executive has been designated the Head of Paid Service;
- 1.1.7 'Chief Finance Officer' means the Officer having responsibility, for the purposes of *Section 151 of the Local Government Act 1972*, for the administration of the Council's financial affairs – the Council's Joint Executive Head of Finance has been designated the Chief Finance Officer;
- 1.1.8 'Monitoring Officer' means the Officer designated under *Section 5(1) of the Local Government and Housing Act 1989* – the Council's Joint Executive Head of Legal and Democratic Services has been designated the Monitoring Officer;
- 1.1.9 'Statutory Chief Officer' means, in accordance with *section 2(6) Local Government and Housing Act 1989*, the officer responsible for the purposes of *s151 of the Local Government Act 1972* for the administration of the authority's financial affairs - the Council's Chief Finance Officer is a Statutory Chief Officer.
- 1.1.10 'Non-statutory Chief Officer' means, in accordance with *section 2(7) Local Government and Housing Act 1989* a person for whom the Head of Paid Service is

directly responsible, a person who as respects all or most of the duties of their post is required to report directly or is directly accountable to the Head of Paid Service, or a person who as respects all or most of the duties of their post is required to report directly or is directly accountable to the local authority themselves, (except a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services) – the Council's Joint Strategic Directors are designated Non-statutory Chief Officers;

1.1.11 'Deputy Chief Officer' means, in accordance with section 2(8) Local Government and Housing Act 1989 a person who, with respect to all or most of the duties of their post, is required to report directly or is directly accountable to one or more of the Statutory or Non-Statutory Chief Officers – the Council's Joint Executive Heads of Service, other than the Joint Executive Head of Finance are designated Deputy Chief Officers;

1.1.12 'Joint Senior Staff Committee' means a Committee set up in accordance with s102 Local Government Act 1972 between Guildford Borough Council and Waverley Borough Council. The Terms of reference of the Joint Senior Staff Committee can be found in Part 3 of the Council's constitution.

1.2 Scope of these Procedure Rules

These procedure rules govern the specific arrangements for the recruitment, appointment and disciplinary action (including dismissal) of the Joint Head of Paid Service, the Joint Chief Finance Officer, the Joint Monitoring Officer the Joint Strategic Directors and the Joint Executive Heads of Service.

The function of recruitment, appointment, disciplinary action and dismissal in respect of all other staff must be discharged, on behalf of the Council, by the Head of Paid Service or an Officer nominated by them (in accordance with *paragraph 2 Part II schedule 1 of the 2001 Regulations*).

Such functions will be carried out in accordance with the Council's Human Resource policies, as adopted from time to time.

1.3 Posts

For ease of reference, the posts which fall under the relevant definitions in these Officer Employment Procedure Rules, at the time of writing, are as follows:

Definition	Relevant Post
Head of Paid Service	Joint Chief Executive
Statutory Chief Officer	Joint Executive Head of Finance
Monitoring Officer	Joint Executive Head of Legal and Democratic Services
Non-Statutory Chief Officers	Joint Strategic Directors
Deputy Chief Officers	Joint Executive Heads of Service, other than the Joint Executive Head of Finance.

2.0 RECRUITMENT

2.1 Declarations

A candidate for any employment with the Council, or a staff member involved in a transfer or promotion, to such a post, shall disclose to the Head of Paid Service, whether they are related to, or cohabit with, any Councillor or other Officer or any other person who may have an influence on the decision to appoint.

Any candidate who fails to disclose such a relationship may be disqualified for appointment and any offer of appointment being rescinded and, if appointed, may be liable to dismissal without notice.

Every Councillor and Senior Officer (being an Officer comprising part of the Joint Management Team) of the Council shall disclose to the Head of Paid Service any relationship known to exist between them and any person whom they know to be a candidate for an appointment to the Council.

The Head of Paid Service will report to the Monitoring Officer on any such required disclosures made to them.

2.2 Support for Appointment

The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or Senior Officer (being an Officer comprising part of the Joint Management Team) for any appointment with the Council.

No Councillor nor Senior Officer (comprising part of the Joint Management Team) shall seek support for any person for any appointment with the Council and shall not provide any written testimonial of a candidate's ability, experience or character for submission to the Council.

2.3 Confidentiality

The Council, the Executive, a Joint Committee, a Committee, a Sub-Committee or a Panel should, unless there are exceptional circumstances which dictate otherwise, resolve to exclude the press and public under Section 100A of the Local Government Act 1972 where matters relating to the appointment, promotion, dismissal or discipline, severance, salary or conditions of an individual member of staff or individual post are to be discussed.

2.4 Process and Procedure

2.4.1 Where the Council proposes to appoint an Officer within the Joint Management Team, being either the Head of Paid Service, the Statutory Chief Officer, the Monitoring Officer, a Non-Statutory Chief Officer or Deputy Chief Officer, and it is not proposed that the appointment will be made exclusively from among their existing Officers, the Head of Paid Service or their delegate 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) advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) send a copy of the statement mentioned in paragraph (a) above to any person on request.
- (d) Where a post has been advertised as provided in (b) above, the Council will:
 - (i) interview all qualified applicants for the post; or
 - (ii) select a short list of such qualified applicants and interview those included on the short list; or
 - (iii) if no qualified person has applied, the Council will make further arrangements for advertisement in accordance with paragraph (b) above.

3.0 APPOINTMENT

3.1 Appointment of Joint Chief Executive and designation of Head of Paid Service

The Joint Senior Staff Committee will be responsible for the recruitment process and selection of the Head of Paid Service and for making a recommendation to the Council of both Waverley Borough Council and Guildford Borough Council for the appointment of their preferred candidate.

Each Council will be responsible for appointing the Joint Chief Executive and the designation of the Head of Paid Service to the role, and must do so before an offer of such an appointment is made.

The Councils may only make such an appointment following the consultation requirements set out at paragraph 3.5 below.

3.2 Appointment of Joint Strategic Directors

The Joint Senior Staff Committee will also be responsible for the recruitment and selection process of the Joint Strategic Directors and for appointing their preferred candidates.

The Joint Senior Staff Committee may only make such appointments following the consultation requirements set out at paragraph 3.5 below.

3.3 Designation of the Joint Monitoring Officer and Joint Chief Financial Officer

The Joint Senior Staff Committee will also be responsible for the recruitment and selection process of the Joint Monitoring Officer and Joint Chief Financial Officer. The Joint Senior Staff Committee are responsible for making a recommendation to the Council of both Waverley Borough Council and Guildford Borough Council for the designation of the role to their preferred candidate.

Each Council will be responsible for designating an Officer as the Joint Monitoring Officer and as the Joint Chief Finance Officer, and must do so before an offer of any such designation is made.

An offer of employment as Joint Monitoring Officer or Joint Chief Finance Officer may only be made following the consultation requirements set out at paragraph 3.5 below.

3.4 Appointment of Joint Executive Heads of Service

The Head of Paid Service, or their nominated representative, shall be responsible for the function of the appointment of Deputy Chief Officers. The Head of Paid Service's nominated representative may include an Officer of the Council of the appropriate level of seniority, or an external expert, provided that such representative shall have, in the opinion of the Head of Paid Service, the appropriate level of independence, knowledge, expertise and competence.

An offer of employment as a Joint Executive Head of Service may only be made following the consultation requirements set out in paragraph 3.5 below.

3.5 Consultation Requirements for Appointments

In respect of the appointment of the Joint Head of Paid Service, the Joint Monitoring Officer, the Joint Chief Financial Officer, the Joint Strategic Directors and the Joint Executive Heads of Service, the offer of appointment cannot be made until this section has been complied with.

An offer of appointment to any of those Officers, as above, 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, including evidence and reasons for the choice of preferred candidate;
- (b) The Proper Officer has notified every Executive Member of each Council of:
- (i) the name of the person to whom the Appointor wishes to make the offer, and the reasons why they are the Appointor's preferred candidate, including evidence;
 - (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 of either Council on behalf of their respective Executive to the Proper Officer; and
- (c) either:
- (i) the Leader of either Council has, within the period specified in the notice under sub-paragraph (b)(iii), notified the Proper Officer that neither they nor any other Member of their Executive has any objection to the making of the offer; or
 - (ii) the Proper Officer has notified the Appointor that no objection was received by them within that period from the Leader of either Council; or
 - (iii) the Appointor is satisfied that any objection received from the Leader of either Council within that period is not material or is not well-founded.

3.6 Appointment of Senior Officers

Post	Appointment	Conditions
Head of Paid Service	Joint Senior Staff Committee	Requires consultation with each of the Executives and resolution of each full Councils
Statutory Chief Officer (S151)	Joint Senior Staff Committee	Requires consultation with each of the Executives and resolution of each full Councils
Monitoring Officer	Joint Senior Staff Committee	Requires consultation with each of the Executives and approval of each full Councils
Non-Statutory Chief Officers	Joint Senior Staff Committee	Requires consultation with each of the Executives
Deputy Chief Officers	Head of Paid Service or nominee	Requires consultation with each of the Executives

4.0 DISCIPLINARY ACTION

4.1 Disciplinary Action in respect of the Joint Head of Paid Service, Joint Chief Financial Officer and Joint Monitoring Officer

4.1.1 The Joint Senior Staff Committee shall consider any alleged misconduct in respect of the Joint Head of Paid Service, Joint Chief Finance Officer, and Joint Monitoring Officer. The Joint Senior Staff Committee will appoint an external, suitably qualified, experienced and competent, investigator to act as the Investigating Officer to conduct an investigation into the alleged misconduct and report back to the Committee with their Investigator's Report.

4.1.2 In carrying out the investigation the Investigating Officer may:

- (a) Inspect any documents relating to the conduct of the relevant Officer which are in the possession of the Council, or which the Council has the power to authorise them to inspect; and
 - (b) Require any Officer or Elected Member to answer questions concerning the conduct of the relevant Officer.
- 4.1.3 Pending the report of the Investigator the Joint Head of Paid Service, the Joint Monitoring Officer or the Joint Chief Finance Officer may be suspended by the Joint Senior Staff Committee whilst the alleged misconduct by the Officer is investigated. Any such suspension will be for a maximum period of three calendar months, or for such period as may be necessary to investigate and report on the allegations, and will be on full pay, other than in exceptional circumstances.
- 4.1.4 Following receipt of the report of the Investigating Officer, the Joint Senior Staff Committee will determine any disciplinary action, other than dismissal, to be taken, as necessary, in accordance with any Human Resources Policies which have been adopted by the Council from time to time. The Joint Senior Staff Committee has the authority to impose any disciplinary action, other than dismissal.
- 4.1.5 The Council's Joint Head of Paid Service, Joint Monitoring Officer and Joint Chief Finance Officer cannot be dismissed without a resolution to that effect by each Council, as the full Council of each authority is responsible for the function of dismissal of such an Officer.
- 4.1.6 Should the Joint Senior Staff Committee consider that the relevant disciplinary action to be taken, having considered the Investigator's Report, is dismissal of the Officer, an Independent Panel must be appointed by the authority, or an Officer to whom the task is delegated. Such an Independent Panel will be formed in accordance with the 2015 Regulations, and shall be a committee appointed by the authority under section 102(4) Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of such officers.
- 4.1.7 The authority, or an Officer to whom the task is delegated, will invite Independent Persons who have been appointed for the purposes of the Members' Conduct Regime under section 28(7) of the Localism Act 2011 to form an Independent Panel. An Independent Panel will be formed if two or more Independent Persons accept the invitation.
- 4.1.8 The role of the Independent Panel is to prepare a report for each Council setting out their advice, views and recommendations as to the proposed dismissal.
- 4.1.9 Where dismissal is being considered, a meeting of each full Council must be convened within 20 working days of the Independent Panel being appointed, to consider and determine the matter.
- 4.1.10 A Joint Head of Paid Service, Joint Chief Finance Officer or Joint Monitoring Officer attending a Council meeting where proposed dismissal against them is being considered, is entitled to make both oral and written representations to Council, as is their representative, who may be a colleague, a Union representative, a companion, or a legal representative.
- 4.1.11 Before taking a vote at such a Council meeting on whether or not to approve such a proposed dismissal, the Council must take into account:
- (a) Any advice, views or recommendations of the Independent Panel;
 - (b) The conclusions of any investigation into the alleged misconduct;
 - (c) Any representations from the relevant Officer or their representative.

4.2 Disciplinary Action in respect of Joint Strategic Directors

- 4.2.1 The Joint Senior Staff Committee shall consider any alleged misconduct in respect of the Joint Strategic Directors and will appoint an external, suitably qualified, experienced and competent, investigator to act as the Investigating Officer to conduct an investigation into the alleged misconduct and report back to the Committee with their Investigator's Report.
- 4.2.2 In carrying out the investigation the Investigating Officer may:
- (a) Inspect any documents relating to the conduct of the relevant Officer which are in the possession of the Council, or which the Council has the power to authorise them to inspect; and
 - (b) Require any Officer or Elected Member to answer questions concerning the conduct of the relevant Officer.
- 4.2.3 Pending the report of the Investigator the Joint Strategic Director may be suspended by the Joint Senior Staff Committee whilst the alleged misconduct by the Officer is investigated. Any such suspension will be for a maximum period of three calendar months, or for such period as may be necessary to investigate and report on the allegations, and will be on full pay, other than in exceptional circumstances.
- 4.2.4 Following receipt of the report of the Investigating Officer, the Joint Senior Staff Committee will determine any disciplinary action, including dismissal, to be taken, as necessary, in accordance with any Human Resources Policies which have been adopted by the Council from time to time. The Joint Senior Staff Committee has the authority to impose any disciplinary action, and shall be responsible for the function of dismissal where appropriate.

4.3 Disciplinary Action in respect of Joint Executive Heads of Service

- 4.3.1 The Joint Head of Paid Service or their nominated representative, will investigate any alleged misconduct in respect of Deputy Chief Officers, as necessary, in accordance with any Human Resources Policies which have been adopted by the Council from time to time.
- 4.3.2 The Joint Head of Paid Service's nominated representative may include an Officer of the Council, of the appropriate level of seniority, or an external expert, provided that such representative shall have, in the opinion of the Head of Paid Service, the appropriate level of independence, knowledge, expertise and competence.
- 4.3.3 Pending the outcome of such investigation the Deputy Chief Officer may be suspended by the Joint Head of Paid Service or their nominated representative. Such suspension will be for no longer than 3 calendar months, or for such period as may be necessary to investigate and report on the allegations, and will be on full pay, other than in exceptional circumstances.
- 4.3.4 Subject to paragraph 4.4 below, the Joint Head of Paid Service, or a representative nominated by them, shall decide upon any disciplinary action to be taken, following a disciplinary hearing, and shall be responsible for the function of dismissal, where appropriate, of Deputy Chief Officers. Such nominated representative may not be the same individual responsible for the investigation into alleged misconduct and must be wholly independent from that individual.

4.4 Disciplinary Action of Senior Officers

Post	Investigation	Notes	Appeal
Head of Paid Services, Chief Finance Officer and Monitoring Officer	Investigating Officer appointed by the Joint Senior Staff Committee who presents findings to Joint Senior Staff Committee who have the power to impose disciplinary action other than dismissal	Decision to dismiss must be taken by Council, following consideration of the views of the Independent Panel and consultation with the Executives of each Council.	None
Non-Statutory Chief Officers	Investigating Officer appointed by the Joint Senior Staff Committee who presents findings to Joint Senior Staff Committee who have the power to impose disciplinary action including dismissal.	Decision to dismiss is the responsibility of the Joint Senior Staff Committee but may only be taken following consultation with the Executives of each Council.	None
Deputy Chief Officers	Head of Paid Service or their representative	Decision to dismiss may only be taken following consultation with the Executives of each Councils.	Joint Head of Paid Services or their representative provided such individual played no part in the investigation.

4.5 Consultation Requirements for Dismissals

4.5.1 This provision applies to the dismissal of The Head of Paid Service, the Chief Financial Officer, the Monitoring Officer, Non-Statutory Chief Officers, and Deputy Chief Officers.

4.5.2 Notice of dismissal of any of those Officers must not be given by the Dismissor until:

- (a) the Dismissor has notified the Proper Officer of the name of the person whom the Dismissor wishes to dismiss and any other particulars which the Dismissor considers are relevant to the dismissal, including a summary of the evidence heard at the disciplinary hearing and the reasons for the proposed decision;
- (b) the Proper Officer has notified every Executive Member of both Councils of:
 - (i) the name of the person whom the Dismissor wishes to dismiss and the reasons for the decision;
 - (ii) any other particulars relevant to the dismissal which the Dismissor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Executive Leader of either Council on behalf of their respective Executive to the Proper Officer; and
- (c) either:

- (i) the Executive Leader of either Authority has, within the period specified in the notice under subparagraph (b)(iii), notified the Proper Officer that neither they nor any other Member of their Executive has any objection to the dismissal;
- (ii) the Proper Officer has notified the Dismissor that no objection was received by them within that period from either Executive Leader; or
- (iii) the Dismissor is satisfied that any objection received from an Executive Leader within that period is not material or is not well-founded.

4.6 Appeals

- 4.6.1 The Joint Head of Paid Service, Joint Chief Finance Officer, Joint Monitoring Officer and Joint Strategic Directors shall have no right of appeal against disciplinary action.
- 4.6.2 Deputy Chief Officers who feel that the outcome of any Disciplinary Action against them is wrong or unjust may appeal in accordance with any relevant Council Staffing Policies to the Joint Head of Paid Service or their nominated representative.

The Joint Head of Paid Service's nominated representative may include an Officer of the Council, of the appropriate level of seniority, or an external expert, provided that such representative shall have, in the opinion of the Head of Paid Service, the appropriate level of independence, knowledge, expertise and competence. Such nominated representative must not be the same individual responsible for carrying out the investigation into the alleged misconduct, nor the same individual responsible for deciding upon the disciplinary action, and must be wholly independent from those individuals.

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**GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL
JOINT APPOINTMENTS COMMITTEE
COMPOSITION AND TERMS OF REFERENCE**

This Joint Committee is to be established in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees)

MEMBERS: 6

The Joint Appointments Committee shall comprise the respective Leaders of both councils plus two members appointed by Guildford Borough Council and two members appointed by Waverley Borough Council (one of whom will be the Leader of Waverley's Principal Opposition Group)

Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990

QUORUM: 3 (subject to each council being represented at a meeting by at least 1 member)

PLACE OF MEETINGS: The venue for meetings of the Joint Appointments Committee shall normally alternate between the two councils with the host Leader chairing the meeting. The venue for the first meeting shall be at Waverley Borough Council offices

CHAIRMAN: The Joint Appointments Committee shall be chaired alternately between the councils by their respective Leaders

GENERAL ROLE: Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council ("the councils") as can be delegated by those councils in respect of the appointment of the councils' Joint Chief Executive/Head of Paid Service and any Joint Statutory Officer and Director posts as are covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations

FREQUENCY OF MEETINGS: As and when required

SUBSTITUTES: Substitutes may be appointed. Guildford Borough Council may appoint two substitute members. Waverley Borough Council may appoint two

substitute members, with one being nominated by the Leader of the council, and one nominated by the Leader of Waverley's Principal Opposition Group.

ROLE AND FUNCTION:

Appointment of Joint Chief Executive/Head of Paid Service

- (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post
- (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to full meetings of both councils, and subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives
- (iii) To determine pension discretions relating to the Joint Chief Executive/ Head of Paid Service
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of the Joint Chief Executive/Head of Paid Service, and to make recommendations as appropriate for formal approval by each council
- (v) To confirm into post, or otherwise, the successful candidate following any probationary or trial period
- (vi) To be responsible for ad-hoc employment matters affecting the Joint Chief Executive/Head of Paid Service post, including consideration and determination of any 'cost of living' pay award

Appointment of any Joint Statutory Officer¹ posts

- (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the appointment of any Joint Statutory Officer posts
- (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to full meetings of both councils and, where the provisions of Part II

¹ Section 151/Chief Finance Officer and Monitoring Officer

of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) apply to any such appointment, subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives

- (iii) To determine pension discretions relating to any Joint Statutory Officer posts
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of any Joint Statutory Officer posts, and where necessary to make recommendations as appropriate for formal approval by each council
- (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts

Appointment of any Joint Directors

- (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the appointment of any Joint Directors
- (ii) The appointment of any Joint Directors shall be subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives
- (iii) To determine pension discretions relating to any Joint Directors
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Directors, and where necessary to make recommendations as appropriate for formal approval by each council
- (vii) To be responsible for ad-hoc employment matters affecting any Joint Director posts

SERVICING THE JOINT APPOINTMENTS COMMITTEE: The Joint Appointments Committee shall be serviced by committee staff from the council hosting the relevant meeting.

MEETINGS OF THE JOINT APPOINTMENTS COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

1. A meeting of the Joint Appointments Committee shall be summoned by the relevant officer of the Council hosting the meeting who shall give a minimum of five clear working days' notice (or less in the case of urgency)
2. Meetings of the Joint Appointments Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended)
3. The Joint Appointments Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote
4. The order of business at meetings of the Joint Appointments Committee shall include the following:
 - (a) Apologies for Absence
 - (b) Disclosures of Interest
 - (c) Adoption of the Minutes of the previous meeting
 - (d) Matters set out in the agenda for the meeting
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency
5. Any matter will be decided by a simple majority of those members of the Joint Appointments Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting

**GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL
JOINT ~~APPOINTMENTS SENIOR STAFF~~ COMMITTEE
~~COMPOSITION AND TERMS OF REFERENCE~~**

This Joint Senior Staff Committee is to be established in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees).

1.0 MEMBERS:-6

The Joint ~~Appointments Senior Staff~~ Committee shall comprise 6 members, being the respective Leaders of each both Councils plus two members appointed by Guildford Borough Council (one of whom shall be the Leader of the principal Opposition Group) and two members appointed by Waverley Borough Council (one of whom ~~shall be will be~~ the Leader of the principal~~Waverley's Principal~~ Opposition Group). The Committee shall be politically balanced for each Council in accordance with the provisions of the Local Government and Housing Act 1989.

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2.0 APPOINTMENT

Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

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3.0 QUORUM:

The quorum for a meeting of the Joint Senior Staff Committee shall be 3 members (subject to each Council being represented at any meeting by at least 1 member)

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4.0 PLACE TIME & LOCATION OF MEETINGS:

The venue and commencement time for meetings of the Joint ~~Appointments Senior Staff~~ Committee shall be determined by the Joint Monitoring Officer in consultation with the Leader of each Council, and shall normally alternate between the Civic Office of each two Councils, with the host Leader chairing the meeting. The venue for the first meeting shall be at Waverley Borough Council offices

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5.0 CHAIRMAN

The Joint Appointments Senior Staff Committee shall be chaired by the Leader of the Council at whose civic office the meeting is held, alternately between the councils by their respective Leaders. In their absence the meeting will be chaired by the Leader of the Council not hosting the meeting. In the absence of both Leaders, the chair will be elected by the meeting on the basis of a majority vote.

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6.0 VOTING

Decisions of the Joint Senior Staff Committee shall be made by a majority vote of those members present and voting. A vote will be taken either by way of a show of hands or by electronic means. The Chairman shall have no second or casting vote. In circumstances where a majority decision cannot be made by the Joint Senior Staff Committee, the delegation of powers and function to the Committee, relating to that decision, will immediately cease. Any such decision will be referred to each Council for determination.

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7.0 GENERAL ROLE:

Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council ("the Councils") as can be delegated by those Councils in respect of the appointment and disciplinary action relating to the Councils' Joint Chief Executive, Joint Chief Officers and Joint Deputy Chief Officers of the Councils' Joint Chief Executive/Head of Paid Service and any Joint Statutory Officer and Director posts as provided for by are covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations.

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8.0 FREQUENCY OF MEETINGS

Meetings will be arranged by the Joint Monitoring Officer in consultation with the Leader of each Council, on such occasions as is necessary to determine any business within its terms of reference.:- As and when required

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9.0 SUBSTITUTE MEMBERS:

In the event of an appointed Councillor being unable to attend any meeting of the Joint Senior Staff Committee, the relevant Political Group Leader may appoint a Substitute Member, from the same Council, provided that prior written notice of such substitution is given to the Monitoring Officer by 5pm the working day prior to the meeting. Substitutes may be appointed. Guildford Borough Council may appoint two substitute members. Waverley Borough Council may appoint two substitute members, with one being nominated by the Leader of the council, and one nominated by the Leader of Waverley's Principal Opposition Group.

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10.0 DELEGATION

The Joint Senior Staff Committee may arrange for the discharge of their functions by an Officer and in doing so will set out clearly any limits upon such delegation.

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11.0 WORKING GROUPS

The Joint Senior Staff Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.

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12.0 SUB-COMMITTEES

The Joint Senior Staff Committee may establish sub-committees consisting solely of the Members of one Council, to consider matters relating to that Council.

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13.0 OFFICER EMPLOYMENT PROCEDURE RULES

The Joint Senior Staff Committee shall operate in compliance with the Officer Employment Procedure Rules adopted by each Council into their Constitution.

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14.0 FUNCTIONS AND RESPONSIBILITIESROLE AND FUNCTION:

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Appointment of 11.1 Joint Chief Executive/Head of Paid Service

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post.
- (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to ~~full meetings of both each C~~ouncils, and subject to no material or well-founded objection to the making of an offer of appointment being received by ~~either the~~ Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to the Joint Chief Executive/ Head of Paid Service.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of the Joint Chief Executive/Head of Paid Service, and to make recommendations as appropriate for formal approval by each Council.
- (v) To confirm into post, or otherwise, the successful candidate following any probationary or trial period.

APPENDIX 3

(vi) To be responsible for ad-hoc employment matters affecting the Joint Chief Executive/Head of Paid Service post, including consideration and determination of any 'cost of living' pay award.

(vii) ~~To be responsible, subject to viii) below for any disciplinary action regarding the Joint Chief Executive / Head of Paid Service.~~

(vii) ~~The final decision to dismiss the Joint Chief Executive / Head of Paid Service shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.~~

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Appointment of any 11.2 Joint Statutory Officer¹ posts

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process ~~of recruitment and selection for the appointment~~ of any Joint Statutory Officer posts.
- (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to ~~full meetings of both each Councils and, where the provisions of Part II of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) apply to any such appointment,~~ subject to no material or well-founded objection to the making of an offer of appointment being received by ~~either the~~ Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to any Joint Statutory Officer posts.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of any Joint Statutory Officer posts, and where necessary to make recommendations as appropriate for formal approval by each Council.
- (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts.

¹ Section 151/Chief Finance Officer and Monitoring Officer

(vi) To be responsible, subject to vii) below, for any disciplinary action regarding any Joint Statutory Officer.

(vii) The final decision to dismiss any Joint Statutory Officer shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

Appointment of any 11.3 Joint Strategic Directors

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the appointment of any Joint Strategic Director_s
- (ii) The appointment of any Joint Strategic Directors shall be subject to no material or well-founded objection to the making of an offer of appointment being received by either the Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to any Joint Strategic Director_s
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Strategic Directors, and where necessary to make recommendations as appropriate for formal approval by each Council.

v) To be responsible for ad-hoc employment matters affecting any Joint Strategic Director post_s

To be responsible, subject to vii) below, for any disciplinary action regarding any Joint Strategic Director.

(vii) The dismissal of any Joint Strategic Director shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

15.0 SERVICING THE JOINT SENIOR STAFF APPOINTMENTS COMMITTEE:

The Joint Senior Staff Appointments Committee shall be serviced by staff as agreed between the Democratic Services Managers of each Council. ~~committee staff from the council hosting the relevant meeting.~~

The Joint Senior Staff Committee will be supported by professional advisors including legal advisors or human resources advisors as appropriate. The views of such advisors must be taken into account.

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16.0 MEETINGS OF THE JOINT APPOINTMENTS SENIOR STAFF COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

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1. A meeting of the Joint Appointments Senior Staff Committee shall be summoned by the Joint Monitoring Officer ~~relevant officer of the Council hosting the meeting~~ who shall give a minimum of five clear working days' notice (or less in the case of urgency).
2. Meetings of the Joint Appointments Senior Staff Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended) and the Committee resolve to exclude the public.

~~3- The Joint Appointments Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote~~

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4.3. The order of business at meetings of the Joint Appointments Senior Staff Committee shall include the following:

- (a) Apologies for Absence and Substitute Members;
- (b) Disclosures-Declarations of Interests;
- (c) Agreement and aAdoption of the Minutes of the previous meeting;
- (d) Matters set out in the agenda for the meeting;
- (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency.

~~5.4. Any matter will be decided by a simple majority of those members of the Joint Appointments Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting~~

GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL
JOINT SENIOR STAFF COMMITTEE
TERMS OF REFERENCE

The Joint Senior Staff Committee is to be established in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees).

1.0 MEMBERSHIP

The Joint Senior Staff Committee shall comprise 6 Councillors, being the respective Leader of each Council plus two Councillors appointed by Guildford Borough Council (one of whom shall be the Leader of the principal Opposition Group) and two Councillors appointed by Waverley Borough Council (one of whom shall be the Leader of the principal Opposition Group). The Committee shall be politically balanced for each Council in accordance with the provisions of the Local Government and Housing Act 1989.

2.0 APPOINTMENT

Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

3.0 QUORUM

The quorum for a meeting of the Joint Senior Staff Committee shall be 3 members (subject to each Council being represented at any meeting by at least 1 member).

4.0 TIME & LOCATION OF MEETINGS

The venue and commencement time for meetings of the Joint Senior Staff Committee shall be determined by the Joint Monitoring Officer in consultation with the Leader of each Council, and shall normally alternate between the Civic Office of each Council.

5.0 CHAIRMAN

The Joint Senior Staff Committee shall be chaired by the Leader of the Council at whose civic office the meeting is held. In their absence the meeting will be chaired by the Leader of the Council not hosting the meeting. In the absence of both Leaders, the chair will be elected by the meeting on the basis of a majority vote.

6.0 VOTING

Decisions of the Joint Senior Staff Committee shall be made by a majority vote of those members present and voting. A vote will be taken either by way of a show of hands or by electronic means. The Chairman shall have no second or casting vote. In circumstances

where a majority decision cannot be made by the Joint Senior Staff Committee, the delegation of powers and function to the Committee, relating to that decision, will immediately cease. Any such decision will be referred to each Council for determination.

7.0 ROLE

Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council (“the Councils”) as can be delegated by those Councils in respect of the appointment and disciplinary action relating to the Councils’ Joint Chief Executive, Joint Chief Officers and Joint Deputy Chief Officers as provided for by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations.

8.0 FREQUENCY OF MEETINGS

Meetings will be arranged by the Joint Monitoring Officer in consultation with the Leader of each Council, on such occasions as is necessary to determine any business within its terms of reference.

9.0 SUBSTITUTE MEMBERS

In the event of an appointed Councillor being unable to attend any meeting of the Joint Senior Staff Committee, the relevant Political Group Leader may appoint a Substitute Member, from the same Council, provided that prior written notice of such substitution is given to the Monitoring Officer by 5pm the working day prior to the meeting.

10.0 DELEGATION

The Joint Senior Staff Committee may arrange for the discharge of their functions by an Officer and in doing so will set out clearly any limits upon such delegation.

11.0 WORKING GROUPS

The Joint Senior Staff Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.

12.0 SUB-COMMITTEES

The Joint Senior Staff Committee may establish sub-committees consisting solely of the Members of one Council, to consider matters relating only to that Council.

13.0 OFFICER EMPLOYMENT PROCEDURE RULES

The Joint Senior Staff Committee shall operate in compliance with the Officer Employment Procedure Rules adopted by each Council into their Constitution.

14.0 FUNCTIONS AND RESPONSIBILITIES

14.1 Joint Chief Executive/Head of Paid Service

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post.
- (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to each Council, and subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to the Joint Chief Executive/ Head of Paid Service.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of the Joint Chief Executive/Head of Paid Service, and to make recommendations as appropriate for formal approval by each Council.
- (v) To confirm into post, or otherwise, the successful candidate following any probationary or trial period.
- (vi) To be responsible for ad-hoc employment matters affecting the Joint Chief Executive/Head of Paid Service post, including consideration and determination of any 'cost of living' pay award.
- (vii) To be responsible, subject to (viii) below for any disciplinary action regarding the Joint Chief Executive / Head of Paid Service.
- (viii) The final decision to dismiss the Joint Chief Executive / Head of Paid Service shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

14.2 Joint Statutory Officer¹ posts

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process of recruitment and selection of any Joint Statutory Officer post.
- (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to each Councils and, subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives
- (iii) To determine pension discretions relating to any Joint Statutory Officer posts.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of any Joint Statutory Officer posts, and where necessary to make recommendations as appropriate for formal approval by each Council.
- (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts.
- (vi) To be responsible, subject to (vii) below, for any disciplinary action regarding any Joint Statutory Officer.
- (vii) The final decision to dismiss any Joint Statutory Officer shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

14.3 Joint Strategic Directors

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the appointment of any Joint Strategic Director.
- (ii) The appointment of any Joint Strategic Director shall be subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives.

¹ Section 151/Chief Finance Officer and Monitoring Officer

- (iii) To determine pension discretions relating to any Joint Strategic Director.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Strategic Director, and where necessary to make recommendations as appropriate for formal approval by each Council.
- v) To be responsible for ad-hoc employment matters affecting any Joint Strategic Director post.
- vi) To be responsible, subject to vii) below, for any disciplinary action regarding any Joint Strategic Director.
- vii) The dismissal of any Joint Strategic Director shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

15.0 SERVICING THE JOINT SENIOR STAFF COMMITTEE

The Joint Senior Staff Committee shall be serviced by staff as agreed between the Democratic Services Managers of each Council.

The Joint Senior Staff Committee will be supported by professional advisors including legal advisors or human resources advisors as appropriate. The views of such advisors must be taken into account.

16.0 MEETINGS OF THE JOINT SENIOR STAFF COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

1. A meeting of the Joint Senior Staff Committee shall be summoned by the Joint Monitoring Officer who shall give a minimum of five clear working days' notice (or less in the case of urgency).
2. Meetings of the Joint Senior Staff Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended) and the Committee resolve to exclude the public.

3. The order of business at meetings of the Joint Senior Staff Committee shall include the following:
 - (a) Apologies for Absence and Substitute Members;
 - (b) Declarations of Interests;
 - (c) Agreement and adoption of the Minutes of the previous meeting;
 - (d) Matters set out in the agenda for the meeting;
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency.