

REPORT OF STANDARDS COMMITTEE

FULL COUNCIL 15 July 2019

Chair of Standards Committee – Cllr Felicia Opoku

INTRODUCTION

The Standards Committee considered the attached report which contained the proposal to redefine the role of members in the appointments process to better reflect the current structure of the senior management team, whilst ensuring that the authority continues to meet its statutory obligations. Appendix A set out the proposed changes to Part 4 Section K to reflect this change. Members would be responsible for the appointment and/or dismissal of Directors and Assistant Directors, as permitted by the Regulations, however in line with member expectations, it would no longer extend to every deputy chief officer of the Council, as some of these officers were operating below Assistant Director Level, i.e. as Heads of Service.

In accordance with Article 14.03, changes to the Constitution are approved by the Full Council on the recommendation of the Standards Committee. It was good practice to also consult with the relevant Committee, in this case, Staffing and Remuneration Committee, to obtain the Committee's views on the proposal. Their comments were considered by our meeting on the 25 June 2019.

SUMMARY OF CONSIDERATIONS

We noted the significant changes undertaken to senior officer structure over the last year with the delayering of management to allow closer working relationships between senior officers and heads of service. This had enabled operational decision making in key strategic services to be made at the most senior level.

We were advised that the amendment to Part 4 Section K was predominantly a change in language with the deletion of the term 'chief officer' and 'deputy chief officer' and inclusion of replacement term of 'Director'. This definition of senior roles was designed to better reflect the current structure of the senior management team, whilst ensuring that the authority continued to meet its statutory obligations.

We noted that the proposed changes did not diminish the responsibility of Members decision making role in the appointment and dismissal of Directors and Assistant Directors, as permitted by the Regulations. Members would remain responsible for the appointment and dismissal of Directors. The definition of the term 'Director' was clarified and set out at Part 3 Section E Section 1; 2.01 of this Constitution and we noted this included Corporate Board, Directors and Assistant Directors. Essentially, officers that were operating below Assistant Director Level, i.e. as Heads of Service would not be included in the Member appointments process. It was further clarified that, regardless of the role and title of a senior position, if an officer salary was

intended to be over £100k, then in accordance with the Pay Policy, this would require Member appointment.

The proposed changes had been considered by the Staffing and Remuneration Committee and we considered their tabled comments along with HR and legal responses to the issues they had raised. This is included at Appendix B.

We considered each comment individually and had the following discussion and decisions.

1. We noted that the Staffing & Remuneration Committee had commented on Part 4 section K - Paragraph 7 (a) asking if there were any provisions for investigations that may take longer than two months. We noted that under the Local Authorities Standing Orders Rags 2001, Schedule 3, Paragraph 3 there was no longer a set time period prescribed. However, we felt it would be prudent to keep the prescribed time period for investigation, to ensure that it was not left open-ended as this would be to the detriment of all parties concerned in such a scenario.
2. We noted Staffing & Remuneration Committee's comments in relation paragraph 6 (c) at Appendix A. This paragraph did not seem to be relevant to the Council's governance structure as it referred to an Executive Mayor. We concurred with this suggestion to delete this paragraph.
3. We discussed the Staffing & Remuneration Committee's comment concerning Paragraph 9 which was adding the Chief Executive to the list of Corporate Board members. We noted that the Chief Executive is already defined in the Constitution under a legislative role and therefore it was felt that listing the Chief Executive, under the list of Corporate Board, for the purposes of this section, would lead to having a double definition. In conclusion, we did not agree with the comment to add the Chief Executive to the definition of Directors set out at section 4 and listed in paragraph 9 as this statutory position was already covered in section 3 - Appointment and dismissal of Head of Paid Service, dismissal of Chief Finance Officer and Monitoring Officer. Therefore, for consistency purposes, this was still appropriate.
4. We considered the query in relation to Paragraph 4 (b) appointment / dismissal / discipline of the CE of Alexandra Palace, and why this was not coming under the remit of the Staffing & Remuneration Committee whilst paragraph 9 includes the Chief Executive of Alexandra Palace under the definition of Director. Clarity had been sought as to the meaning of 'as appropriate' – what areas of the role were covered if Paragraph 4 (a) did not apply to the CE of Alexandra Palace? In response to this query, legal advised that for the purposes of Part 4 Section K, the CE of Alexandra Palace does not need to be included in the definition of 'Director'

We noted that Chief Executive of Alexandra Palace was listed in this section due to this role being appointed to by the Chief Executive of the Council. This was to

conform to the Council's responsibilities as trustee and ensuring that the recruitment and dismissal process for such a role is streamlined and efficient. We noted that Paragraph 4 (b) had always been in the Constitution as a Chief Officer and director - exercising functions as a trustee and separate from the Council. We noted that there was an ongoing review of the governance arrangements for Alexandra Palace and Park and this appointment/ dismissal process could be considered. We agreed, on balance, that there be no change to Paragraph 4 (b) as set out in appendix A.

5. We continued to note the responses provided to the Staffing & Remuneration comments on change to the post names and the number of posts that the Committee would no longer be involved with.

WE RECOMMEND TO FULL COUNCIL:

To agree the amendment to Part Four, Section K of the Council's Constitution; Officer Employment Procedure Rules, as set out in Appendix A, for recommendation to full Council for adoption, subject to the amendment outlined at paragraph 2.