

Public Document Pack

Appointments Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Wednesday, 13 November 2019.



Kim Wright, Chief Executive
November 5 2019

Councillor Tauseef Anwar	
Councillor Chris Barnham	
Councillor Chris Best	
Councillor Bill Brown	
Councillor Jacq Paschoud	

Appointments Committee Agenda

Wednesday, 13 November 2019
1.30 pm, Committee Room 3 - Civic Suite
Civic Suite
Lewisham Town Hall
London SE6 4RU

For more information contact: Kevin Flaherty 0208 3149327 (Tel: 0208 314 9327)

Part 1

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Agenda Item 1

APPOINTMENTS COMMITTEE		
Report Title	Election of Chair and Vice Chair	
Key Decision	No	Item No. 1
Ward		
Contributors	Chief Executive (Head of Business & Committee)	
Class	Part 1	Date: November 13 2019

Recommendation

To consider the election of a Chair and Vice Chair of the Committee for the municipal year 2019/20 or for the purposes of this meeting only.

Agenda Item 2

APPOINTMENTS PANEL		
Report Title	Declarations of Interests	
Key Decision	No	Item No.
Ward	n/a	
Contributors	Chief Executive (Head of Business & Committee)	
Class	Part 1	Date: November 13 2019

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.

- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member’s knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (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 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes , or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members’ Interests (for example a matter concerning the closure of a school at which a Member’s child attends).

(5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Agenda Item 3

APPOINTMENTS COMMITTEE		
Report Title	Minutes	
Key Decision	n/a	Item No.3
Ward	n/a	
Contributors	Chief Executive (Head of Business & Committee)	
Class	Part 1	Date: November 13 2019

Recommendation

It is recommended that the minutes of that part of the meeting of the Appointments Committee which was open to the press and public, held on March 14 2019 (copy attached) be confirmed and signed as a correct record.

MINUTES OF THE APPOINTMENTS COMMITTEE

Thursday, 14 March 2019 at 10.15 am

PRESENT: Councillors Chris Best, Andre Bourne, Bill Brown, Amanda De Ryk and Jacq Paschoud.

ALSO PRESENT: Mayor Damien Egan.

91. Election of Chair

RESOLVED that Councillor Andre Bourne be elected as Chair for this meeting only.

92. Declaration of interests

There were no declarations.

93. Minutes

RESOLVED that the minutes of the meeting held on 1 March 2019 be confirmed and signed as a correct record.

94. Exclusion of Press and Public

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Appointment of Executive Director Community Services.

95. Appointment of Executive Director Community Services

RESOLVED that Thomas Brown be recommended for appointment as Executive Director for Community Services.

Agenda Item 4

	Appointments Committee		Item	
Title	Request for Delegated Authority- interim Executive Director of Children and Young People			
Wards	All			
Contributors	Director of Organisational Development & Human Resources			
Class	Part 1	Date	13 November 2019	

Reason for Urgency

Although the papers have not been circulated five days in advance there is a need for urgency as this essential post needs to be appointed to in a swift timeframe.

Purpose

1. In the event of the Committee not making to the post of interim Executive Director of Children and Young People prior to considering this report, to request delegated authority from the Appointments Committee for the Chief Executive to appoint an interim Executive Director for Children and Young People.

Recommendations

2. If the Committee has not appointed to the position of interim Executive Director of Children and Young People on 13 November 2019, It is recommended that:
 - i) Appointments Committee delegates authority to the Chief Executive to appoint an interim Executive Director for Children and Young People, to cover the statutory role of Director of Children's Services (DCS) in advance of a permanent appointment being made.
 - ii) The permanent Executive Director of Children and Young People position will be advertised in December 2019 and will go through the normal Appointments Committee appointments process.

Background

3. The Executive Director of Children and Young People post becomes vacant on the 31st December 2019, following the resignation of the current post holder. The up to five month process to secure a permanent replacement through a recruitment process will mean that this role will be unfilled for many months unless an interim appointment is made
4. The Executive Director for Children and Young People role carries the statutory position of Director of Children's Service (DCS) and the Council must have this statutory position assigned to a suitable person.

Rationale for Delegated Authority Request

5. There will be a gap between the current post holder leaving and the earliest date in which a permanent appointment can be secured, if an appointment is not made by the this Committee on 13th November 2019
6. This post carries the statutory role of DCS that the Council must have in place.
7. With only six weeks left before the current post holder leaves, and the Christmas holiday period coming in this timeframe, it is essential that the Council secures a suitably qualified person to carry out this statutory position at speed if an appointment is not made from interviews being conducted today.
8. The feasibility for securing interim candidates at speed through an Appointments Committee process is particularly difficult due to the fast moving nature of the interim market place. Interim candidates can become available for a very short time window only, which makes it difficult to align a series of candidates to a fixed date Appointments Committee interview process.
9. Additionally due to the competitiveness of the interim recruitment market, good candidates are made offers very quickly and hence may drop out of the process at short notice. Interim candidates may also be applying for a permanent appointment and will not be able to commit to an interim appointment until after the permanent appointment process has been finished. This may require staggered interview dates rather than a single date.
10. Granting delegated authority to the Chief Executive will allow for a flexible approach where candidates can be seen at short notice as and when they become available, which fits in with the fast moving dynamic nature of the interim market place, and supports this statutory position being filled within the next six weeks.

Legal implications

11. The position is a statutory position which the Council is obliged to have filled at all times, pursuant to section 18 of the Children Act 2004.
12. It is well established law that committees can delegate authority for appointment decisions to officers.
13. Article 9 of the Constitution (page 57) provides that the Appointments Committee may do all things necessary to carry out its functions. The Constitution's Employment Procedure Rules refers at Rule 8 (3) iii (page 168) to the delegation of an appointment decision at this level to an officer.

Agenda Item 5

	Appointments Committee	Item	
Title	Request for Delegated Authority – Interim Director for Regeneration		
Wards	All		
Contributors	Director Of Organisational Development & Human Resources		
Class	Part 1	Date	13 November 2019

Reason for Urgency

Although the papers have not been circulated five days in advance there is a need for urgency as this essential post needs to be appointed to in a swift timeframe.

Purpose

1. To request delegated authority from the Appointments Committee for the Chief Executive to appoint an interim Director for Regeneration, following an unsuccessful campaign to recruit to the role permanently. This will enable the council to acquire a suitable candidate in what is a fast moving interim market place and continue the momentum of the Councils regeneration work.

Recommendations

2. It is recommended that the Appointments Committee:
 - i) Delegates authority to the Chief Executive to appoint an Interim Director for Regeneration.
 - ii) Agree that the permanent Director for Regeneration position will be re-advertised in the New Year when better market conditions prevail, and will go through the normal Appointments Committee appointments process.

Background

3. The Director of Regeneration post becomes vacant on the 5th of January 2020, following the resignation of the incumbent.
4. As part of the recruitment process to fill the vacancy a leading search and selection agency was hired to support recruitment to the role. Adverts were placed in both the Guardian online and The MJ. Potential high calibre candidates were also approached by the agency as part of their search procedure.
5. The role was advertised for four weeks with a closing date of 4th October 2020. A range of potential candidates were also directly approached by the agency to encourage them to apply.

6. Twenty candidates applied with a supporting statement and CV. These candidates were initially graded in conjunction with progressing to a technical interview with the selection agency. Four were categorised as recommended to progress, twelve as marginal and four as not recommended. The candidate information was reviewed with the agency at a meeting with the Chief Executive, Executive Director of Housing, Regeneration and Environment, and the Director of Organisational Development and HR.
7. It was agreed that the categorisation was correct and there were only four suitable, but not strong, candidates that should be progressed to an initial technical interview with the agency.
8. We were informed the reason for the weak field was because there has been considerable recruitment activity across the country and particularly London over recent times which has meant that there is currently a lack of strong candidates in the market. Other London Boroughs have recently been unable to appoint in the area.
9. The four candidates then progressed to an interview with the agency. Unfortunately none of the candidates demonstrated the level required for the role and were not recommended to progress. This outcome was then reviewed at a meeting by the Chief Executive, Executive Director of Housing, Regeneration and Environment, and the Director of Organisational Development and HR. Their conclusion agreed with that of the agency.
10. There is an urgent need to appoint to this position to ensure our regeneration strategy continues with momentum. Therefore, the wish is to progress through an interim appointment. This will allow for the post to be filled quickly, on a temporary basis, rather than starting a permanent process that can take up to five months at a time when the market is also weak.
11. The feasibility for securing interim candidates at speed through an Appointments Committee process is particularly difficult due to the fast moving nature of the interim market place. Interim candidates can become available for a very short time window only, which makes it difficult to align a series of candidates to a fixed date Appointments Committee interview process.
12. Additionally due to the competitiveness of the interim recruitment market, good candidates are made offers very quickly and hence may drop out of the process at short notice. Interim candidates may also be applying for a permanent appointment, and will not be able to commit to an interim appointment until after the permanent appointment process has been finished. This may require staggered interview dates rather than a single date.
13. Granting delegated authority to the Chief Executive will allow for a flexible approach where candidates can be seen as and when they become available, which fits in with the fast moving dynamic nature of the interim market place.

Legal implications

14. Appointments at this level are reserved to the Appointments Committee
15. It is well established law that committees can delegate authority for appointment decisions to officers.
16. Article 9 of the Constitution (page 57) provides that the Appointments Committee may do all things necessary to carry out its functions. The Constitution's Employment Procedure Rules refers at Rule 8 (3) iii (page 168) to the delegation of an appointment decision at this level to an officer.

APPOINTMENTS PANEL		
Report Title	Exclusion of the Press and Public	
Key Decision	No	Item No.
Ward		
Contributors	Chief Executive (Head of Business & Committee)	
Class	Part 1	Date: November 13 2019

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. Appointment of Interim Executive Director Children & Young People