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Our ref: General Purpose Committee/Agenda
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GENERAL PURPOSES COMMITTEE

28 MAY 2015

A meeting of the General Purposes Committee will be held at **5.30 pm on Thursday, 28 May 2015** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Wells, Ashbee, Bayford, Fairbrass, I Gregory, Hillman, Johnston, Taylor-Smith and Smith

A G E N D A

Item
No

Subject

1. **ELECTION OF CHAIRMAN**
2. **APOLOGIES FOR ABSENCE**
3. **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.

4. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 2)

To approve the Minutes of the meeting of the General Purposes Committee held on 7 April 2015, copy attached.

5. **APPOINTMENT OF INTERIM SECTION 151 OFFICER AND INTERIM MONITORING OFFICER** (Pages 3 - 6)

Declaration of Interest form - back of agenda

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GENERAL PURPOSES COMMITTEE

Minutes of the meeting held on 7 April 2015 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Mrs. S. Tomlinson (Chairman); Councillors Bayford, Campbell, I Gregory, King, Johnston, Poole and M Tomlinson

In Attendance: Councillor Gibson

78. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Fenner;
Councillor Everitt, substituted by Councillor Johnston;
Councillor Marson, substituted by Councillor M. Tomlinson.

Councillor Gibson left the meeting at 7.05pm.

79. DECLARATIONS OF INTEREST

There were no declarations of interest.

80. MINUTES OF PREVIOUS MEETING

Councillor Campbell proposed, Councillor Poole seconded and Members agreed the minutes of the General Purposes Committee held on 9 February 2015.

81. APPOINTMENT OF THE INTERIM DIRECTOR OF CORPORATE RESOURCES AND SECTION 151 OFFICER

Steven Boyle, Head of Legal and Democratic Services introduced the item for debate. He said that the report had been necessitated by the departure of Paul Cook, Director of Corporate Resources & Section 151 Officer. The meeting was advised that the recruitment process was in progress to find a permanent replacement for Mr Cook. It was necessary and important to get an interim in post in order to ensure that the Council had the services of the statutory Section 151 Officer.

Members were concerned that they were being requested to approve the appointment of the interim Director of Corporate Resources and S151 Officer without adequate information about the candidate being made available to Members. It was suggested that part of the discussion of this issue could have been held in private in order for Members to receive the confidential personal information relating to the candidate's curriculum vitae (CV).

Mr Boyle indicated that there was a necessity to have a Section 151 officer in place and assured Members that an external recruitment agency had been commissioned to undertake the recruitment process of both the interim and longer term appointment to this post and had therefore considered the candidate's CV and ensured that they had the relevant experience and qualification. Members also suggested that in future the General Purposes Committee could be given a more significant human resources function largely in recruiting key Council staff. This will enable Members to consider all the relevant confidential information required to make an appointment, rather the current arrangement where part information is made available to the Committee.

Members observed that lessons had been drawn regarding the shortcomings of combining the CEx and S151 officer roles because once an incumbent who played that dual role left Council's employment it meant Council was left without a statutory Section 151 officer in post. They said that Council should endeavour to develop within their staff numbers individuals who could stand in for a S151 Officer. Mr Boyle said that Council was in the process of recruiting a Head of Financial Services who would be the Deputy Section 151 Officer and hence add resilience to that statutory function moving forward.

Councillor I. Gregory proposed, Councillor Campbell seconded and Members agreed that Wendy Allan is appointed as interim Section 151 Officer and Director of Corporate Resources with immediate effect and until the successful appointment of a permanent Director of Corporate Resources and Section 151 officer is made.

Meeting concluded: 7.30 pm

APPOINTMENT OF INTERIM SECTION 151 OFFICER AND INTERIM MONITORING OFFICER

To: **General Purposes Committee – 28 May 2015**

Main Portfolio Area: **Leader**

By: **Monitoring Officer**

Classification: **Unrestricted**

Ward: **All**

Summary: To request Members to appoint Mr Tim Howes as the Council's interim Monitoring Officer, Patricia Marshall as the Council's interim Section 151 Officer and Tim Willis as the permanent Section 151 Officer from 10 July 2015.

For Decision

1.0 Introduction and Background

- 1.1 At its meeting on 5 May 2014, the General Purposes Committee appointed Steven Boyle who was at the Council on an Interim contract as Legal Services Manager and more recently now Head of Legal & Democratic Services, as the Council's Monitoring Officer which is a statutory post to which the Council must appoint. That appointment was to continue either until permanent recruitment or the next meeting of the Council.
- 1.2 The Council meeting on 10 July 2014 confirmed that appointment pending further recruitment and he has remained in post since then.
- 1.3 At its meeting on 7 April 2015, the General Purposes Committee appointed Wendy Allan who was appointed on an Interim contract as Director of Corporate Services, as the Council's Section 151 Officer which is a statutory post to which the Council must appoint. That appointment was until further recruitment.

2.0 The Current Situation

- 2.1 Steven Boyle and Wendy Allan are due to leave the Council and owing to the Statutory posts they hold the Council must appoint a suitable new Monitoring Officer and Section 151 Officer.
- 2.2 Recruitment for a permanent Head of Legal & Democratic Services Manager has not been successful so recruitment of a new Interim has taken place.
- 2.3 Following interview of a shortlist of candidates Tim Howes has been recruited as a new Interim Head of Legal & Democratic Services.
- 2.4 Mr Howes has most recently been working at Plymouth City Council as Assistant Director of Law but has also been Head of Legal Services and Monitoring officer in other Council's for more than 6 years.

- 2.5 The General Purposes Committee is being asked to appoint Tim Howes as the Council's Monitoring officer with effect from his proposed start date of 8 June 2015
- 2.6 Recruitment of a permanent Section 151 Officer and Director of Corporate Services has been completed and Tim Willis has been appointed to the permanent post following a robust recruitment process including a member's Panel interview.
- 2.7 Mr Willis has most recently been working for States of Guernsey as Director of Finance for the last 3 years and plenty of local Government and private sector experience.
- 2.8 As he is currently working out his Notice ready to start with the Council on 10 July 2015 the Council needs to have a short term replacement in place for the Section 151 officer role as this role must be covered and as a short term measure Patricia Marshall who is the current Section 151 Officer at Canterbury City Council has agreed to fulfil this role for both authorities.
- 2.9 The General Purposes Committee is being asked to appoint Patricia Marshall as the Section 151 officer with effect from 1 June 2015 and also to appoint Tim Willis as Section 151 Officer with effect from 10 July 2015.
- 2.10 Patricia Marshall has been the Section 151 Officer at Canterbury for over 3 years and was deputy for that role at Sevenoaks District Council for 5 years prior to that and so is very experienced in the role.

3.0 The Proposals

- 3.1 That Tim Howes is appointed as interim Monitoring Officer with effect from 8 June 2015 to replace Mr Steven Boyle who is due to leave the Council with the appointment to remain until further appointment or recruitment and appointment of a permanent Monitoring Officer is made following a recruitment exercise.
- 3.2 Patricia Marshall is appointed as Interim Section 151 Officer from 1 June 2015 to replace Wendy Allan pending the arrival of the new permanent Section 151 Officer Tim Willis on 10 July 2015
- 3.3 That with effect from 10 July 2015 Tim Willis is appointed as Section 151 Officer.

4.0 Corporate Implications

4.1 Financial and VAT

- 4.1.1 The proposed appointment of Tim Howes as Interim Monitoring Officer and Patricia Marshall as Interim Section 151 Officer as well as the permanent recruitment of Tim Willis will be contained within existing budgets.

4.2 Legal

- 4.2.1 The Council is required by the Local Government Acts to employ suitably qualified individuals as Head of Paid Service, Section 151 Officer (Chief Financial Officer) and Monitoring Officer. The proposed appointments comply with these requirements.

4.3 Corporate

- 4.3.1 The council needs to ensure that it complies with its statutory duties as well as relevant policies and procedures.

4.4 Equity and Equalities

4.4.1 The council has and will comply with all its relevant policies and procedures.

5.0 Recommendations

5.1 That Tim Howes is appointed as Monitoring Officer for the Council with effect from 8 June 2015 to replace Steven Boyle;

5.2 That Patricia Marshall is appointed as Section 151 Officer for the Council with effect from 1st June 2015;

5.3 That Tim Willis is appointed as Section 151 Officer for the Council with effect from 10 July 2015.

6.0 Decision Making Process

5.1 Responsibility for the appointment of Chief Officers lies with the General Purposes Committee or Sub-committee.

Contact Officer:	Madeline Homer, Chief Executive
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Annex List

None	N/A
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Corporate Consultation Undertaken

Finance	Wendy Allan – Director of Corporate Services & section 151 Officer
Legal	Steven Boyle – Head of legal & Democratic Services and Monitoring Officer

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

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 and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING

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

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

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.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.