



General Purposes Committee

Date: Wednesday 6 July 2011

Classification: For General Release

Title: Changes to the Appointment Sub-Committee
Terms of Reference and Related Standing Orders

Report of: Head of Legal and Democratic Services and
Director of Human Resources

Wards Involved: Not Applicable

Policy Context: Tri-borough Working

Financial Summary: None

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1. Executive Summary

- 1.1 The City Council's Appointments Sub-Committee has been established to conduct the interviews and appointment of Chief Officers and Deputy Chief Officers. At present the appointment (and dismissal) of Chief Officers and Deputy Chief Officers is required to be conducted by Members. This report seeks approval to the arrangements for tri-borough appointments. Similiar arrangements are being put in place at Hammersmith and Fulham and Kensington and Chelsea.
- 1.2 The Appointment (and dismissal) of Officers at Chief and Deputy Chief Officer level is conducted in accordance with the Local Authorities (Standing Order) (England) Regulations 2001. These provide an opportunity for appointments (and dismissals) for Chief Officers and Deputy Chief Officers to be conducted at Member level provided Members of the Cabinet are given the opportunity to object to the appointment or dismissal. The appointment or dismissal of the Chief Executive must be approved by full council.

- 1.3 This report also seeks to amend Standing Orders to allow for appointments (and dismissal) of Deputy Chief Officers to be delegated to Officers, but that the relevant Cabinet Member will be consulted to determine if they wish the function to be undertaken by the Appointments Sub-Committee.

2. Recommendations

That the Council be recommended to approve:-

- 2.1 That in order to maintain the principle of separate governance each authority's Appointments Sub-Committee (or similar) be responsible for the appointment of Chief Officers who will have responsibilities in accordance with the Tri-borough arrangements. In order for an appointment to be made each of the Borough's Appointments Sub-Committees must agree to the appointment.
- 2.2 That the arrangements set out above shall also apply to Deputy Chief Officers except that the relevant Cabinet Member in consultation with the Chief Executive may agree that the appointment be undertaken by the Chief Executive or Officer authorised by him.
- 2.3 That the terms of reference of the Appointments Sub-Committee (Appendix B) be amended and recommended to the Council accordingly.
- 2.4 That Standing Order 51 be amended as set out in Appendix C.
- 2.5 That the Committee note that the arrangements set out in this report will be kept under review as the tri-borough proposals are implemented and any necessary changes reported to the Committee.

3. Background

- 3.1 As part of the Council's development of Tri-borough working it is necessary to put in place arrangements for the appointment of Chief and Deputy Chief Officers which are identified as being posts which require appointment by all 3 boroughs. The Cabinet, on 27 June 2011, agreed to proceed with the implementation of the tri-borough proposals. The proposal is that Chief Officer posts are conducted by the Appointments Sub-Committee (or similar) each of the appointing authorities, including, as required by the relevant regulations, at least one Cabinet Member from each of the authorities. For an appointment to be agreed all 3 of the authorities must have agreed. In the case of Deputy Chief Officers where these have been identified by the relevant Cabinet Member as appropriate for Member level appointment these will also be conducted in accordance with these arrangements. As the Tri-borough proposals are developed further the arrangements set out in this report will be reviewed.
- 3.2 The Council's Standing Order 51, which covers the appointment of staff was agreed in 2001. At the time it was agreed that appointments at Chief Officer and Deputy Chief Officer would be conducted by the Appointments Sub-Committee. It is proposed to make a small amendment to the Standing Order

Commented [r1]: Mick – it isn't a statutory requirement for anyone to be appointed by members, just that CEO be approved by full council and the cabinet be given opportunity to object to CO/DCO.

so that, in the case of Deputy Chief Officers, these appointments (and dismissals) continue to be conducted by the Appointments Sub-Committee but with the provision that the relevant Cabinet Member may delegate the appointment to be undertaken by Officers rather than the Appointments Sub-Committee.

- 3.3 In the case of all Chief Officer and Deputy Chief Officer appointments the Cabinet Members are required, by the relevant regulations, to be consulted and given the opportunity to object. Accordingly that arrangement, which also applies in the case of tri-borough appointments, will continue to apply to all appointments of all Chief and Deputy Chief Officers.
- 3.4 The arrangements set out in this report will need to be kept under review as the tri-borough proposals are implemented. As changes considered necessary will be the subject of the further report.

4. Legal Implications

- 4.1 The Council has powers under Section 101 and 102 of the Local Government Act 1972 to exercise such of its functions as it sees fit jointly by another authority via a joint committee or sub-committee.

5. Staffing Implications

- 5.1 There are no direct staffing implications arising from this report.

6. Other Implications: None.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact Mick Steward: 7641 3134
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BACKGROUND PAPERS:

- Previous reports on Cabinet on Tri-Borough
- Constitution

**APPENDIX A
(Withdrawn)**

APPENDIX B

APPOINTMENTS SUB-COMMITTEE

1. CONSTITUTION

4 Members of the Council (must contain at least one member of the Cabinet)

2. TERMS OF REFERENCE

(1) GENERAL

- (a) To be responsible for the the appointment, dismissal, retirement, pensions and other personnel matters of the Chief Executive and Chief Officers.
- (b) In the case of Deputy Chief Officers to undertake the functions listed in (a) above where the relevant Cabinet Member has indicated that they wish the Appointments Sub-Committee to do so.
- (c) To also be responsible for the appointment, on behalf of the City Council, of Chief Officers being appointed as part of the Tri-borough arrangements. Deputy Chief Officers shall also be appointed by this process except where the relevant Cabinet Member has indicated that they wish the appointment to be made by the Chief Executive in accordance with the Council's usual appointment procedures.

(2) APPRAISAL

- (a) To undertake the annual performance appraisal of the Chief Executive.

PART V - STAFF

51. Appointment of Chief Officers

- (1) Subject to paragraphs (2) and (6) the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the Chief Executive or by an officer nominated by him.
- (2) Paragraph (1) shall not apply to the appointment or dismissal of, or disciplinary action against –
 - (a) the Chief Executive
 - (b) a statutory or non statutory chief officer within the meaning of section 2 of the Local Government and Housing Act 1989 Act (“the 1989 Act”);
 - (c) a deputy chief officer within the meaning of section 2 of the 1989 Act; or
 - (d) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
- (3)
 - (a) The full Council must approve the appointment of the Chief Executive before an offer of appointment is made to him or, as the case may be, must approve dismissal before notice of dismissal is given to him.
 - (b) Where a committee or sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraphs (a), (b) or (c) of paragraph (2), at least one member of the Cabinet must be a member of that committee or sub-committee.
- (4)
 - (a) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.
 - (b) An offer of an appointment as an officer referred to in sub-paragraph (a), (b) or (c) of paragraph 2 must not be made by the appointor until –
 - (i) the appointor has notified the Director of Human Resources of the name of the person on whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

- (ii) the Director of Human Resources has notified every member of the Cabinet of –
 - (A) the name of the person to whom the appointor wishes to make the offer;
 - (B) any other particulars relevant to the appointment which the appointor has notified to the Director of Human Resources; and
 - (C) the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the Director of Human Resources; and
 - (iii) either
 - (A) the Leader has, within the period specified in the notice under sub-paragraph (ii) (c), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;
 - (B) the Director of Human Resources has notified the appointor that no objection was received by him within that period from the Leader; or
 - (C) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well founded.
- (5)
 - (a) In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.
 - (b) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b) or (c) of paragraph (2) must not be given by the dismissor until –
 - (c) the dismissor has notified the Director of Human Resources of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (iv) the Director of Human Resources has notified every member of the Cabinet of –

- (A) the name of the person who the dismissor wishes to dismiss;
 - (B) any other particulars relevant to the dismissal which the dismissor has notified to the Director of Human Resources;
 - and
 - (C) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the proper officer; and
- (c) either –
 - (A) the Leader has, within the period specified in the notice under sub-paragraph (ii) (c) notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
 - (B) the Director of Human Resources has notified the dismissor that no objection was received by him within that period from the Leader; or
 - (C) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
- (6) Nothing in paragraph 1 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by –
 - (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
 - (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
- (7) Every appointment (and dismissal) of the Chief Executive and a Chief Officer of the Council shall be made by the Appointments Sub-Committee. In the case of Deputy Chief Officers these appointments (and dismissals) shall also be made by the Appointments Sub-Committee except where the relevant Cabinet Member, in consultation with the Chief Executive, indicates that they wish the Chief Executive or Senior Officers to do so on his/her behalf. These arrangements shall also apply to appointments of Chief Officers and Deputy Chief Officers made as part of the Tri-borough arrangements. For such appointments to be made the Appointments Sub-Committee (or similar) of each of the participating boroughs must have agreed.

- (8) Where it is proposed to appoint a Chief Officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among the Council's existing officers, the Director of Human Resources shall:
- (a) draw up a statement specifying the duties of the post concerned and any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement referred to in paragraph (i) to be sent to any person on request.
- (9) Where a post has been advertised in accordance with paragraph (8) (b) a shortlist of qualified applicants for the post shall be selected and such selected applicants shall be interviewed by the Appointments Sub-Committee.
- (10) Where no qualified person has applied, the Director of Human Resources shall make further arrangements for advertisement in accordance with paragraph (8) (b) above.
- (11) The appointment, resignation, retirement etc, of Chief Officers shall be reported to all Members of the Council.