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Date: 2 July 2012  
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## GENERAL PURPOSES COMMITTEE

6 JULY 2012

A meeting of the General Purposes Committee will be held at **4.30 pm on Friday, 6 July 2012** in the Rossetti Room, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillors: S Tomlinson, Everitt, Fenner, C Hart, I Gregory, Kirby, Marson and Poole

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

To receive any declarations of interest. Members are advised to consider the extract from the Standard Board Code of Conduct for Members, which forms part of the Declaration of Interest Form at the back of this Agenda. If a Member declares an interest, they should complete that Form and hand it to the Officer clerking the meeting.

3. **ELECTION OF CHAIRMAN**
4. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 2)
5. **ESTABLISHMENT OF SENIOR OFFICER APPOINTMENTS PANEL** (Pages 3 - 6)

**Declaration of Interest form - back of agenda**

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## GENERAL PURPOSES COMMITTEE

Minutes of the meeting held on 22 December 2010 at 11.00 am in Council Chamber,  
Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Mike Taylor (Chairman); Councillors Crotty, Clark,  
Goodwin, C Hart, Mrs Kirby, Poole and Wells

### 13. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Dark, Mrs Hart and Mrs Wiltshire; Councillors C Hart, Poole and Mrs J Kirby were present as substitutes respectively.

Councillor Hart expressed his disappointment at the meeting being held during the daytime, when Members found it difficult to attend. The Chairman gave his assurances that future meetings would be held in the evenings.

### 14. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 15. MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the 8 June 2010 were agreed as a correct record.

### 16. EXCLUSION OF PRESS AND PUBLIC

It was proposed by Councillor Wells and seconded by Councillor Goodwin and **resolved** that: "the public and press be excluded from the meeting on agenda item 5 as it contains exempt information as defined in Paragraph 4 of Schedule 12A of the Local Government Act 1972 (as amended)."

### 17. THANET DISTRICT COUNCIL TERMS & CONDITIONS OF EMPLOYMENT (PEOPLE MANAGEMENT POLICIES)

The Chief Executive, Richard Samuel, explained that he had delegated authority to approve the terms and conditions, however as the proposed changes affected all staff including the senior management team, he had asked the General Purposes Committee to consider them instead. For further transparency he added that both he and the Deputy Chief Executive would leave the meeting when the Committee debated the report and that Harvey Patterson, Head of Legal and Democratic Services as legal advisor would remain.

The General Purposes Committee discussed the report on Thanet District Council Terms and Conditions of Employment (People Management Policies)

The Chief Executive and the Head of Legal and Democratic Services, answered questions from the Committee.

Prior to the debate on this item the Chief Executive and Deputy Chief Executive left the meeting.

It was proposed by Councillor Wells and seconded by Councillor Mrs J Kirby that:

- a) the revised Policies and Procedures set out at Annex 1 to the report of the Chief Executive be approved and adopted.
- b) the publication of a Statement of the revised Pay Protection Policy set out at Annex 1 to the report of the Chief Executive be authorised and to bring the Policy into force on the expiry of one month from the date of publication.
- c) the Council be authorised in conjunction with Canterbury City Council and Dover District Council to enter into a revised Recognition and Collective Bargaining Agreement with Unison and GMB to cover the ability to reach binding agreement on all workforce matters and for such collective bargaining arrangements to be incorporated into individual employee's contracts of employment.

Being put to the vote, it was declared CARRIED.

Meeting concluded: 11.35 am

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## **ESTABLISHMENT OF SENIOR OFFICER APPOINTMENTS PANEL**

To: **General Purposes – 6 July 2012**

By: **Corporate and Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **Not applicable**

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**Summary: To request the General Purposes Committee to establish a Senior Officer Appointments Panel.**

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 The Council intends to appoint a new Director of Corporate Services and Transformation. This role is defined as a 'Chief or Deputy Chief Officer' role in the Officer Employment Procedure Rules and so to comply with the rules, the appointment must be made by Councillors, i.e. by a Committee or a Sub-Committee of the Council
- 1.2 It is therefore proposed that the General Purposes Committee establishes a Senior Officer Appointment Panel to interview the candidates and make a recommendation on appointment to the General Purposes Committee.

#### **2.0 Senior Officer Appointment Panel**

- 2.1 In accordance with Rule 4 the Council's Officer Employment Procedure Rules the appointment of a Chief or Deputy Chief Officer must be made by Councillors. I.e. by a duly authorised Committee or Sub Committee of the Council. Moreover, in accordance with Standing Order 6 of the Council's Prescribed Standing Orders the appointment of a Chief Officer will be made by the authority itself (i.e. by full Council) unless made a by a duly authorised Committee, Sub Committee or relevant Joint Committee.
- 2.2 The function of appointing Chief Officers or Deputy Chief Officers falls with the terms of reference of the General Purposes Committee and therefore the Committee is a duly authorised Committee within the meaning of Rule 4 of the Officer Employment Procedure Rules and Standing Order 6 of the Council's Prescribed Standing Orders for the purpose of appointing Chief Officers or Deputy Chief Officers.
- 2.3 The Council is under a legal duty to make external appointments on the merits and the objective is therefore to design and conduct interviews in a manner calculated to identify which of the candidates is best meets the key competencies of the role of Director of Corporate Services and Transformation. In reality the General Purposes Committee, acting as a Committee in compliance with, but in reality hampered by, the Council's Procedure Rules on the conduct of business, is unlikely to be an effective forum for securing these objectives. Consequently, it is recommended that the General Purposes Committee establishes a Panel of four senior members to be known as the Senior Officer Appointments Panel tasked by the General Purposes Committee with responsibility for interviewing the candidates and making

recommendations on appointment to the Committee.

- 2.4 If the Committee is minded to establish the Senior Officer Appointments Panel it is recommended that the four members of the Panel are the Leader of the Council, the Deputy Leader of the Council, the Opposition Leader and Opposition Deputy Group Leader. The Panel will be supported in the conduct of its responsibilities by the Chief Executive and the appointed external Recruitment Consultant and in order to accommodate the recruitment timetable it is further proposed that the Senior Officer Appointment Panel meets to conduct interviews on the afternoon of the 11 July 2012.
- 2.5 The Committee is also asked to consider and set the date for a further meeting soon after 11 July in order to consider the recommendations of the Senior Officer Appointments Panel and, all being well, to authorise the Chief Executive to make a conditional or unconditional offer of employment to one of the candidates
- 2.6 Finally, there are two further constitutional requirements that must be observed to enable the Committee to authorise the making of an offer employment to a candidate, Firstly, Standing Order 5 (2) of the Council's Standing Orders relating to Staff prohibits the making of an offer of appointment in respect of a Chief or Deputy Chief Officer unless the proper officer has notified every member of the Cabinet of the person whom the General Purposes Committee is minded to appoint together with other particulars relevant to the proposed appointment and:-
  - 2.6.1 The Leader of the Council has confirmed that neither he or any member of the Cabinet object to the proposed offer of appointment; or
  - 2.6.2 The Leader of the Council has not responded within the time given by the proper officer for objecting to the proposed offer; or
  - 2.6.3 The Leader of the Council indicates there are objections but the General Purposes Committee considers that such objections are not well founded.
- 2.7 Given the proposed composition of the Panel to include the Leader and Deputy Leader, this constitutional requirement is unlikely to be an obstacle to the making of an offer of employment to a suitable candidate.
- 2.8 The second constitutional requirement is that the appointing Committee for a Chief or Deputy Chief Officer must include at least one member who is also a member of the Cabinet. (Rule 4 of the Officer Employment Procedure Rules and Standing Order 4(2) of Standing Orders relating to Staff). That requirement will also be met as the General Purposes Committee includes the Leader and Deputy Leader plus two Cabinet Portfolio holders.

### **3.0 Corporate Implications**

#### **3.1 Financial**

- 3.1.1 There are no direct financial implications of the General Purposes Committee establishing a Senior Officer Appointment Panel.

#### **3.2 Legal**

- 3.2.1 The Council must follow the law and its own procedures as set out in the Constitution when undertaking senior officer recruitment.

### 3.3 Corporate

3.3.1 Corporately the Council could be opened to risk if procedure rules are not followed.

### 3.4 Equity and Equalities

3.4.1 There are no specific equity and equality considerations that need to be addressed in this report.

### 4.0 Recommendation

4.1 That a Senior Officer Appointment Panel be established to interview candidates for the post of Director of Corporate Services and Transformation.

4.2 That the Leader, Deputy Leader, Opposition Group Leader and Opposition Deputy Group Leader be appointed to the Panel; and

4.3 That the Panel makes a recommendation to the General Purposes Committee on which applicant to appoint (if any).

Contact Officer:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, Ext 7005
Reporting to:	Sue McGonigal, Chief Executive, ext 7002

### *Annexes*

None	
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### *Background Papers*

Title	Details of where to access copy
The Constitution of Local Governance for the Thanet District Council	TDC Website, Democratic Services Office

### *Corporate Consultation Undertaken*

Finance	
Legal	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, Ex 7005
Communications	

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## THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

### Do I have a personal interest?

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- a) An interest you must **register**.
- b) An interest that is not on your register, but where the well-being or financial position or you, members of your family (spouse; partner; parents; in laws; step/children; nieces and nephews), or people with whom you have a close association (friends; colleagues; business associates and social contacts that can be friendly and unfriendly) is likely to be affected by the business of your authority more than it would affect the majority of:
  - Inhabitants of the ward or electoral division affected by the decision (in the case of the authorities with electoral divisions or wards.)
  - Inhabitants of the authority's area (in all other cases)

These two categories of personal interests are explained in this section. If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest.

### Effect of having a personal interest in a matter

You must declare that you have a personal interest, **and the nature of that interest**, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed, unless an exemption applies.

### When an exemption may be applied

An exemption applies where your interest arises solely from your Membership of, or position of control or management on:

1. Any other body to which you were appointed or nominated by the authority.
2. Any other body exercising functions of a public nature (e.g. another local authority)

### Is my personal interest also a prejudicial interest?

Your personal interest will also be a **prejudicial interest** in a matter if all of the following conditions are met:

- a) The matter does not fall within one of the **exempt categories** of decisions
- b) The matter affects **your financial interests** or relates to a **licensing or regulatory matter**.
- c) A member of public, who knows the relevant facts, would **reasonably think your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

### What action do I take if I have a prejudicial interest?

- a) If you have a **prejudicial interest** in a matter being discussed at a meeting, you must declare that you have a prejudicial interest as the nature of that interest becomes apparent to you.
- b) You should then leave the room, **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is case, you can also attend the meeting for that purpose.
- c) However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

d) In addition you must not seek to **improperly influence** a decision in which you have a prejudicial interest.

**This rule is similar to your general obligation not to use your position as a Member improperly to your or someone else's advantage or disadvantage.**

**What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services Manager well in advance of the meeting.

**DECLARATION OF PERSONAL AND, PERSONAL AND PREJUDICIAL INTERESTS**

**MEETING** .....

**DATE**..... **AGENDA ITEM** .....

**IS YOUR INTEREST:**

**PERSONAL**

**PERSONAL AND PREJUDICIAL**

**NATURE OF INTEREST:**

.....  
.....  
.....

**NAME (PRINT):** .....

**SIGNATURE:** .....

Please detach and hand this form to the Committee Clerk when you are asked to declare any interests.