



Meeting of the

APPOINTMENTS SUB COMMITTEE

Wednesday, 21 November 2012 at 6.30 p.m.

A G E N D A

VENUE
ROOM MP 702, 7TH FLOOR
TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON,
E14 2BG

Members:	Deputies (if any):
Chair: Councillor Joshua Peck Vice-Chair: Councillor M. A. Mukit MBE	
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: John S. Williams, Service Head, Democratic Services

Tel: 020 7364 4204, E-mail: johns.williams@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

APPOINTMENTS SUB COMMITTEE

Wednesday, 21 November 2012

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST (Pages 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 (Pages 5 - 6)

To confirm as a correct record of the proceedings the unrestricted minutes of the Appointments Sub-Committee held on 15 October 2012 (attached)

4. APPOINTMENT TO THE POST OF CHIEF EXECUTIVE (HEAD OF PAID SERVICE) (Pages 7 - 10)

To consider the report of the Service Head, Human Resources and Workforce Development (report attached)

5. 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.

6. EXEMPT MINUTES

To confirm as a correct record of the proceedings the exempt minutes of the Appointments Sub-Committee held on 15 October 2012 (exempt minutes attached for Members of the Sub-Committee)

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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 8.30 P.M. ON MONDAY, 15 OCTOBER 2012

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

Members Present:

Councillor Joshua Peck (Chair)

Councillor M. A. Mukit MBE (Vice-Chair)

Councillor Judith Gardiner

Councillor Gloria Thienel

Councillor Motin Uz-Zaman

Others Present:

John Laycock (Director of Interim Management, Veredus)

Officers Present:

Stephen Halsey – (Corporate Director Communities, Localities & Culture and Interim Head of Paid Service)

Isabella Freeman – (Assistant Chief Executive - Legal Services, Chief Executive's)

Simon Kilbey – (Service Head, Human Resources and Workforce Development)

John Williams – (Service Head, Democratic Services, Chief Executive's)

Louise Fleming – (Senior Committee Officer, Democratic Services)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. UNRESTRICTED MINUTES

Resolved

That the unrestricted minutes of the meeting held on 17th September 2012 be approved as a correct record of the meeting, subject to the amendment of the first paragraph on page 7 to remove reference to Councillor Thienel and replace with "It was considered that a 4 day week should comprise of extended days."

4. EXCLUSION OF THE PRESS AND PUBLIC

Resolved

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 1 of Schedule 12A of the Local Government Act 1972.

5. REPORTS FOR CONSIDERATION

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

Special Reasons for Urgency agreed.

Two candidates for the post of Chief Executive were shortlisted for interview in the week commencing 22nd October 2012.

The meeting ended at 9.20 p.m.

Chair, Councillor Joshua Peck
Appointments Sub Committee

Agenda Item 4

COMMITTEE: Appointments Sub-Committee	DATE: 21 November 2012	CLASSIFICATION: Unrestricted	REPORT NO:
REPORT OF: Service Head, Human Resources and Workforce Development		TITLE: Appointment of Chief Executive (Head of Paid Service)	
ORIGINATING OFFICER(S): Simon Kilbey		Wards Affected: All	

Special Reasons for Urgency

This report was not available for inspection within the timescales set out in the Authority's constitution. The report is nevertheless recommended for consideration at this meeting in order to ensure that there is no delay to the consideration by the full Council of the matters detailed.

1. PURPOSE OF THE REPORT

- 1.1 To report to the Committee on the outcome of the recruitment process for an Interim Chief Executive

2. RECOMMENDATIONS

- 2.1 That the Committee confirm the outcome of the recruitment process for a Chief Executive (Fixed Term) was unsuccessful and report back to Council in the terms set out in this report.

3. BACKGROUND

- 3.1 On 11th July 2012 the Council considered the outcome of the recruitment process undertaken by the previous Appointments Sub-Committee and did not appoint to the vacant post of Chief Executive.
- 3.2 The Council debated the report of the Assistant Chief Executive (Legal Services) and a tabled amendment, and resolved (inter alia) to immediately start the process of recruiting a professional interim to the post of Chief Executive (Head of Paid Service). To this end the Human Resources Committee was instructed to convene an Appointments Sub-Committee with a view to

appointing to the post on a fixed term basis as soon as possible. The Council asked the Human Resources Committee to recommend the duration of the fixed term contract.

- 3.3 The Council also resolved to appoint Stephen Halsey as Head of Paid Service until 31st October 2012 or until such a time as a new Chief Executive starts work, whichever is sooner, to work alongside the Section 151 Officer and Monitoring Officer, and asked the CMT to continue to jointly lead the Council. This arrangement was subsequently extended as set out below

4. RECRUITMENT PROCESS – UPDATE

- 4.1 The Human Resources Committee met on 18th July 2012 and in accordance with the Council's decision above, established an Appointments Sub-Committee to undertake the recruitment of a professional interim Chief Executive, with a view to that person being in post by 1st November 2012 if possible; and authorised officers to progress the selection of recruitment consultants to assist in the process.

- 4.2 The Appointments Sub-Committee met on 17th September and recommended to the Council:-

- A revised timetable for the recruitment exercise, which envisaged the appointment of an interim Chief Executive at the latest at the Council meeting on 28th November 2012.
- That accordingly the interim appointment of Stephen Halsey as Head of Paid Service be extended until 29th November 2012 or until a new Chief Executive and Head of Paid Service takes up post, whichever is sooner.
- The Job Description and Person Specification for the post, and that the salary for the role remain as previously agreed.
- That the post of interim Chief Executive be recruited to on the basis of a fixed term contract to 1st November 2014.

- 4.3 The above recommendations were agreed by the Council on 19th September.

5. SHORTLISTING

- 5.1 Subsequently, on 15th October, the Appointments Sub-Committee met to undertake shortlisting for the post. The Sub Committee considered a report from the Recruitment Consultant summarising the search process, prospective candidate feedback and a recommended shortlist.

- 5.2 Following discussion the Sub-Committee shortlisted two candidates for interview and agreed to bring forward the final interview date to take place as soon as

possible, with informal interviews to be arranged beforehand for the shortlisted candidates separately with each of the Group Leaders and the Mayor.

6. OUTCOME

- 6.1 In the event, both of the shortlisted candidates withdrew from the process before the interviews could be held. The candidates asked, via the recruitment consultant, that the Sub Committee be thanked for their interest, but decided that the time was not right for them to continue with their interest. There is therefore no recommendation from the Appointments Sub-Committee to the Council in relation to an appointment.

7. WAY FORWARD

- 7.1 In the light of the comments of the recruitment agency that the Council is unlikely to find a professional interim chief executive for a period of more than 6 – 9 months and the indication of the Appointments Sub-Committee at its last meeting that this was not a viable option, officers suggest there is no real benefit in continuing the search further. If Members agree then a report will be prepared confirming that the Appointments Sub-Committee report back to Council that the recruitment process was unsuccessful. Then a separate report on the way forward will be produced by the Service Head Human Resources and Workforce Development to be considered by Council at its meeting on 28th November 2012. The Interim Head of Paid Service has asked the Service Head Human Resources and Workforce Development to lead on this matter as the Council will need to determine how the Head of Paid Service role is to be discharged.

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 8.1 All proposals set out within the report including the costs of the recruitment process for the post of Chief Executive have or will be contained within the relevant existing budget allocations.

9. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 9.1 The Local Authorities (Standing Orders) (England) Regulations 2001 require that the appointment of the Head of Paid Service (Chief Executive) must be confirmed by the Council. Under the Council's Constitution the Human Resources Committee is required to establish an Appointments Sub Committee to consider the appointment of the Head of Paid Service (Chief Executive) and make recommendations to the Council. The Sub-Committee must be politically

proportionate (unless the Committee votes to waive this requirement with no member voting against) and include one member of the Executive.

9.2 Although this Council's constitution currently states that the Head of Paid Service is the Chief Executive, it is not a legal requirement that it is such and the two roles can be split if the Council so desired.

9.3 The regulations also set out a statutory 'objection' procedure at the end of the process under which the appointment may only be confirmed if there is no well-founded objection to the proposed appointment by the Mayor or an executive member.

10. IMPLICATIONS FOR ONE TOWER HAMLETS

10.1 The process followed by the Human Resources Committee/Appointments Sub-Committee and the brief for the recruitment consultants followed equalities best practice and a diverse range of candidates were considered.

10.2 The Council has a strategic objective to recruit a workforce to reflect the community.

11. ANTI-POVERTY IMPLICATIONS

11.1 There are no direct implications for anti poverty arising from the recommendations in this report.

12. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

12.1 There are no direct implications for environmental sustainability arising from the recommendations in this report.

13. RISK ASSESSMENT

14.1. The proposals set out in this report will ensure the Council complies with the statutory requirements for the appointment of chief officers and has appropriate arrangements for the leadership of the officer structure.

Local Government Act, 2000 (Section 97)

List of "Background Papers" used in the preparation of this report

None