



APPOINTMENTS SUB- COMMITTEE

Wednesday, 23rd August, 2017
at 1.45 pm

Room 133 Hackney Town Hall, Mare Street

Committee Membership

Mayor Philip Glanville
Deputy Mayor Anntoinette Bramble
Cllr Christopher Kennedy (Substitute)
Cllr Robert Chapman (Substitute)
Cllr Brian Bell (Substitute)

Tim Shields
Chief Executive

Contact:
Tess Merrett Governance Services
Tel: 020 83563432
Email: Tess.merrett@hackney.gov.uk

The press and public are welcome to attend this meeting

AGENDA

Wednesday, 23rd August, 2017

ORDER OF BUSINESS

Item No		Page No
1	Apologies for Absence	
2	Declarations of interest	
3	Minutes of the Appointments Sub-Committee held on 15 December 2016	1 - 2
4	To Designate the interim Director of Legal as the Council's Monitoring Officer	3 - 6

Access and Information

Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane, almost directly opposite Hackney Picturehouse.

Trains – Hackney Central Station (London Overground) – Turn right on leaving the station, turn right again at the traffic lights into Mare Street, walk 200 metres and look for the Hackney Town Hall, almost next to The Empire immediately after Wilton Way.

Buses 30, 48, 55, 106, 236, 254, 277, 394, D6 and W15.

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall.

Induction loop facilities are available in the Committee Rooms and the Council Chamber

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

Copies of the Agenda

The Hackney website contains a full database of meeting agendas, reports and minutes. Log on at: www.hackney.gov.uk

Paper copies are also available from local libraries and from Governance Services whose contact details are shown on page 1 of the agenda.

Council & Democracy- www.hackney.gov.uk

The Council & Democracy section of the Hackney Council website contains details about the democratic process at Hackney, including:

- Mayor of Hackney
- Your Councillors
- Cabinet
- Speaker
- MPs, MEPs and GLA
- Committee Reports
- Council Meetings
- Executive Meetings and Key Decisions Notices
- Register to Vote
- Introduction to the Council
- Council Departments

RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Director, Legal;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Suki Binjal, Interim Director of Legal on 020 8356 6234 or email suki.binjal@hackney.gov.uk



FS 566728



MINUTES OF A MEETING OF THE APPOINTMENTS SUB COMMITTEE - GROUP DIRECTOR, CHILDREN, ADULTS AND COMMUNITY HEALTH

THURSDAY, 15TH DECEMBER, 2016

Councillors Present:

Councillors Mayor Philip Glanville,
Deputy Mayor Anntoinette Bramble and
Cllr Ann Munn

Officers in Attendance

Tim Shields (Chief Executive) and Dan Paul (Head
HR and OD)

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no declarations of interest

3 EXEMPT REPORTS AND APPENDICES

It was agreed that the press and public be excluded from the proceedings of this meeting during consideration of exempt items on the agenda on the grounds that it is likely, in the view of the nature of the business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972, as amended.

4 TO CONSIDER THE APPLICATIONS FOR THE POST OF GROUP DIRECTOR, CHILDREN ADULTS AND COMMUNITY HEALTH

The Sub-Committee conducted an interview for the post of Group Director - Children, Adults and Community Health. Anne Canning was appointed to the post.

Duration of the meeting: 1.30pm - 3.30 pm

Contact:

Peter Gray

020 8356 3326

peter.gray@hackney.gov.uk

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TITLE OF REPORT	
To Designate the Interim Director of Legal as the Council's Monitoring Officer	
APPOINTMENTS SUB COMMITTEE	CLASSIFICATION:
23 rd August 2017	Open
WARD(S) AFFECTED	
Not applicable	
Tim Shields, Chief Executive	

1. INTRODUCTION AND PURPOSE

To designate the interim Director of Legal as the Council's Monitoring Officer.

2. RECOMMENDATION(S)

The Appointments Sub Committee is recommended to:

- 2.1** Formally ratify the interim Director of Legal, Suki Binjal, as part of her role and duties, to be designated as the Council's Monitoring Officer effective from the 7th June 2017.

3. REASONS FOR DECISION

- 3.1** Section 5 of the Local Government and Housing Act 1989 (the 1989 Act), provides that it is the duty of every relevant authority to designate one of their officers to be known as the Monitoring Officer. The Council's Constitution designates the Director of Legal as its Monitoring officer.
- 3.2** The permanent role, Director of Legal became vacant on the 29th May 2017, which is currently being held on an interim basis pending the restructure of the Chief Executive's senior management team.

3.3 The Constitution and the Scheme of Management Delegation are silent in respect of the designation of interim statutory officers. Accordingly, this is a procedural report to designate the Council's Monitoring Officer.

4. BACKGROUND

4.1 The Council has agreed in its Constitution that it will establish an Appointments Sub-Committee to carry out the functions relating to the appointment of statutory Chief Officers.

4.2 The Sub-Committee shall carry out this function in accordance with the Officer Employment Procedure Rules (hereinafter referred to as the Rules) contained in part 4 of the Council's Constitution.

4.3 The definition of a statutory Chief Officer is set out in the Rules which includes the Director, Legal. Although not entirely clear from the Rules whether this includes the designation as the Council's Monitoring Officer, it can be assumed (also refer to paragraphs 4.6 and 4.7 below), as the functions and duties under s 5 the 1989 Act are assigned to the Director of Legal, it will also include the designation as the Council's Monitoring Officer.

4.4 The Council's Constitution (in Part 3 - the Proper Officer Functions), designates the functions of section 5 of the 1989 Act to the Director, Legal.

4.5 The Constitution provides power to appoint staff to the Chief Executive (and the Appointments Sub Committee for Chief Officer posts), however, it is silent whether it includes the designation of interim statutory officers.

4.6 The Constitution is also silent in respect of the process of recruiting interim statutory officers. It is also unclear from the Constitution whether the designation of the Council's Monitoring Officer has been specifically delegated to the Appointments Sub-Committee. However, it is clear that the designation of the Monitoring Officer is not a function reserved to Full Council (part 3 - terms of reference of Council).

4.7 On the basis of not reserving the power to Full Council (to designate the Council's Monitoring Officer) and that previous appointments of the Director, Legal and designation as the Council's Monitoring Officer have been carried out by an established Appointments Sub-Committee, it was intended by Full Council to delegate this function to the Appointments Sub-Committee. The drafting errors and misleading references will be resolved following a current review of the Constitution.

4.7 Accordingly, it is advisable for this Sub-Committee to designate the interim Director of Legal as the Council's Monitoring Officer (effective from the 7th June 2017).

4.8 The Chief Executive carried out a robust and transparent recruitment exercise before appointing Suki Binjal as the interim Director, Legal.

5. POLICY CONTEXT

- 5.1 The recommendations of this report are in accordance with the Part 4 the Officer Employment Procedure Rules contained within the Council's Constitution.

6 EQUALITY IMPACT ASSESSMENT

- 6.1 This report does not raise any equality issues that would affect those with protected characteristics.

7. SUSTAINABILITY

N/A

8. CONSULTATIONS

- 8.1 The Mayor and Deputy Mayor were consulted in respect of the temporary arrangements to be made following the resignation of the permanent Director, Legal and also during the recruitment exercise for the interim Director, Legal.

9. RISK ASSESSMENT

- 9.1 Failure to designate a Monitoring Officer leaves the Council open to potential risks of legal challenge of not having in place a Proper Officer to carry the duties and functions as required under section 5 of the 1989 Act.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no immediate financial implications arising directly from this report.

11. LEGAL IMPLICATIONS

- 11.1 Section 5 of the Local Government and Housing Act 1989 provides that it is the duty of every relevant authority to designate one of their officers to be known as the Monitoring Officer as the officer responsible for performing the duties imposed by this section and to provide that officer with such staff, accommodation and other resources as are, in his/her opinion, sufficient to allow those duties to be performed.

APPENDICES

None

BACKGROUND PAPERS

None

Report Author	Tim Shields
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