

PART 4

RULES OF PROCEDURE

24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

24.1 Suspension

All of these Council Rules of Procedure except Rule 11.5.3, 15.5 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting. Rule 11.5.3 can only be suspended by motion on notice and the motion must have the support of at least two thirds of those Members present and voting.

24.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

25. APPLICATION TO COMMITTEES, SUB-COMMITTEES AND BOARDS

All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 4 - 7, 15 - 24 (but not Rule 22.1) apply to meetings of committees, sub-committees and boards. Rule 7 does not apply to meetings of the Licensing Sub-Committee. The Cabinet, Overview and Scrutiny Committee and Planning Committee have their own procedure rules, in addition to the Council Procedure Rules, which are set out in separate sections to this Part

26. APPOINTMENT OF MEMBERS AND SUBSTITUTE MEMBERS ON COUNCIL BODIES

- 26.1 Any changes to the membership of committees, boards, sub-committees and working parties throughout the year are delegated to the Chief Executive, who has the power to appoint elected Members and elected substitute Members in accordance with the proportionality rules where applicable, and with nominations notified to them in writing by each Group Leader. Any proposed changes must be authorised in writing, the signed authority being deposited with the Chief Executive.
- 26.2 The substitution rules will not apply to meetings of the Cabinet, the Audit and Governance Committee, ~~the Licensing Committee, the Overview and Scrutiny Committee, the Planning Committee~~ or the Cabinet Advisory Boards.
- 26.3 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.
- 26.4 The Chief Executive may consider a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.
- 26.5 In order to be eligible to sit as substitutes on regulatory or quasi-judicial committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received formal training in relevant procedures and the law.
- 26.6 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 26.7 Substitute Members may attend meetings in that capacity only:

- 26.7.1 to take the place of the ordinary Member for whom they are designated substitute;
- 26.7.2 where the ordinary Member will be absent for the whole of the meeting;
- 26.7.3 where the ordinary Member has notified the Chief Executive of the intended substitution at least one hour before the start of the relevant meeting; and
- 26.7.4 provided, in the case of area committees, that the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the Borough.
- 26.7.5 A substitute nominated to attend in place of the Chair or Vice-Chair shall not exercise the powers and duties of the Chair or Vice-Chair as the case may be. The meeting will need to elect a Chair as necessary.
- 26.7.6 A Councillor who attends a meeting, as a substitute, speaks and votes in their own capacity. They do not relinquish their own personal responsibilities or, as it were, take on the mantle of their nominator. The substitute is personally under the same obligations as other Members to disclose an interest.

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OFFICER EMPLOYMENT PROCEDURE RULES

This Part deals with the appointment and dismissal of staff. The [General Purposes] Committee is responsible for employment matters.

1. PRESCRIBED STANDING ORDERS

These Rules incorporate the prescribed standing orders in relation to:

- Appointments of Chief Officers
- Disciplinary Action in respect of Statutory Officers
- Staffing

2. RECRUITMENT AND APPOINTMENT

2.1 Declarations

- 2.1.1 The Council has drawn up procedures which include a requirement that any candidate for an appointment as an officer must state in writing whether they have any relationship with any councillor or officer of the Council;
- 2.1.2 No candidate so related to a councillor or a senior officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by them.

2.2 Seeking support for appointment

- 2.2.1 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.
- 2.2.2 No councillor or employee of the Council will seek support for any person for any appointment with the Council.

3. RECRUITMENT OF CHIEF EXECUTIVE/HEAD OF PAID SERVICE AND CHIEF OFFICERS

Where the Council proposes to appoint a Chief Executive/Head of Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- 3.1 draw up a statement including the following:
 - 3.1.1 the duties of the officer concerned; and
 - 3.1.2 any qualifications or qualities to be sought in the person to be appointed;
- 3.2 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; and
- 3.3 make arrangements for a copy of the procedures mentioned in paragraph 2 to be sent to any person on request.

4. APPOINTMENT OF HEAD OF PAID SERVICE

- 4.1 Full Council will approve the appointment of the Head of Paid Service, following the recommendation of such appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.
- 4.2 Full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

5. APPOINTMENTS AND DISMISSALS OF CHIEF OFFICERS

In this paragraph –

“the Authority” means Tunbridge Wells Borough Council.

“the Committee” means the [General Purposes] Committee.

“the Panel” means a committee appointed by the Authority under section 102(4) of the Local Government Act 1972 for the purpose of advising the Authority on matters relating to the dismissal of relevant officers of the Authority.

“the proper officer” means the Monitoring Officer, save where the post concerned is the Monitoring Officer, when it shall be the Chief Executive.

“relevant independent person” means a person appointed under section 28(7) of the Localism Act 2011.

“relevant officer” means the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer.

“relevant meeting” means a meeting of the Authority to consider whether or not to approve a proposal to dismiss a relevant officer.

- 5.1 The appointment of the Chief Executive/Head of Paid Service, Chief Officers, and Deputy Chief Officers and any assistant for political groups (appointed in pursuance of Section 9 of the Local Government Housing Act 1989) is the responsibility of the Committee.
- 5.2 Where the Committee is proposing to appoint the Chief Executive/Head of Paid Service, the Council must approve that appointment before the offer of appointment is made.
- 5.3 The Committee shall not make an offer of appointment in relation to any of the officers named in 5.1 above (apart from an assistant for political groups) until;
- 5.3.1 The Committee has notified the proper officer of the name of the person to whom the Committee wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment;
- 5.3.2 The proper officer has notified every member of the Cabinet of:
- (a) The name of the person to whom the Committee wishes to make the offer (or, in the case of the Chief Executive/Head of Paid Service, subject to approval of the Council)

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