



City of Westminster

Committee Report

Decision Maker:	General Purposes Committee
Date:	4 November 2015
Classification:	General Release
Title:	Revisions to the Council's Sub-Committees for Tri-borough Purposes
Report of:	Head of Committee and Governance Services
Financial Summary:	There are no financial implications
Report Author and Contact Details:	Reuben Segal, Senior Committee & Governance Services Officer Tel: (020) 7641 3160 E-Mail: rsegal@westminster.gov.uk

1. Executive Summary

- 1.1 In July 2011, as part of Tri-Borough working Standing Orders were amended to address the appointment (and dismissal) of joint Chief Officers and Deputy Chief Officers. The current requirement is for the Appointments Sub-Committee of each borough to meet concurrently to determine an appointment (or dismissal). The composition of each Appointments Sub-Committee is four members including at least one cabinet member from each of the authorities.
- 1.2 This report seeks to amend Standing Orders to reduce the number of members on the Sub Committee from four to three from each borough, to include at least one Cabinet Member when Tri-borough (and Bi-borough) appointments are being considered.

2. Recommendation

That the Council be recommended to approve:-

- 2.1 That the terms of reference of the Appointments Sub-Committee (Appendix A) be amended and be recommended to the Council for approval.
- 2.2 That Standing Order 51 be amended as set out in Appendix B

3. Background

- 3.1 The membership of each Appointments Sub-Committee comprises four Councillors including at least one member of the Cabinet and is split proportionally. A requirement for twelve members to make an appointment is considered to be too large and unwieldy. Members have expressed a preference for the involvement of fewer members while retaining the appropriate safeguards in respect of sovereignty.
- 3.2 This report proposes that where an appointment or dismissal relates to a joint Chief Officer or joint Deputy Chief Officer the membership of the Appointments Sub-Committee comprises of three Members; two Majority Party Members and one Minority Party Member, with a quorum of two. All other arrangements set out in Standing Order 51 would continue to apply.

4. Financial Implications

- 4.1 There are no financial implications.

5. Legal Implications

- 5.1 The Council has powers to exercise such of its functions as it sees fit jointly.
- 5.2 In the case of those authorities which have a Leader/Cabinet form of governance, a member of the Cabinet must sit on the Appointments Sub-Committee.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Reuben Segal, Senior Committee and Governance Officer; Tel: 7641 3160; Email: rsegal@westminster.gov.uk

APPOINTMENTS SUB-COMMITTEE

1. CONSTITUTION

4 Members of the Council (must contain at least one member of the Cabinet) – 3 Majority Party and one Minority Party Member.

3 Members of the Council, if the matter relates to a Tri-borough (or Bi-borough) Chief Officer or Deputy Chief Officer (must contain at least one member of the Cabinet) – 2 Majority Party Members and One Minority Party Member.

2. TERMS OF REFERENCE

(1) GENERAL

- (a) To control the appointment, dismissal, retirement, pensions and other personnel matters of the Chief Executive, Chief Officers and Deputy Chief Officers.
- (b) In the case of Deputy Chief Officers to undertake the functions listed in (a) above except where the relevant Cabinet Member has indicated that they don't 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 (or Bi-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.

(3) APPOINTMENTS

- (a) To interview for vacant posts and make appointments and subsequent arrangements in respect of the above posts.

Standing Order

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 subparagraphs (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 subparagraph (a), (b) or (c) of paragraph 2 must not be made by the appointor until –

- (i) the appointor has notified the Head 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 Head 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 Head of Personnel; 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 Head of Human Resources; and 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 Head 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 Head 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 Head 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 Head of Personnel; 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
- (d) 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 Head 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 of a Chief Officer and a Deputy Chief Officer of the Council shall be made by the Appointments Sub-Committee. In the case of Chief Officers and 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 (or Bi-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 Head 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 Head 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.