

GENERAL PURPOSES COMMITTEE

Monday, 25 June 2018 at 5.00 p.m.

MP702 - Town Hall Mulberry Place

This meeting is open to the public to attend.

Members:

Chair: Councillor Helal Uddin

Vice-Chair: TBC

Councillor Faroque Ahmed, Councillor Asma Begum, Councillor Kevin Brady, Councillor Mohammed Ahab Hossain, Councillor Asma Islam, Councillor Tarik Khan, Councillor Motin Uz-Zaman and Councillor Peter Golds

Deputies:

Councillor Rachel Blake, Councillor Danny Hassell, Councillor Denise Jones and Councillor Andrew Wood

[The quorum for this body is 3 Members]

Contact for further enquiries:

David Knight, Democratic Services
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

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Web: <http://www.towerhamlets.gov.uk/committee>

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- 1. APOLOGIES FOR ABSENCE**
- 1. APPOINTMENT OF VICE-CHAIR FOR THE 2018-19 MUNICIPAL YEAR**
- 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS** **5 - 8**
- 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. MINUTES** **9 - 12**
- To agree the unrestricted minutes of the meeting of the General Purposes Committee held on 26 March 2018.
- 4. REPORTS FOR CONSIDERATION**
- 4 .1 General Purposes Committee, Terms of Reference 2017 to 2018** **13 - 24**
- All Committees of Council receive a terms of reference report annually asking them to consider and note their terms of reference and delegated powers.
- 4 .2 Establishment of Appointments Sub-Committee** **25 - 30**
- This report asks the Committee to establish a Sub-Committee for the 2018-19 municipal year for the consideration of appointments of senior officers.
- 4 .3 Establishment of Employee Appeal Sub Committee** **31 - 40**
- This report asks the Committee to establish a Sub-Committee for the 2018-19 municipal year for the consideration of employee appeals.
- 4 .4 Outside Bodies 2018 to 2019** **41 - 44**
- A report requesting nominations to the Local Government Association General Assembly and annual conference.
- 4 .5 Senior Recruitment Update**
- A regular update report on senior manager recruitment processes in the Council. **TO FOLLOW**

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT SECTION (Pink Papers)

The exempt 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.

6.1 Forthcoming Restructures - Staffing Implications

A report noting certain staffing implications of forthcoming restructures.
TO FOLLOW

7. EXEMPT MINUTES

45 - 46

To agree the exempt minutes of the General Purposes Committee meeting held on 26 March 2018.

Next Meeting of the Committee:

Tuesday, 4 September 2018 at 6.30 p.m. in MP702 - Town Hall Mulberry Place

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:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer – 020 7364 4800.

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 GENERAL PURPOSES COMMITTEE

HELD AT 6.40 P.M. ON MONDAY, 26 MARCH 2018

**MP702 - TOWN HALL MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON E14
2BG**

Members Present:

Councillor Danny Hassell (Chair)
Councillor Rachael Saunders
Councillor Helal Uddin

Apologies:

Councillor Denise Jones
Councillor Abdul Mukit MBE
Councillor Muhammad Ansar Mustaquim

Officers Present:

Asmat Hussain	(Corporate Director, Governance and Monitoring Officer)
Zena Cooke	(Corporate Director, Resources)
Joel West	(Senior Democratic Services Officer)

1. QUORUM

At the start of the meeting, the Chair noted that only two voting members of the Committee were present (himself and Councillor Uddin) and therefore the meeting was inquorate as its terms of reference state a quorum of three voting members. The Chair delayed the meeting pending arrival of further Councillors. At 6.55pm, Councillor Rachael Saunders arrived and the Chair, noting that the meeting was now quorate, started the meeting.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. MINUTES

The unrestricted minutes of the General Purposes Committee meeting held on 8 February 2018 were agreed as a correct record, subject to inclusion in minute 4.1 of the Committee's decisions to:

- a) Temporarily delegate authority for the Appointment and revocation of local authority school governors to the Corporate Director Childrens Services in consultation with the Chair of the General Purposes

Committee, until the first ordinary meeting of the General Purposes Committee in the 2018/19 municipal year; and

- b) Request that a report on the exercise of this delegation (if any) by the Corporate Director be submitted to the first ordinary meeting of the General Purposes Committee in the 2018/19 municipal year.

4. REPORTS FOR CONSIDERATION

4.1 Update on Chief Officer and Deputy Chief Officer Recruitment Activity - March 2018

Zena Cooke, Corporate Director, Resources, introduced the report which provided an update in relation to interim arrangements and proposals to fill posts on a permanent basis at Chief Officer and Deputy Chief Officer level.

Further to paragraph 3.2, which referred to a possible minor amendment to the Committee's terms of reference, the Committee noted that this proposal would be presented to a future Committee meeting for a formal decision.

RESOLVED:

That the Committee:

1. Notes the report.

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

None.

6. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

1. That in accordance with 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 on the grounds that the remaining agenda item contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government Act 1972.

7. HR DIVISION RESTRUCTURE AND RELATED MATTERS - STAFFING IMPLICATIONS


Zena Cooke, Corporate Director, Resources, introduced the exempt report which provided information in respect of employees who are to be dismissed on the grounds of redundancy and whose total severance package exceeds the £100,000 threshold.

Members discussed the report and agreed the recommendations as set out.

The meeting ended at 7.10 p.m.

Chair, Councillor Danny Hassell
General Purposes Committee

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>25 June 2018</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Asmat Hussain, Corporate Director, Governance</p>	<p>Classification: Unrestricted</p>
<p>General Purposes Committee, Terms of Reference 2018/19</p>	

Originating Officer(s)	David Knight, Principal Committee Services Officer
Wards affected	(All Wards);

Executive Summary

All Committees of Council receive a terms of reference report annually asking them to consider and note their terms of reference and delegated powers.

Recommendations:

The General Purposes Committee is recommended to:

1. Note its Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

1. REASONS FOR THE DECISIONS

- 1.1 It is a customary practice that a Committee annually receive a report of its Terms of Reference.

2. ALTERNATIVE OPTIONS

- 2.1 No alternative practice in respect of this report occurs in the Authority.

3. DETAILS OF REPORT

- 3.1 Following the Annual General Meeting of the Council, the various committees established will note their Terms of Reference, quorum and membership for the forthcoming Municipal Year. These are set out in the appendices to the report.
- 3.2 The Committee's meetings for the remainder of the year, as agreed at the Annual General Meeting of the Council (on 23 May 2018), are as set out in the appendices to this report.
- 3.3 In accordance with the agreed calendar, meetings are scheduled to take place at 6.30pm.

4. EQUALITIES IMPLICATIONS

- 4.1 When the calendar of meetings was set up consideration was given to avoiding school holidays and known religious holidays and other important dates where at all possible.

5. OTHER IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.

- 5.2 None specifically relating to this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no specific financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The terms of reference for the General Purposes Committee are as set out in the Council's Constitution agreed by Council.
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Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Committee Terms of Reference
- Appendix 2 – Membership of the Committee in 2018/19
- Appendix 3 – Dates of scheduled meetings of the Committee in 2018/19

Local Government Act, 1972 Section 100D (As amended)

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

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

- David Knight, Principal Senior Committee Officer 020 7364 4878

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General Purposes Committee Terms of Reference

Membership: Nine (9) Councillors (each political group may appoint up to three (3) substitutes)	
Functions	Delegation of Functions
This Committee is responsible for a range of non-executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution	-
<ol style="list-style-type: none"> 1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including: <ol style="list-style-type: none"> (a) the provision of assistance at European Parliamentary elections; (b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and (c) the appointment of a proper officer for the purposes of giving various notices in relation to elections and referenda (e.g. in relation to the verification number for petitions for a referendum under Local Government Act 2000). 	None
<ol style="list-style-type: none"> 2. Appointments of officers, Members or other persons to external bodies on behalf of the Council, where the appointment is not the responsibility of the Mayor 	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of the Constitution
<ol style="list-style-type: none"> 3. To recommend to Council the introduction, amendment or revocation of byelaws 	None
<ol style="list-style-type: none"> 4. Appointment and revocation of local authority school governors 	None
<ol style="list-style-type: none"> 5. To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules 	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in

	accordance with Part 3.12.2 of the Constitution
6. To consider and make non-material changes to the Council's Constitution upon the recommendation of the Monitoring Officer	None
7. To determine major policy on the terms and conditions on which staff hold office within allocated resources	None
8. To agree any negotiated settlement, in relation to a senior executive in circumstances which do not amount to a dismissal that may be proposed in accordance with the Council's Pay Policy Statement	None
9. To determine the criteria for the appointment of the Head of Paid Service and other statutory and non-statutory chief officers and deputy chief officers and to establish Appointments Sub-Committees to consider such appointments	None
10. To make recommendations to Full Council on the appointment of the Head of Paid Service	None
11. To establish a Sub-Committee to consider any proposal to discipline and/or dismiss the Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution and to appoint a minimum of two (2) 'Independent Persons' to such Sub-Committee	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of the Constitution

<p>12. To consider and determine any appeal in respect of any function for which the Council is responsible (except where statutory arrangements exist or where the appeal function is delegated elsewhere in the Constitution) including:</p> <ul style="list-style-type: none"> (a) Education awards appeals; (b) Appeals by governing bodies; (c) Appeals by employees under human resources procedures requiring a Member level decision; and (d) Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval 	None
<p>13. To establish Employee Appeals Sub-Committees and other Appeals Sub-Committees as appropriate to be convened by the Corporate Director, Law, Probity and Governance for determination of the above appeals referred to in paragraph 12 above. Such Sub-Committees to comprise a maximum of five (5) Members of the Council with a quorum of three (3) and as far as possible to reflect ethnicity and gender balance</p>	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution
<p>14.</p> <ul style="list-style-type: none"> (a) Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Executive and which are not delegated elsewhere under this Constitution (b) In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part 2, Article 12.06(c)(ii) of this Constitution 	None
<p>Quorum: Three (3) Members of the Committee</p>	

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LONDON BOROUGH OF TOWER HAMLETS

COMMITTEE MEMBERSHIPS 2018-2019

NOMINATIONS SUBMITTED TO THE ANNUAL COUNCIL MEETING ON 23 MAY 2018

GENERAL PURPOSES COMMITTEE (Nine members of the Council)		
<i>Labour Group (8)</i>	<i>Conservative Group (1)</i>	<i>Ungrouped (0)</i>
Councillor Ahbab Hossain Councillor Asma Begum Councillor Asma Islam Councillor Faroque Mahfuz Ahmed Councillor Helal Uddin (Chair) Councillor Kevin Brady Councillor Motin Uz-Zaman Councillor Tarik Khan Substitutes:- Councillor Danny Hassell Councillor Denise Jones Councillor Rachel Blake	Councillor Peter Golds Substitutes:- Councillor Andrew Wood	N/A


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APPENDIX 3

GENERAL PURPOSES COMMITTEE - SCHEDULE OF MEETINGS 2018/19

1. 5.00 p.m. 25th June, 2018;
2. 6.30 p.m. 4th September, 2018;
3. 6.30 p.m. 11th December, 2018;
4. 6.30 p.m. 26th February, 2019; and
5. 6:30 p.m. 7th May, 2019.

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Non-Executive Report of the: General Purposes Committee 25 June 2018	
Report of: Matthew Mannion, Committee Services Manager	Classification: Unrestricted
Establishment of Appointments Sub-Committee	

Originating Officer(s)	David Knight, Principal Committee Services Officer
Wards affected	All Wards

Summary

The terms of reference of the General Purposes Committee include the determination of criteria for the Appointments Sub-Committees established from time to time to consider the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers.

This report recommends the establishment of the Appointments Sub-Committee for the current municipal year and the process for Chief Officer/Deputy CO appointments and proposes criteria for membership of the Sub-Committee in accordance with the Constitution and agreed procedures.

Recommendations:

The General Purposes Committee is recommended to:

1. Agree the terms of reference for Appointments Sub-Committees for the remainder of the municipal year 2018/19 as set out at paragraph 4.1 below;
2. That the arrangements for nominating Councillors to serve on an Appointments Sub-Committee be agreed as set out at paragraph 4.2 below and the Divisional Director, Legal or the Head of Governance and Democratic Services (or their respective nominee) be authorised to agree the dates of Appointments Sub-Committee meetings and the membership of the Sub-Committee for each appointment that is required in accordance with nominations from the Opposition Group Leader and the Mayor; and
3. That the Committee note the process for appointment to Chief Officer and Deputy Chief Officer posts as set out at paragraph 5 below.

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution requires that the General Purposes Committee sets up Appointment Sub-Committees to determine senior officer appointments.

2. ALTERNATIVE OPTIONS

- 2.1 None as if the Appointment Sub-Committees are not set up then the Council will not be able to proceed with appointments to senior officer posts.

3. DETAILS OF REPORT

- 3.1 Under the Officer Employment Procedure Rules at Part 4.9 of the Council's Constitution, the Appointments Sub-Committee will be established on criteria approved by the General Purposes Committee comprising relevant Councillors to make appointments to Chief Officer and Deputy Chief Officer posts.
- 3.2 The criteria and an appointment process designed to meet the requirements of the Constitution, to be clear and transparent for Councillors and officers, and to follow recruitment best practice resulting in a successful and fair appointments process have previously been agreed.
- 3.3 This report sets out the process for Chief Officers and Deputy Chief Officers. The process for the appointment of a Chief Executive is agreed separately.

4. APPOINTMENTS SUB-COMMITTEE

Terms of reference

- 4.1 It is proposed that in accordance with the Council's Constitution, the Committee establish an Appointments Sub-Committee with the following terms of reference:- "To make appointments to Chief Officer and Deputy Chief Officer posts in accordance with the Council's Constitution and the agreed Recruitment and Selection Procedures."

Membership

- 4.2 In accordance with the proportionality rules for all Council Committees, it is proposed that the following arrangements, should apply;
- a) For a **Chief Officer** (Corporate Director level) and **Deputy Chief Officer** (Divisional Director level) appointment, the Appointments Sub-Committee shall comprise of **four Councillors** as follows:-
- Three Members nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive; and
 - One Councillor nominated by the Leader of the Opposition Group.

- b) The Divisional Director, Legal or the the Head of Governance and Democratic Services (or their respective nominee) to liaise with the Mayor and Group Leaders to receive their nominations, in accordance with the above allocation of places, and to agree the date of the first Sub Committee in each Chief Officer/ Deputy CO appointment cycle.
- c) The Mayor and political groups are expected to assist in achieving a Sub-Committee whose overall composition is diverse in terms of gender and ethnicity wherever possible. In the event that the initial nominations do not produce such a Sub-Committee, the Divisional Director Legal or the Head of Governance and Democratic Services (or their respective nominee) after consultation with the Divisional Director HR & Transformation will discuss with the respective group leaders and the Mayor options for amending one or more of those nominations as necessary to achieve sufficient diversity.
- d) Members can only sit on an Appointments Sub-Committee if they have received training at this Council on recruitment and selection.
- e) The quorum for the Appointments Sub-Committee shall be at least three members.

5. PROCESS FOR APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

- 5.1 The rules governing the appointment of Chief Officers/Deputy Chief Officers are set out in the Council's Officer Employment Procedure Rules (Part 4.9 of the Constitution), which are in turn substantially derived from statutory provisions (primarily the Local Authorities (Standing Orders) (England) Regulations 2001). In practical terms the following is an outline of the process. This may be abbreviated or some elements of the process may not be required in the case of an internal-only recruitment or interim appointment.

Advertisement and longlisting

- 5.2 The Council may use recruitment consultants to assist with senior appointments. The Divisional Director HR & Transformation will work with the recruitment consultants and the Head of Paid Service or the relevant Corporate Director to establish a timeline for the recruitment process and agree any advertisements in accordance with Council policy.
- 5.3 Following advertisement, the Divisional Director HR & Transformation, the recruitment consultants and the Head of Paid Service or relevant Corporate Director will agree a long-list of candidates and details of the process to follow this may include information visits, the use of assessment tools such as in-tray and other testing. Long-listed candidates will then undergo an assessment process.

Shortlisting and interviews

- 5.4 If necessary, the Appointments Sub-Committee may then meet to consider the results of the long-list process and the recruitment consultants' and officers' recommendations; and agree a shortlist of candidates for interview.
- 5.5 The Appointments Sub-Committee will then meet again to interview the shortlisted candidates. The officers will table suggestions for questions at the start of the meeting. References for candidates will be available for consideration but will only be considered once the ASC has decided who to appoint.

Appointment

- 5.6 If the Appointments Sub-Committee agrees on a candidate suitable for the post of Chief Officer/Deputy Chief Officer, it must inform the Mayor and each member of the Executive of its 'provisional intention to make an offer' to the preferred candidate. The Mayor and Executive members then have a two day period in which they may notify any objection to the making of the appointment. If no such objection is received within that period, a firm offer will be made. Should an objection be received the Appointments Sub-Committee would be required to reconvene to consider any objection and make a determination.

Note: Sub-Committee membership throughout the appointment process must remain the same

- 5.7 The Committee has previously agreed that the membership of the ASC must remain the same throughout the process for an appointment and there can be no substitutions once the process has commenced for a particular appointment. A member of the ASC who ceases his/her participation after the Sub-Committee has started to meet may not be replaced. Rather the Sub-Committee would continue with a reduced number of members, subject to remaining quorate. Equally, a member of the ASC who does not participate in a stage of the process (e.g. shortlisting) may not then take part in a subsequent stage (e.g. interviews).
- 5.8 These provisions represent good recruitment practice. However, there may be occasions when their strict application could work against other aspects of best practice - for example by reducing the diversity of the Sub-Committee in terms of gender or ethnicity. In such exceptional circumstances the Divisional Director HR & Transformation may waive the requirement at 5.7 above in order to ensure a sufficiently diverse membership of the Sub-Committee, provided that consistency is maintained within each distinct stage of the appointment process.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The costs of senior officer recruitment and the associated administering of the Appointments Sub-Committee will be contained within existing budget

allocations for Human Resources and Workforce Development and related functions.

7. LEGAL COMMENTS

- 7.1 Under the Council's Constitution it is for the General Purposes Committee to determine criteria for the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers for Appointments Sub-Committees, which may be established from time to time to consider such appointments.
- 7.2 The Local Authorities (Standing Orders) (England) Regulations 2001 require that an Appointments Sub-Committee include at least one member of the Executive. The regulations also set out a statutory 'objection' procedure under which an appointment may only be confirmed if there is no well-founded objection to the proposed appointment by the Mayor or a member of the Executive.
- 7.3 When considering the criteria for Appointments Sub Committees, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). There is information in section 8 below relevant to these considerations.

8. EQUALITIES CONSIDERATIONS

- 8.1 The recruitment process will follow equalities best practice to ensure a diverse range of potential candidates. Members of the Appointments Sub-Committee will be trained on appointments and on equalities practices.

9. OTHER STATUTORY IMPLICATIONS

- 9.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 9.2 Agreeing appropriate procedures for the appointment of senior officers is important in ensuring the Council recruits the best leadership team available to support the Best Value obligations.
- 9.3 There are no direct implications on sustainable action for a greener environment.

9.4 There is a risk that the Council will not be successful in securing the best staff and its reputation will suffer if the recruitment and selection process for senior staff does not operate smoothly and effectively. The recommendations detailed above will ensure the Council complies with the statutory requirements for the appointment of Chief Officers and Deputy Chief Officers.

9.5 There are no direct implications on crime and disorder reduction.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

Local Government Act, 1972 Section 100D (As amended)


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

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

- N/A

Non-Executive Report of the: General Purposes Committee 25 June 2018	
Report of: Matthew Mannion, Committee Services Manager	Classification: Unrestricted
Establishment of (Employee) Appeals Sub-Committee	

Originating Officer(s)	David Knight, Principal Committee Services Officer
Wards affected	All Wards

Summary

The terms of reference of the General Purposes Committee include the determination of employees' appeals against dismissal. Appeals Sub-Committees are established as required to consider these appeals.

This report recommends the establishment of the Appeals Sub-Committee for the current municipal year.

Recommendations:

The General Purposes Committee is recommended to agree:

To establish an Employee Appeals Sub Committee for the municipal year 2018/19 with the attached terms of reference (Appendix A) and hearing structure (Appendix B).

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution requires that employee appeals against dismissal be determined at Member level.

2. ALTERNATIVE OPTIONS

- 2.1 None as if the Sub-Committees are not set up then the Council will not be able to discharge this function.

3. DETAILS OF REPORT

- 3.1 The Council's Constitution (Part 3 - Responsibility for Functions), makes provision for the General Purposes Committee to consider and determine appeals by employees under human resources procedures requiring a Member level decision and to establish Employee Appeals Sub-Committees to determine such appeals. The Corporate Director, Governance is authorised to convene meetings of the Sub-Committees.
- 3.2 For appeals by employees under human resources procedures that require a Member-level decision, the Employee Appeals Sub-Committee comprises of an ad hoc panel for each appeal dependent on availability. This panel will include in each case a Chair and two other Councillors drawn from the Committee Members and their appointed substitutes. Once appointed for a particular appeal, the membership of the Sub-Committee must remain the same throughout all stages of that appeal.
- 3.3 Members can only sit on an Appeals Sub-Committee if they have received annual training at this Council on policies and procedures relevant to the consideration and determination of the appeal which the sub – committee is charged.
- 3.3 The Terms of reference and membership arrangements for the Employee Appeals Sub-Committee are attached at Appendix A. Also attached is the Appeals hearing structure (Appendix B).
- 3.4 Meetings are scheduled to take place at 6.30pm in accordance with the programme of meetings for principal meetings.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no direct financial implications arising from this report. The costs of administering the Employee Appeals Sub-Committee and related training requirements will continue to be contained within existing budgets.

5. LEGAL COMMENTS

- 5.1 As the Sub-Committee acts in a quasi-judicial capacity it is imperative that all its proceedings are conducted strictly in accordance with the provisions of the law and the Council's Constitution in order to obviate any procedural challenge in the courts.

6. EQUALITIES CONSIDERATIONS

- 6.1 It is essential that in relation to appeals by employees under the authority's human resources procedures that best practice is adhered to in terms of equalities. As far as possible panels are appointed that are representative of gender and ethnic diversity; and Members must be fully equipped and trained to ensure that all relevant issues are given proper consideration.

7. OTHER STATUTORY IMPLICATIONS

- 7.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 7.2 Agreeing appropriate procedures for the appointment of senior officers is important in ensuring the Council recruits the best leadership team available to support the Best Value obligations.
- 7.3 There are no direct implications on sustainable action for a greener environment.
- 7.4 The proposals seek to minimise the risk to the authority both of any possible safeguarding failure in relation to children or vulnerable adults; and of adverse Employment Tribunal findings should the process for employee appeals not be sufficiently robust.
- 7.5 There are no direct implications on crime and disorder reduction.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix A – Terms of Reference
- Appendix B – Hearing Structure

Local Government Act, 1972 Section 100D (As amended)

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

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

- N/A

EMPLOYEE APPEALS SUB-COMMITTEE

Terms of reference:

1. That the General Purposes Committee establish an Employee Appeals Sub-Committee with the following terms of reference:-
 - To consider and determine appeals by employees under human resources procedures requiring a member level decision.

Membership:

2. That the membership of the Employee Appeals Sub-Committee comprise:-
 - 2.1 A panel of **three members** to be appointed by the Corporate Director, Governance on an ad hoc basis for each employee appeal from a pool of all Members and Substitutes of the General Purposes Committee.
 - 2.2 The first item of business at each Employee Appeals Sub-Committee shall be to appoint, from amongst the Sub-Committee Members, a Chair for the appeal hearing.
 - 2.3 The quorum for the Employee Appeals Sub-Committee shall be three Members.
 - 2.4 Members may serve on an Employee Appeals Sub-Committee panel only after they have received annual training at this Council on policies and procedures relevant to the consideration and determination of the appeal with which the Sub-Committee is charged.
 - 2.5 In the case of an appeal which gives rise to any issues relating to safeguarding of adults or children, no Member may sit on the Employee Appeals Sub-Committee to consider that appeal unless they have previously received training in safeguarding matters to the satisfaction of the Corporate Director, Governance and the Corporate Director, Children's or the Corporate Director, Health, Adults and Community as appropriate.
 - 2.6 The Corporate Director, Governance shall be authorised to convene meetings of the Employee Appeals Sub-Committee, established by the Appeals Committee, to discharge functions on its behalf, subject to the criteria set out in paragraphs 2.1 to 2.5 above.

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APPEAL HEARING STRUCTURE

1. **Introduction of parties and explanation of structure.**
 - In attendance:
 - Members hearing the Appeal
 - Human Resources Adviser
 - Legal adviser to the Panel
 - Committee Clerk or other note taker
 - Manager presenting case.
 - Appellant
 - Appellant's Representative (only one representative will be allowed to attend the hearing and this may be a Trade Union Representative or a work colleague.
2. **APPELLANT'S CASE** will be put first using supportive evidence, documentation and witnesses.
3. **MEMBERS HEARING THE APPEAL** will ask any points regarding the Appellant's case, including questions to witnesses.
4. **THE MANAGER PRESENTING THE CASE may ask** points of clarification only of Appellant or witnesses. If either side does not wish to check any points with the witnesses, they may leave the hearing at this stage.
5. **THE MANAGER** will then present his / her case, explaining why the original decision was considered appropriate.
6. **MEMBERS HEARING THE APPEAL MAY ASK** questions of the Manager and his / her witnesses.
7. **THE APPELLANT** (or his / her representative) **may ask** points of clarification only from the Manager or his / her witnesses.
8. **APPELLANT'S CONCLUDING REMARKS** (if any)
9. **MANAGER'S CONCLUDING REMARKS** (if any)
10. **AFTER AN ADJOURNMENT** if the Members are able to come to a decision within a reasonable timescale the Chair of the Sub Committee hearing the Appeal will give the decision. If the decision is likely to take some time the parties will be offered the option of being notified of the decision the following working day by the Human Resources Adviser. The decision will be confirmed in writing to the Appellant.

APPEALS UNDER THE DISCIPLINARY PROCEDURE

1. The function of the Appeal is to consider the evidence in the light of the submissions made by the Appellant, together with the Council's response and to decide upon the fairness and reasonableness of the decision. It is not a rehearing. It is a review process.
2. In reaching a decision, the Panel of Members should consider the following: -
 - (i) Has any new evidence been presented which was not heard by the Chair of the original Panel? New evidence will only be considered if it was not available to the deciding officer and is relevant to the matter.
 - (ii) Was the decision procedurally correct.
3. If the Appeal grounds are on procedural irregularities, the Panel must decide whether there were any such irregularities and, if so, whether these prejudiced the disciplinary decision to such an extent that a fair hearing was not possible.
4. Appeals against disciplinary action will only be considered on one or more of the following reasons:
 1. The PROCEDURE, - the grounds of appeal should detail how procedural irregularities prejudiced the disciplinary decision.
 2. The FACTS, - Failure to take account of material evidence.
 3. The DECISION, The decision did not justify the level of disciplinary sanction imposed. The Panel will decide if the decision was a decision a reasonable employer could reasonable make.

APPEALS UNDER THE SICKNESS PROCEDURE


APPEALS AGAINST DISMISSAL UNDER THE SICKNESS PROCEDURE:

THE STRUCTURE OF THE HEARING FOLLOWS THE DISCIPLINARY CODE.

THE GROUNDS FOR APPEAL ARE: -

1. That the medical opinion was wrong
2. That redeployment was a viable option
3. That having regard to operational requirements, financial constraints and personal circumstances, it would have been reasonable to allow a longer period to recover before a final decision was made.
4. That there were procedural irregularities by the Council in the operation of the scheme, and these irregularities prejudiced the case to such an extent that a fair hearing was not possible.

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>25 June 2018</p>	
<p>Report of: Asmat Hussain, Corporate Director of Governance</p>	<p>Classification: Unrestricted</p>
<p>Nominations to Outside Bodies, 2018/19</p>	

Originating Officer(s)	Joel West, Senior Committee Officer
Wards affected	All wards

Executive Summary

The Council has delegated the function of making appointments to outside bodies, where the activities of those outside bodies relate to Council functions, to the General Purposes Committee. This report asks the Committee to agree any such appointments for 2018/19. Currently, only one outside body relates to Council functions and this is the Local Government Association General Assembly and annual conference.

Recommendations:

The General Purposes Committee is recommended to:

1. Nominate up to four Members and up to four substitutes of the Council to the Local Government Association (LGA) General Assembly and Annual Conference for 2018/19.
2. Agree that the Council's seven votes at the General Assembly meeting be allocated as evenly as possible between nominated members, subject to any opposition group nominees having a maximum of one vote.

1. REASONS FOR THE DECISIONS

- 1.1 The Council has delegated the function of making appointments to outside bodies, where the activities of those outside bodies relate to Council functions, to the General Purposes Committee. This report asks the Committee to agree any such appointments for 2018/19. Currently, only one outside body relates to Council functions and this is the Local Government Association General Assembly and annual conference.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee could choose not to nominate any Members of the Council to the Local Government Association General Assembly and annual conference or could choose to refer the decision on nominating Members up to the full Council.

3. DETAILS OF THE REPORT

- 3.1 Under the terms of the Council's Constitution, the Mayor can make nominations to outside bodies where the activities of the outside body relate to executive functions. This includes almost all current outside body appointments.
- 3.2 The Constitution delegates the function of making appointments to outside bodies, where the activities of those outside bodies relate to Council functions, to the General Purposes Committee. Currently, only one outside body relates to Council functions and this is the Local Government Association' General Assembly and Annual Conference.
- 3.3 The Local Government Association General Assembly is a formal meeting which is part of the LGA's political governance structure. Membership of the General Assembly is restricted to elected members. The General Assembly acts as both the 'parliament of Local Government' and as a formal annual meeting (similar to a council AGM). It considers strategic policy issues of national significance to local government in the England and Wales, as well as formal business such as appointment of Offices Holders of the Association and the annual accounts. The Annual meeting takes place as part of the LGA's Annual Conference and Exhibition which will run from Tuesday 3 to Thursday 5 July 2018.
- 3.4 The LGA Annual Conference is described by the LGA as "the biggest event in the local government calendar and one of the most well-attended political conferences of the year. The event is essential for Council Leaders and Chief Executives, senior officers, lead members and policy makers across all services provided by local authorities. The conference regularly attracts high numbers from our partners across the wider public sector, the private and voluntary sectors."

- 3.5 The Committee is asked to nominate up to 4 Members of the Council to the Local Government Association General Assembly/Annual Conference for 2018/19. All Members of the Council are eligible to be nominated. The LGA encourages those authorities entitled to three or four representatives on the General Assembly to allocate one of those positions to Minority Group Leaders. The Council has seven votes at the General Assembly and is free to allocate these amongst its nominees how it chooses, but must notify the LGA of voting allocations in advance.
- 3.6 Substitutes can replace nominated members at the meeting providing the LGA is notified in advance. The Committee is therefore asked to nominate up to 4 Members of the Council as substitutes for the General Assembly/Annual Conference.
- 3.7 Up to four observers can attend in addition to the nominated representatives. The Chief Executive will determine if any officers should attend in this capacity.

4. EQUALITIES IMPLICATIONS

- 4.1 There are no specific equalities implications arising from the recommended decision.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.

- 5.2 There are no statutory implications arising from the recommended decision.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial commitments arising from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 In accordance with section 3.3.10 of the Council's Constitution, the General Purposes Committee has delegated authority to make sible for the appointment of officers, Members or other persons to external bodies on behalf of the Council. The Local Government Association is an external body

of which the Council is an elected member. Appointments to the Local Government Association General Assembly and Annual Conference are appointments which come within the remit of the General Purposes Committee and as such the Committee can proceed to make the necessary appointments.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- NONE.

Local Government Act, 1972 Section 100D (As amended)

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

- NONE.

Officer contact details for documents:

Joel West, Senior Committee Officer, 020 7364 4207

Agenda Item 7

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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