

Appointments Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Monday, 23 July 2018.

A handwritten signature in black ink, appearing to read 'Ian Thomas', enclosed within a faint, light-colored oval border.

Ian Thomas, Chief Executive
July 12 2018

Councillor Chris Barnham	
Councillor Bill Brown	
Councillor Amanda De Ryk	
Councillor Liz Johnston-Franklin	
Councillor Jacq Paschoud	

Appointments committee Agenda

Monday, 23 July 2018

1.00 pm, Committee Room 4 - Civic Suite

Civic Suite

Lewisham Town Hall

London SE6 4RU

For more information contact: Kevin Flaherty 0208 3149327

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: 23 July 2018

Recommendation

To consider the election of a Chair and Vice Chair of the Committee for the municipal year 2018/19.

Agenda Item 2

APPOINTMENTS PANEL		
Report Title	Declarations of Interests	
Key Decision	No	Item No.
Ward	n/a	
Contributors	Head of Organisational Development & Human Resources/Head of Business & Committee	
Class	Part 1	Date: July 23 2018

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.
Ward	n/a	
Contributors	Chief Executive	
Class	Part 1	Date: July 23 2018

Recommendation

It is recommended that the minutes of that part of the meeting of the Mayor and Cabinet which were open to the press and public, held on November 13 2017 (copy attached) be confirmed and signed as a correct record.

MINUTES OF THE APPOINTMENTS COMMITTEE

Monday, 13 November 2017 at 5.30 pm

PRESENT: Councillors Obajimi Adefiranye, Kevin Bonavia, John Coughlin and Alan Smith.

ALSO PRESENT: Sir Steve Bullock.

69. Declaration of interests

None were made.

70. Minutes

RESOLVED that the minutes of the meeting held on May 17 2017 be confirmed and signed as a correct record.

71. Terms and Conditions of new Chief Executive Post

The report was introduced by the Head of Organisation Development and Human Resources who confirmed that the last day of service for the outgoing Chief Executive would be January 31 2018.

The meeting was chaired by Councillor Adefiranye who received confirmation an intellectual property clause would be in the new Chief Executive contract. He also had confirmed to him details of notice periods.

Councillor Bonavia stated he supported a recruitment on a full time basis and he asked for clarification on remuneration. The Head of Organisation Development and Human Resources reported that the proposal was for a pro rata salary that was less than that paid to the current incumbent but pitched at a high enough level to attract some current Chief Executives and many outstanding second tier officers. He said the approval of a £10,000 delegation would give him some scope to negotiate at the post job offer stage.

Councillor Coughlin agreed full time working was the preferred option. He said he understood the London Borough of Hammersmith and Fulham had not used an executive search agency and he asked if it was possible that Lewisham could do the same thus avoiding a consultancy fee. The Head of Organisation Development and Human Resources advised that the use of an executive search agency would be money well spent. The Mayor added that it would be highly unusual not to use such an agency. The Deputy Mayor observed that an in house recruitment would not be without cost and there were concerns about a lack of capacity and expertise within the organisation.

Councillor Coughlin said he was not entirely happy with the remuneration range or the use of recruitment consultants but that he accepted that they were inevitable. He received confirmation that apart from additional Returning

Officer fees paid at election time there would be no other financial inducements on offer in addition to salary.

The Head of Organisation Development and Human Resources concluded by outlining the proposed recruitment timetable culminating in an appointment by a meeting of the Council at a date to be agreed.

RESOLVED that:

(1) note be taken the Chief Executive had served notice of termination of his employment with the Council and that his last day of service will be 31 January 2018;

(2) the following terms and conditions to which a new Chief Executive will be recruited be recommended to Council:-

(a) The Chief Executive post will be appointed to on a full time basis.

(b) The salary range of the Chief Executive post will be £175,000 to £185,000 depending on the experience of the candidate.

(c) authority be delegated to the Head of Organisational Development and Human Resources, having taken external advice, authority to approve that the maximum salary can be increased by up to £10,000 to secure an exceptional candidate who would otherwise not be appointed.

(d) authority be delegated to the Head of Organisational Development and Human Resources authority to amend the job description and person specification on external advice, without changing substantially the nature of the role, to the extent necessary to reflect current requirements and best practice.

(e) authority be delegated to the Head of Organisational Development and Human Resources, on advice from the Head of Law, to finalise the Chief Executive contract in a way which reflects the existing contractual terms and conditions and reflects current legislation and circumstances subject to the changes proposed in 5.1 – 5.22 relating to remuneration, the role being a full time position and the removal of provisions relating to payment on termination

The meeting closed at 6.09pm

APPOINTMENTS PANEL		
Report Title	Exclusion of the Press and Public	
Key Decision	No	Item No.
Ward		
Contributors	Head of Organisational Development & Human Resources/Head of Business & Committee	
Class	Part 1	Date: 23 July 2018

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.

5. Appointment of Assistant Director, Education Services