

Chief Officer Employment Panel

Tuesday, 18th December, 2012
at 3.00 pm

PLEASE NOTE TIME OF MEETING

Committee Room 1 - Civic Centre

This meeting is open to the public

Members

Councillor Dr R Williams (Chair)
Councillor Letts
Councillor Moulton
Councillor Rayment
Councillor Smith
Councillor Stevens

Contacts

Democratic Services Manager
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PUBLIC INFORMATION

Role of the Chief Officer Employment Panel

The appointment of Chief Officers in accordance with the Council's Officer Employment Procedure Rules.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Smoking policy – the Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – please turn off your mobile telephone whilst in the meeting.

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Fire Procedure – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – access is available for the disabled. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2011/12

Meetings of the Panel are convened as and when required.

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Cabinet, and its Executive Members, are set out in Part 3 of the Council's Constitution.

RULES OF PROCEDURE

The meeting is governed by the Executive Procedure Rules as set out in Part 4 of the Council's Constitution.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) 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 you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are now available via Southampton Online at
www.southampton.gov.uk/council/meeting-papers

1 APOLOGIES AND CHANGES IN MEMBERSHIP

To receive any apologies and changes in Panel Membership.

2 APPOINTMENT OF VICE CHAIR

To appoint a Vice-Chair to the Panel

3 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

4 MINUTES OF THE PREVIOUS MEETING

To approve and sign as a correct record the minutes of the Chief Officer Employment Panel held on 22nd March 2012 and to deal with any matters arising, attached.

5 EXCLUSION OF THE PRESS AND PUBLIC

Chair to move that at a predetermined point during the consideration of item 6 the panel move into private session in order to consider information relating to particular employees and in accordance with the Council's constitution, specifically the access to information procedural rules contained within the constitution, the press and public be excluded from the meeting.

The press and the public are excluded by virtue of Categories 1, 2 and 3 (Personal Information) of paragraph 10.4 of the Council's Access to Information Procedure Rules as contained in the Council's Constitution. It is not considered to be in the public interest to disclose this information because the information will contain confidential and personal sensitive information relating to specific individuals.

6 INTERIM APPOINTMENT OF CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

Report of the Head of Legal, HR and Democratic Services, attached

Monday, 10 December 2012

SOLICITOR TO THE COUNCIL

CHIEF OFFICER EMPLOYMENT PANEL
MINUTES OF THE MEETING HELD ON 22 MARCH 2012

Present: Councillors Smith (Chair), Letts, Moulton, Dr R Williams and White

Apologies: Councillors Parnell, Rayment and Thomas

9. **APOLOGIES AND CHANGES IN MEMBERSHIP**

The Panel noted the resignation of Councillor Hannides and the appointment of Councillor White and the resignation of Councillor of Rayment and the appointment of Councillor Thomas in place thereof in accordance with the provisions of Council Procedure Rules 4.3. In addition apologies were received from Councillors Parnell and Thomas who were detained on Council business elsewhere.

10. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED that the minutes of the Chief Officer Employment Panel held on 24th January 2012 be approved and signed as a correct record.

11. **APPOINTMENT OF INTERIM DIRECTOR OF ADULT AND SOCIAL CARE AND STATUTORY DIRECTOR OF ADULT SOCIAL SERVICES (DASS)**

The report of the Chief Executive was submitted seeking approval to the interim appointment of a Director of Adult Social Care and statutory role of Director of Adult Social Services. (Copy of report circulated with agenda and appended to signed minutes).

Margaret Geary was in attendance and with the consent of the Chair addressed the meeting.

RESOLVED

- (i) that the Job Description and Person Specification for the Director of Adult Social Care and DASS as attached at appendix 1 to the report be agreed;
- (ii) that the current Director of Social Services at Portsmouth City Council, Margaret Geary, be appointed as interim Director and DASS for an initial period of 6 months from 1st April 2012 and that a meeting of the Chief Officer Employment Panel be convened in due course to consider whether to extend this appointment; and
- (iii) that the Head of Legal, HR and Democratic Services be granted delegated authority to enter into both an agreement under S.113 of the Local Government Act 1972 and such other agreements as are necessary and appropriate to give effect to this arrangement.

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Agenda Item 6

DECISION-MAKER:	CHIEF OFFICER EMPLOYMENT PANEL
SUBJECT:	INTERIM APPOINTMENT OF CHIEF EXECUTIVE AND HEAD OF PAID SERVICE
DATE OF DECISION:	18 DECEMBER 2012
REPORT OF:	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

In light of the recent resignation of the current Chief Executive it is necessary to recruit and to appoint a suitable candidate for the interim position of Chief Executive and Head of Paid Service. There are also legal requirements which must be observed when appointing a Head of Paid Service and as a statutory process this falls to both the Panel and Full Council.

RECOMMENDATIONS:

- (i) To recommend to full Council an appointment to the position of interim Chief Executive and Head of Paid Service from the list of internal candidates presenting for interview.

REASONS FOR REPORT RECOMMENDATIONS

1. In light of the resignation of the current Chief Executive, an interim arrangement needs to be put in place by 1st March 2013 at the latest. Due to the scheduling of Council meetings by law this requires Council on 16th January 2013 to appoint a new Head of Paid Service

DETAIL (Including consultation carried out)

2. The recent resignation of the current Chief Executive will mean that it will not be possible to recruit to the position prior to his departure. Full Council will therefore need to reassign the designation of Head of Paid Service to another officer.

RESOURCE IMPLICATIONS

Capital/Revenue

3. There are no adverse budgetary considerations.

Property/Other

4. None.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

5. Section 112 of the Local Government Act 1972, Local Government Act 2000 and the Local Government (Standing Orders) (England) Regulations 2001

Other Legal Implications:

6. None.

POLICY FRAMEWORK IMPLICATIONS

7. None.

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SUPPORTING DOCUMENTATION

Appendices

1.	None.
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Documents In Members' Rooms

1.	None.
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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Integrated Impact Assessment and Other Background documents available for inspection at: n/a

WARDS/COMMUNITIES AFFECTED:	None
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