



Meeting of the

APPOINTMENTS SUB COMMITTEE

Monday, 28th January 2013 at 6.30 p.m.

A G E N D A

VENUE:
COMMITTEE ROOM ONE,
TOWN HALL, MULBERRY PLACE,
LONDON E14 2BG

Members:

Deputies (if any):

Chair:

Vice-Chair:

Councillor Joshua Peck

Councillor Judith Gardiner

Councillor Gloria Thienel

Councillor Motin Uz-Zaman

(3 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

LONDON BOROUGH OF TOWER HAMLETS

APPOINTMENTS SUB COMMITTEE

Monday, 28th January 2013

6.30 p.m.

1. APPOINTMENT OF CHAIR

To appoint a member of the Sub-Committee to serve as Chair for the duration of the current appointment process.

2. APPOINTMENT OF VICE-CHAIR

To appoint a member of the Sub-Committee to serve as Vice-Chair for the duration of the current appointment process.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

4. 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.

5. APPOINTMENTS SUB-COMMITTEE (CHIEF EXECUTIVE/HEAD OF PAID SERVICE): MEMBERSHIP, TERMS OF REFERENCE ETC (Pages 5 - 8)

To note the membership and terms of reference of the Sub-Committee and associated matters. The report of the Service Head, Democratic Services is attached.

6. 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.

7. RECRUITMENT TO THE POST OF CHIEF EXECUTIVE/HEAD OF PAID SERVICE

To consider the report of the Service Head, Human Resources and Workforce Development (to follow).

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Agenda Item 4

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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Agenda Item 5

COMMITTEE: Appointments Sub-Committee	DATE: 28 th January 2013	CLASSIFICATION: Unrestricted	REPORT NO:
REPORT OF: Service Head, Democratic Services ORIGINATING OFFICER(S): John Williams		TITLE: Appointments Sub-Committee (Chief Executive/Head of Paid Service): Membership, terms of reference etc. Wards Affected: All	

1. SUMMARY

- 1.1 On 20th December 2012 the Council considered further the matter of the vacant post of Chief Executive/Head of Paid Service. The Council debated a report of the Corporate Director, Resources and a tabled amendment, and resolved (inter alia) to instruct the Human Resources Committee to immediately establish an Appointments Sub-Committee to begin the process, with the support of the Local Government Association and London Councils, of recruiting a Chief Executive.
- 1.2 The Human Resources Committee accordingly met on 10th January 2013 and agreed to establish an Appointments Sub Committee to undertake the recruitment of a Chief Executive on a fixed term basis and to make recommendations to the Council on that appointment. This report sets out for members' information the membership and terms of reference of the sub-committee. A further report on the sub-committee's agenda sets out a proposed process and timetable for the recruitment and associated matters for consideration.

2. RECOMMENDATIONS

- 2.1 That the report be noted.

3. DECISIONS OF THE HUMAN RESOURCES COMMITTEE

- 3.1 At its meeting on 10th January 2013 the Human Resources Committee resolved that –
 - the Appointments Sub Committee should comprise of seven members, four members nominated by the Leader of the majority group; one member nominated by the Leader of the largest minority group; and either the Mayor

and one other member nominated by the Mayor; or two members nominated by the Mayor at least one of whom must be an executive member.

- the Service Head Democratic Services to liaise with the Mayor and Group Leaders to receive their nominations and to agree a date of the first Sub Committee
- the Service Head Human Resources and Workforce Development report to the first meeting of the Sub Committee with a proposed process, timetable , specification and associated matters with a view to the new Chief Executive being in post as soon as possible and invite the LGA to attend.

4. APPOINTMENTS SUB-COMMITTEE: MEMBERSHIP AND TERMS OF REFERENCE

Membership

- 4.1 The Appointments Sub-Committee is subject to the proportionality rules as set out in the Local Government and Housing Act 1989 and associated regulations. These state that where there is a majority group on the Council, that group must have a majority of members on all committees and sub-committees covered by the regulations. The allocation of places on each committee/sub-committee must as closely as possible reflect the overall membership of the Council, insofar as this is consistent with the total allocation of places on all committees and sub-committees also reflecting that overall membership. The Appointments Sub-Committee must by law include at least one member of the Executive.
- 4.2 The decision of the Human Resources Committee at 3.1 above is in accordance with the statutory provisions. In accordance with that decision Group Leaders and the Mayor were invited to submit nominations for membership of the Appointments Sub-Committee. The following nominations have been received:-

Labour Group (4):- Councillors Joshua Peck, Motin Uz-Zaman, Judith Gardiner and one member t.b.c.

Conservative Group (1):- Councillor Gloria Thienel

Mayor (2):- t.b.c.

Terms of reference

- 4.3 The Council's Officer Employment Procedure Rules at Part 4.9 of the Constitution set out the rules applying to the appointment of the Chief Executive and these reflect the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001.
- 4.4 The terms of reference of this Appointments Sub-Committee as stated at Part 3.3.8 of the Constitution are 'to consider the appointment of the Head of Paid Service and to make recommendations to the Council on that appointment.'

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 5.1 The costs of the recruitment process for the post of Chief Executive will be contained within the existing budget allocations for Human Resources and Workforce Development and related functions.

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

- 6.1 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 and must include at least one member of the Executive.
- 6.2 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.
- 6.3 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.

7. IMPLICATIONS FOR ONE TOWER HAMLETS

- 7.1 The recruitment process will follow equalities best practice to ensure a diverse range of potential candidates. Members of the sub-committee are trained on appointments and on equalities practices.

8. ANTI-POVERTY IMPLICATIONS

- 8.1 There are no direct implications for anti poverty

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 9.1 There are no direct implications for environmental sustainability.

10. RISK ASSESSMENT

10.1 The recommendations detailed above will ensure the Council complies with the statutory requirements for the appointment of chief officers.

Local Government Act, 2000 (Section 97)

List of “Background Papers” used in the preparation of this report

Background papers	Available for inspection by contacting
none	John Williams Town Hall, Mulberry Place Telephone 020 7364 4024