

CHIEF OFFICER EMPLOYMENT PANEL

Monday, 20th June, 2011
at 4.00 pm

PLEASE NOTE TIME OF MEETING

EXECUTIVE MEETING ROOM - SOUTHBROOK RISE

This meeting is open to the public

Members

Councillor Smith (Chair)
Councillor Hannides
Councillor Letts
Councillor Moulton
Councillor Parnell
Councillor Rayment
Councillor Dr R Williams

Contacts

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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 Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

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 2010/11

Meetings of the Panel are convened as and when required.

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Audit Committee are contained in Article 8 and Part 3 (Schedule 2) of the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

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

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

Disclosure of Interests

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

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

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Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

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 (IF ANY)

To receive any apologies.

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May, 2007, Members to disclose any personal or prejudicial 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

3 APPOINTMENT OF VICE CHAIR

To appoint a Vice-Chair to the Panel for this Municipal Year.

4 MINUTES OF THE PREVIOUS MEETING

To approve and sign as a correct record the Minutes of the meeting held on 14th April 2011, attached.

5 EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM

To move that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential report (item no. 6).

Confidential report contains information deemed to be exempt from general publication cased on Category 1, 2 and 3 of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not considered to be in the public interest to disclose this information because the report contains confidential and personal information relating to specific individuals

6 APPOINTMENT OF INTERIM DIRECTOR, ENVIRONMENT

Report of the Head of Information Technology and Organisational Development detailing the process for the appointment of the Interim Director of the Environment Directorate, attached.

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CHIEF OFFICER EMPLOYMENT PANEL
MINUTES OF THE MEETING HELD ON 14 APRIL 2011

Present: Councillors Barnes-Andrews, Moulton, Norris, Rayment, Smith and Vinson

20. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted the resignation of Councillor Dr. R Williams, and the appointment of Councillor Barnes-Andrews in place thereof in accordance with the provisions of Council Procedural Rule 4.3.

Apologies for absence were submitted on behalf of Councillor Samuels.

21. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED that the minutes of the Chief Officer Employment Panel held on 23rd March 2011 be approved and signed as a correct record.

22. **EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM**

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential report referred to in minute 23 below.

The confidential report contains information deemed to be exempt from general publication cased on Category 1, 2 and 3 of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not considered to be in the public interest to disclose this information because the report contains confidential and personal information relating to a specific individual.

23. **DISMISSAL HEARING**

The confidential report of the Chief Executive was submitted detailing the dismissal hearing (copy of report circulated with agenda and appended to signed minutes).

A written submission was submitted on behalf of the appellant and a summary of the respective cases was submitted by both parties. Both parties confirmed they had been given the opportunity to fully present their cases.

RESOLVED that having taken all matters into consideration, and in accordance with the Officer Employment Procedure Rules the dismissal on the grounds of compulsory redundancy be approved.

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Agenda Item 6

by virtue of paragraph number 1, 2, 3 of the Council's Access to information Procedure Rules

Document is Confidential

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