



Meeting of the

# APPOINTMENTS SUB COMMITTEE

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Monday, 15 October 2012 at 8.30 p.m.

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## AGENDA

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## VENUE

ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Joshua Peck	
Vice-Chair: Councillor Abdul Mukit MBE	Mohammed
Councillor Judith Gardiner	
Councillor Gloria Thienel	
Councillor Motin Uz-Zaman	
2 Vacancies	

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Angus Taylor, Democratic Services  
Tel: 020 7364 4333, E-mail: [angus.taylor@towerhamlets.gov.uk](mailto:angus.taylor@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## APPOINTMENTS SUB COMMITTEE

Monday, 15 October 2012

8.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

**PAGE  
NUMBER**      **WARD(S)  
AFFECTED**

### 2. DECLARATIONS OF INTEREST

1 - 4

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

### 3. UNRESTRICTED MINUTES

5 - 12

To confirm as a correct record of the proceedings the unrestricted minutes of the Appointments Sub-Committee held on 17<sup>th</sup> September 2012.

### 4. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda, the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, the Press and Public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part I of Schedule 12A of the Local Government Act 1972.”

#### **EXEMPT/CONFIDENTIAL SECTION (PINK)**

The Exempt/Confidential (Pink) Committee papers in the Agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting please hand them to the Committee Officer present.

## **5. REPORTS FOR CONSIDERATION**

### **5.1 Shortlisting of Candidates for the Post of Interim Chief Executive (Head of Paid Service) - To Follow**

To consider the report of the Service Head Human Resources and Workforce Development and agree a shortlist of candidates to go forward for interview for the post of Interim Chief Executive (Head of Paid Service).

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# Agenda Item 2

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or  
John Williams, Service Head, Democratic Services, 020 7364 4204

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE APPOINTMENTS SUB COMMITTEE**

**HELD AT 7.20 P.M. ON MONDAY, 17 SEPTEMBER 2012**

**MP702, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**

**Members Present:**

Councillor Judith Gardiner  
Councillor M. A. Mukit MBE  
Councillor Joshua Peck  
Councillor Gloria Thienel  
Councillor Motin Uz-Zaman

**Officers Present:**

Isabella Freeman	– (Assistant Chief Executive - Legal Services, Chief Executive's)
Stephen Halsey	– (Corporate Director Communities, Localities & Culture and Interim Head of Paid Service)
Simon Kilbey	– (Service Head, Human Resources and Workforce Development)
Angus Taylor	– (Principal Committee Officer, Democratic Services, Chief Executive's)
John Williams	– (Service Head, Democratic Services, Chief Executive's)

**1. ELECTION OF CHAIR**

The clerk sought nominations for the Chair of the Appointments Sub-Committee, established by the Human Resources Committee to consider the appointment of an Interim Chief Executive (Head of Paid Service) and to make recommendations to full Council on that appointment.

Councillor Motin Uz-Zaman nominated Councillor Joshua Peck as Chair of the Appointments Sub-Committee. Councillor M. A. Mukit MBE seconded the nomination.

There being no other nominations it was: -

**Resolved**

That Councillor Joshua Peck be elected to serve as Chair of the of the Appointments Sub-Committee, established by the Human Resources Committee to consider the appointment of an Interim Chief Executive (Head of Paid Service) and to make recommendations to full Council on that appointment.

**COUNCILLOR JOSHUA PECK (CHAIR) IN THE CHAIR**

**2. ELECTION OF VICE-CHAIR**

The Chair sought nominations for the Vice-Chair of the Appointments Sub-Committee.

Councillor Motin Uz-Zaman nominated Councillor M. A. Mukit MBE as Vice-Chair of the Appointments Sub-Committee. Councillor Judith Gardiner seconded the nomination.

There being no other nominations it was: -

**Resolved**

That Councillor M. A. Mukit MBE be elected to serve as Vice-Chair of the of the Appointments Sub-Committee, established by the Human Resources Committee to consider the appointment of an Interim Chief Executive (Head of Paid Service) and to make recommendations to full Council on that appointment.

**3. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**4. DECLARATIONS OF PECUNIARY INTERESTS**

No declarations of interest were made.

**5. REPORTS FOR CONSIDERATION**

**5.1 Appointment of Chief Executive/Head of Paid Service**

Mr Kilbey, Service Head Human Resources and Workforce Development (SHHR&WD), introduced, and summarised key elements, in the report which:

- Provided a progress update on the recruitment process being undertaken with a view to appointing to the post of Chief Executive (Head of Paid Service) on a fixed term basis.
- Set out a proposed process and timetable for the recruitment going forward, and other associated matters for consideration.

He also highlighted the matter of the continued role of the current Interim Head of Paid Service, which was ancillary to the proposed timetable.

The salient points contained in each element of the report were then outlined in more detail by Mr Kilbey, and a discussion focussed on these followed, as below:-

### **Recruitment consultants**

#### *Key points:-*

- The Human Resources Committee (HRC) agreed that the Interim Head of Paid Service (IHoPS) should proactively progress the recruitment of an interim Chief Executive. The IHoPS advised that he had instructed the SHHR&WD to begin the process of re-procurement as soon as possible.
- A robust procurement process, governed by the Council's Framework Agreement for Senior Executive Search and Selection Services, had been undertaken. Competition had been keen with 3 parties to the agreement bidding and the fourth not bidding, as they had limited experience in this area. All 3 submissions were credible but, given that the objective was recruiting a professional interim, Veredus had the edge in several areas, which were outlined. In accordance with the HRC decision, Veredus had been engaged, after consultation with the Chair of the Committee, to act as recruitment consultants for this process.

### **Timetable & Process**

#### *Key points:-*

- The Council motion agreed on 11th July envisaged that it would be possible to identify a suitable Interim Chief Executive (ICE) expeditiously and make an appointment without delay and ideally by 1st November. The HRC had subsequently agreed that this recruitment process would need to be significantly shorter than previously.
- Even this shorter process was unlikely to be completed by 1st November given the various stages required. All 3 bidders for the recruitment consultancy contract had emphasised that informal interviews with candidates, which allowed an assessment of 'best fit' of the individuals skills to the organisations needs, to be critical to a successful outcome.

#### *Discussion:-*

- Clarification was sought and given as to rationale underpinning the proposed timetable, which culminated in confirmation of an

appointment at full Council on 28th November, and whether this could be further shortened.

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- Mr Halsey, IHoPS/ Mr Kilbey, SHHR&WD, responded by:
  - Setting out several practical constraints on the timetable.
  - Referencing their understanding of Members wishes for the process in view of the governance requirements.
  - Relaying the strong advice of Veredus regarding content and stages necessary for a successful recruitment process, including an iterative dialogue with candidates including exploration of terms and conditions with them.
  - An appointment could be guaranteed by 28<sup>th</sup> November, but the process may not deliver by the 1<sup>st</sup> of November, even if there was provision to shorten the process with a special full Council meeting.
- The Chair commented that he and the Labour Group were not opposed to holding a special meeting of the full Council to agree the appointment if required. However, he considered it appropriate to agree the timetable as proposed by officers with the caveat that they should endeavour to complete the process in a shorter timescale, and noting that an appointment must be confirmed by 28<sup>th</sup> November at the latest. Accordingly the Chair proposed that the process and timetable be agreed subject to this.
- Consideration that the process agreed by the ASC should not impose a requirement for an informal interview with the Mayor, although if he wished to meet the candidates that should be accommodated. Mr Halsey, IHoPS, responded that all 3 recruitment consultancies had emphasised that candidates would want to meet the Mayor and Group Leaders and he had considered it important to include provision for this in the timetable
- The Chair, referring to Row 2 of the timetable, also considered that the final person specification should be sent to the Mayor in time to allow 1 day for consideration and comment before sending to the recruitment consultant (end of day 18<sup>th</sup> September). Accordingly the Chair proposed that the process and timetable be agreed subject to this amendment. The Chair reiterated that at every stage of the process if the Mayor had not made any nominations to membership of the ASC there should be provision to consult him, but this must not delay the overall process.
- Clarification sought and given as to whether provision of an Executive Objection period could delay an appointment beyond 28<sup>th</sup> November. Consideration that provision should be made in advance for a meeting of the ASC to consider any objection by the Executive to the recommended appointment of the ASC. Accordingly the Chair proposed that the process and timetable be agreed subject to this amendment.
- Noted advice from Ms Freeman, Assistant Chief Executive - Legal Services (ACELS) that the lack of a nomination from the Mayor did not

make the ASC's proceedings invalid and that the statutory requirement for the ASC to include a member of the executive was satisfied by the decision of the HRC to establish it with a membership of seven, 2 of whom were comprised of "either the Mayor and one other member nominated by the Mayor; or two members nominated by the Mayor at least one of who must be an executive member and by their invitation to the Mayor to sit".

### **Job Description, Person Specification and Salary**

#### *Key points:-*

- The Job Description (JD) set out the duties to be performed, accountabilities and responsibilities of the post. The Person Specification set out the essential qualities an individual should possess in order to fulfil the job requirements. It was best practice to review these prior to recruitment to ensure that they fully reflected current requirements; this had been done as part of the previous CE recruitment process and officers considered they were still fit for purpose.
- It was appropriate to set key objectives within established performance evaluation frameworks, with the CE following the appointment of a CE, but not through the JD.
- The salary for the post had been set as part of the starter package agreed as part of the previous CE recruitment process. Officers considered the market conditions had not changed and no change was proposed. However it should be noted that professional interims were expensive: being of high calibre they could command a high salary.

#### *Discussion:-*

- Clarification was sought and given as to the advice of Veredus on the implications of the salary bracket for successful recruitment of an ICE. Also as to whether normal on costs would be paid.
- Clarification was sought and given that if it was necessary to vary the salary level in order to secure a preferred candidate, a recommendation could be made to the full Council at that point. The statutory requirement that full Council to agree all elements of the CE appointment, including the salary, were noted; also that it should be informed of the initial salary level for recruitment.
- Clarification was sought as to whether full Council could delegate any revision of the final salary to the ASC. Mr Halsey, IHoPS, requested that this be looked at. Ms Freeman, ACELS, advised that any variation to the Council's published pay policy must be reported to full Council, however potential conditions could be discussed.
- Consideration that officers must have the flexibility to negotiate the final salary for the post with the preferred candidate in order to secure their appointment. The chair considered it appropriate to keep the salary at the present level for the time being, commenting that if it was necessary to vary the salary in order to secure a preferred candidate this could be done at the end of the process, although he was not

opposed to varying it before that. Accordingly the Chair proposed that salary for the role remain unchanged at this point.

- Noted that the exploration of terms and conditions with candidates would be a matter for discussion between IHoPS, SHHR&WD and the ASC Chair.
- The Chair proposed that the JD and Person Specification be agreed subject to several amendments, as set out in Resolution 2(e) (i)-(iv) below, and the changes be recommended to full Council:-
- Mr Halsey, IHoPS, advised that further changes to the Person Specification would also be appropriate, as experience at both CE and HoPS level, and experience of democratic issues was important and needed sharper focus. The Chair (taking account of his advice) proposed these amendments, as set out in Resolution 2(e) (v)-(vi) below, and that these be recommended to full Council:

### **Fixed term contract period and working arrangements.**

#### *Key points:-*

- The Council motion agreed on 11th July agreed that an appointment should be made on the basis of a professional interim being recruited on a fixed term contract and that the ASC consider and recommend a contract period to full Council.
- In order to undertake the Head of Paid Service role it was a legal requirement that the candidate would need to be appointed as an employee of the Council and this had informed the proposal for a fixed term contract rather than engagement on a consultancy basis. The HRC had also felt that it would be unsatisfactory for postholder to be a consultant. However, some professional interims preferred to work on a consultancy basis and this requirement might narrow the field of candidates. It was possible to decouple the role of CE and Head of Paid Service if a fixed term contract was not a requirement.
- Some candidates may also prefer a flexible working pattern.

#### *Discussion:-*

- Consideration that it was important to ensure continuity of leadership and that a contract term of 2 years from an appointment date of 1<sup>st</sup> November or later would extend beyond the next Council and Mayoral elections. The Chair proposed that the ASC recommend that the Council seek to make a fixed term appointment of approximately two years, ending on 1<sup>st</sup> November 2014.
- The Chair commented that, although he was prepared to consider the nature of the contract on a candidate by candidate basis, and that Veredus should be made aware that the ASC was content to see candidates where these issues might be pertinent, he considered a fixed term contract remained the preferred approach. Officers could report back in the event that this proved problematic for the recruitment process and any change in position could be reported to full Council at the end of the process.
- The Chair commented that with regard to flexible working a 4 day week would be acceptable but not a 3 day week; however as a shorter week

had potential cost savings he was prepared to consider this on a case by case basis and reflect any change in the position in the recommendation to full Council at the end of the process. Councillor Thienel considered that a 4 day week should comprise of extended days.

**Continued role of the current Interim Head of Paid Service,**

*Key points:-*

- With an appointment anticipated at full Council on 28th November, this would result in a gap between the end date for the current IHoPS arrangement (31<sup>st</sup> October) and an incoming ICE, and this would need to be mitigated. Nor could not it be guaranteed that the individual appointed on 28<sup>th</sup> November would be available to start on the 29<sup>th</sup>, and it was possible it could be a week or so later.

*Discussion:-*

- The Chair commented that he was conscious that there had been a little slippage in the process over the Summer and he considered it better not to build in a further delay. He considered that the Council should be recommended to extend the interim appointment of Mr Halsey as HoPS, subject to his agreement, until 29<sup>th</sup> November 2012. If at full Council on 28<sup>th</sup> November Officers advised that the preferred candidate could not start immediately, the Council could be recommended at that point to extend the interim appointment further as appropriate. Accordingly he proposed that the process and timetable be agreed subject to this amendment.

The Chair **Moved** the recommendations set out in the report (taking account of the amendments he had proposed during the deliberations and associated officer advice); and it was:-

**Resolved**

1. That the information in the report, and the membership and terms of reference of the Appointments Sub-Committee, as set out at section 4, be noted;
2. That, subject to (a) to (e) below, the proposed process and timetable for the recruitment of an Interim Chief Executive, as at section 6 of the report, be agreed; and that full Council be requested to note the revised process and timetable proposed.
  - (a) A caveat that Officers should endeavour to complete the process in a shorter timescale, and note that an appointment must be confirmed by 28<sup>th</sup> November 2012 at the latest.
  - (b) There should be a fixed parameter which applied equally to the Mayor and other Group Leaders for their proposed separate meetings with candidates: that Mr Halsey, Interim Head of Paid Service, only was present.
  - (c) The final person specification should be sent to the Mayor in time to allow 1 day for consideration and comment before sending to

- the recruitment consultant (at the end of the day on 18<sup>th</sup> September).
- (d) That provision should be made in advance, for a meeting of the Appointments Sub-Committee to consider any objection by the Executive to its recommended appointment.
  - (e) Job Description (JD), Person Specification (PS) and Salary be agreed subject to the amendments below, and full Council be recommend accordingly:
    - (i) Insertion of "Interim" into job title at the top of both the JD and and PS.
    - (ii) JD - para 1.2: "elected Members" to be replaced with "the Council".
    - (iii) JD - para 1.6: to be moved up to form a new para 1.3. and wording to be revised to read "To advise on the effective operation of the Council's democratic, constitutional and governance structures and arrangements, and to develop a more robust system to operate under the Mayoral model."
    - (iv) JD - para 5.4: insertion at the end of the sentence "; and advise and support the Council in the delivery of its reserved powers and duties."
    - (v) PS - Para 1: deletion of "or Head of Paid Service level"
    - (vi) PS - Para 1: deletion of "or similar public sector organisation" and insertion instead of ", preferably having faced similar governance issues to those in Tower Hamlets."
    - (vii) That the salary for the role remain as previously agreed at this point.
3. That the interim appointment of Stephen Halsey as Head of Paid Service be extended subject to his agreement until 29<sup>th</sup> November 2012 or until a new Chief Executive and Head of Paid Service takes up post, whichever is sooner; and that full Council be recommended accordingly.
4. That the post of Interim Chief Executive be recruited to on the basis of a fixed term contract to 1<sup>st</sup> November 2014; and that full Council be recommended accordingly.
5. That the Head of Paid Service and Service Head Human Resources & Workforce Development report back to the Appointments Sub-Committee following the search process in relation to a recommended shortlist of candidates for interview.

The meeting ended at 8.10 p.m.

Chair,  
Appointments Sub Committee