

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 26th AUGUST 2015

APPOINTMENT OF CHIEF EXECUTIVE

**REPORT OF THE SERVICE HEAD, HUMAN RESOURCES
AND WORKFORCE DEVELOPMENT**

1. PURPOSE OF THE REPORT

- 1.1 This report requests the Council to confirm the appointment of a Chief Executive for the Authority in accordance with the recommendation of the Appointments Sub-Committee.
- 1.2 Section 4 of the Local Government and Housing Act, 1989 requires every relevant authority to “designate one of their officers as the Head of their Paid Service”. Article 12.01 of the Council’s Constitution provides that at Tower Hamlets the officer holding the post of Chief Executive is so designated. Article 4.02 of the Constitution further provides that the appointment of the Head of the Paid Service (and thus by virtue of Article 12.01, of the Chief Executive) must be confirmed by the full Council.

2. RECOMMENDATION

- 2.1 The Council is recommended:-
- (i) To confirm the appointment of Mr Will Tuckley as Chief Executive of the Authority and Head of Paid Service on a permanent basis, with the job description for the post as attached at Appendix A and on the terms set out at paragraph 4.9 overleaf.
 - (ii) To agree that the current designation of the Corporate Director of Communities, Localities and Culture as interim Head of Paid Service should continue until the Chief Executive commences in office.

3. BACKGROUND

- 3.1 Council on 10th September 2014 considered a motion regarding the recruitment of a Chief Executive. Council agreed that a Chief Executive should be appointed to the indicative timetable contained in the motion. The Human Resources Committee accordingly resolved on 15th September 2014 to establish an Appointments Sub-Committee for that purpose.
- 3.2 The four recruitment agencies who are on the Council's preferred supplier list for senior manager search and selection services (Penna, Green Park, Harvey Nash and Prospects) were invited to submit proposals to support the appointment and Penna were selected to assist with the recruitment exercise.
- 3.3 On 10th December 2014 the Human Resources Committee was advised that the Department of Communities and Local Government (DCLG) had requested that no further steps should be taken to recruit a Chief Executive that could potentially limit the options open to any future appointed Commissioners. The Human Resources Committee agreed therefore that the process should be paused in line with the DCLG's request. On 17th December 2014, the Secretary of State for Communities and Local Government issued directions to the Council under section 15 of the Local Government Act 1999. The directions required the Council to conduct recruitment exercises as a matter of urgency, with the aim of making suitable appointments to posts which would be designated as statutory chief officers. This included recruitment to a post which would be designated Head of Paid Service within the meaning of section 4(1) of the Local Government and Housing Act 1989. The Secretary of State directed that recruitment to the head of paid service post be conducted under the direction of, and to the satisfaction of, Commissioners, whom he appointed.
- 3.4 On 29th April 2015 the Secretary of State issued further Directions to the Council in relation to the Head of Paid Service post. The Secretary of state required the Council to establish a new senior officer post, the holder of which would: (a) be designated Head of Paid Service; (b) have line management responsibility for the Council's staff; and (c) have delegated functions agreed by the Commissioners; and to appoint to that post within a specified period.
- 3.5 The Human Resources Committee on 28th May 2015 therefore agreed arrangements to re-commence the recruitment process in order to meet the terms and timescale set out in the Directions. The Committee agreed:-
 - That the title of the new senior post to be established in accordance with the Directions be 'Chief Executive' and that the job description for the post be as set out at Appendix A to this report;
 - That the appointment be made on a permanent basis;
 - That the starting salary for the appointment be point 2 of the existing Chief Executive scale, plus London Weighting and Travel Allowances, with no additional payments to be made in respect of Returning Officer duties;

- That the Chief Executive's appraisal be undertaken by a cross-party forum to endorse the targets and appraisal criteria proposed by the Mayor and group leaders, for subsequent reporting to the Council; and
- That the recruitment of a Chief Executive be progressed in accordance with the timetable reported to the Committee, subject to a firm date of 'by 29th August 2015' (i.e. three months from the date of the meeting in accordance with the Directions) being inserted as the date of the Extraordinary Council Meeting to confirm the appointment.

3.6 The Committee noted that the decisions in relation to the appointment process must be made under the direction of, and to the satisfaction of, the Commissioners. They further noted that it was for the Commissioners to determine the terms and conditions of employment of the Electoral Registration Officer and the Returning Officer and to appoint persons to those roles. To the extent that the proposed job description for the Chief Executive includes these roles, it would therefore need to be the subject of separate agreement by the Commissioners. Max Caller confirmed on behalf of the DCLG Commissioners that the Committee's decisions met with the Commissioners' agreement and the requirements of the relevant Directions.

3.7 The following Members were appointed to the Appointments Sub-Committee to undertake the recruitment process:-

Mayor John Biggs, Councillor Peter Golds, Councillor Clare Harrisson, Councillor Sirajul Islam, Councillor Rabina Khan*, Councillor Muhammad Ansar Mustaqim, Councillor Gulam Robbani* and Councillor Rachael Saunders.

[NB* Councillor Rabina Khan replaced Councillor Gulam Robbani for the interview stage of the process with the agreement of the Service Head, Human Resources and Workforce Development, consistent with the provisions for changes in the sub-committee membership in exceptional circumstances as set out in paragraphs 5.7 and 5.8 of the report establishing Appointments Sub Committees presented to Human Resources Committee on 1st July 2015.]

3.8 The post was advertised on 25th June 2015 with a closing date of 10th July 2015 and Penna also carried out the usual searches. Six applicants were selected for progression to the preliminary interview/technical assessment stage. Preliminary interviews and technical assessments were carried out on 21st and 23rd July 2015, by Penna and an Expert Advisor, Barry Quirk, Chief Executive of Lewisham Council. The Service Head Human Resources and Workforce Development attended to represent the Council.

4. SHORTLISTING AND INTERVIEWS

4.1 The Appointments Sub-Committee met on 29th July 2015 and 12th August 2015 to oversee the recruitment process and undertake the shortlisting and interview of candidates. The Sub-Committee undertook training on the recruitment process and was advised by the Service Head, Human Resources and

Workforce Development, by Julie Towers of Penna and (at the shortlisting stage) by Barry Quirk.

- 4.2 On 29th July 2015, the Sub-Committee agreed that four candidates should be invited for interview for the post of Chief Executive; that the Sub-Committee would meet in the afternoon of 12th August 2015 to carry out the interviews; that informal interviews should be arranged for the shortlisted candidates separately with the Mayor and Group Leaders to take place on the morning of the Sub-Committee meeting; and that each candidate should give a short presentation at the beginning of the interview.
- 4.3 On 12th August 2015 the Appointments Sub-Committee met to interview the four shortlisted candidates. The methods agreed for the final selection process were:-
 - Candidate Presentation
 - Member Interview
 - Psychometric Tests
 - References
- 4.4 The selection decision was carried out consistent with the Council's recruitment and selection process and training received. The candidate presentation topic had been approved by Max Caller, DCLG Commissioner, along with the draft interview questions which were presented to the Appointments Sub Committee at the start of its meeting on 12th August.
- 4.5 On completion of the above process, the Appointments Sub Committee determined that **Mr Will Tuckley** was the most suitable candidate for appointment and accordingly indicated their provisional intention to offer him the post of Chief Executive and to recommend that the full Council approve his appointment. Mr Tuckley is currently Chief Executive of the London Borough of Bexley.
- 4.6 The Sub-Committee agreed Mr Tuckley as the preferred candidate with no Member voting against; and agreed unanimously to submit its recommendation to the full Council.
- 4.7 In accordance with the Local Authorities Standing Orders (England) Regulations 2001, as incorporated into Section 6 of the Officer Employment Procedure Rules at Part 4.9 of the Council's Constitution, the Mayor and all members of the Executive (Cabinet) were informed of the above decision and invited within two working days to notify any objection they may have to the proposed appointment. No objection was received within the time stated.
- 4.8 On 17th August 2015 Commissioner Max Caller wrote on behalf of the Commissioners to the Mayor and Council regarding the requirements of the Secretary of State's Directions and confirming that the appointment process and

outcome was carried out under the direction of, and to the satisfaction of the Commissioners. A copy of Mr Caller's letter is attached at Appendix B.

- 4.9 The Council is therefore now invited to confirm the appointment of Mr Tuckley as Chief Executive on the terms previously agreed by the Human Resources Committee as set out at paragraph 3.6 above, subject to the appointment being made at a salary point up to point four within the Council's existing pay grade for a Chief Executive (£185,214 plus London Weighting allowance and travel allowance totalling £6,329); and that Returning Officer fees be payable to the postholder only in respect of a national or European election or referendum or otherwise where the fees are met from central government resources.

5. LEGAL CONSIDERATIONS

- 5.1 The Council is required to appoint such officers as it thinks necessary for the proper discharge of its functions (Local Government Act 1972, section 112). The Council must designate one of its officers as head of paid service, whose functions include keeping the following matters under review and making a report if necessary to the Council:

- (a) the manner in which the discharge by the Council of its different functions is co-ordinated;
- (b) the number and grades of staff required by the Council for the discharge of its functions;
- (c) the organisation of the Council's staff; and
- (d) the appointment and proper management of the Council's staff (Local Government and Housing Act 1989, section 4).

- 5.2 The recruitment of the Head of Paid Service is governed in part by the Local Authorities (Standing Orders) (England) Regulations 2001, which prescribe provisions to be incorporated in standing orders in relation to such recruitment. Consistent with the requirements of the Regulations, the Council's Officer Employment Procedure Rules in Part 4.9 of the Council's Constitution require that –

- (1) Full council must approve the appointment before an offer of appointment is made.
- (2) Where a committee discharges the function of appointment (e.g. by conducting interviews), at least one member of the executive must be a member of the committee.
- (3) An offer of appointment must not be made until: (a) full council has notified the proper officer of the person to whom it wishes to make the offer and any particulars it considers relevant to the appointment; (b) the proper officer has notified every member of the executive of the person to whom full council wishes to make the appointment and the period within which an objection may be made; and (c) either no objection is received or the elected mayor objects and full council is satisfied that the objection is not material or is not well-founded.

- 5.3 The Officer Employment Procedure Rules provide, additionally, that the HR Committee should oversee the recruitment process and an Appointments Sub Committee should shortlist and carry out interviews and make an appointment recommendation to Full council. The recruitment procedure which has been followed and which is outlined in the report complies with the requirements of the Officer Employment Procedure Rules.
- 5.4 The report correctly refers to the directions made by the Secretary of State on 17 December 2014 and 29 April 2015. The Council was required to establish the new senior officer post within one month of the directions made on 29 April 2015 and to recruit to the post within 3 months of its establishment. Based on the information in the report, this means that the recruitment must be concluded by 27 August 2015, which the timing of this meeting permits. As set out in the report, the recruitment was required to be conducted under the direction of, and to the satisfaction of the Commissioners. The letter at Appendix B indicates the satisfaction of the Commissioners with the recruitment process and outcome.
- 5.5 Officers appointed by the Council shall hold office on such reasonable terms and conditions, including as to remuneration, as the Council thinks fit (Local Government Act 1972, section 112). However, the Council's power to determine the terms and conditions of appointment is subject to section 41 of the Localism Act 2011, which requires determinations as to terms and conditions of chief officers to comply with the Council's pay policy statement for 2014/2015. The pay policy states that the majority of employee pay and conditions of service are agreed nationally via the NJC or JNC, with regional or local variations. This is not inconsistent with what is being proposed in respect of the Chief Executive's pay. Senior executive pay is defined as being made up of 3 elements: basic pay (defined by a locally agreed grade; London weighting allowance; and Travel allowance.
- 5.6 If the Council wished to determine remuneration which is inconsistent with the pay policy, then the policy would first need to be amended. Section 39 of the Localism Act 2011 provides that the pay policy statement may be amended by resolution after the beginning of the financial year to which it relates. The pay policy itself sets out the agreed procedure for changes to the policy which is that should changes to the pay policy be contemplated that would result in an amended statement being published in the year that it applies, these would be subject to a detailed consultation process before an appropriate recommendation was made to Full Council.
- 5.7 The proposed job description specifies that the chief executive will also be the Council's electoral registration officer (ERO) and returning officer (RO). The directions made by the Secretary of State on 17 December 2014 removed the Council's power to appoint and remove persons from these posts and instead gave them to the Commissioners. The Council's power to determine the terms and conditions of employment of the ERO and RO was also removed and given to the Commissioners. The Commissioners have agreed that the job description

for the Chief Executive's role should include the ERO and RO roles and, further, have indicated their agreement to the proposed appointment.

- 5.8 When carrying out recruitment, Council must take into account that all appointments be made on merit (Local Government and Housing Act 1989, section 7). It must also have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A fair and open process has been conducted, as outlined in the report, which should satisfy these requirements.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 In determining the General Fund Revenue Budget for 2015/16 at its meeting on 5th March 2015, Council resolved to delete the £200,000 from Corporate Management Costs in respect of the Chief Executive's post.

- 6.2 The Strategic and Resource Planning Report presented to Cabinet on 28th July 2015 recommended that the Budget for the post of Chief Executive be reinstated. This recommendation was approved; therefore the cost of the Chief Executive post and associated recruitment costs were fully funded. Any variations between the actual costs of the post and the budget will be managed through contingencies and the budget will be adjusted as part of the normal budget setting process for 2016/17.

7. ONE TOWER HAMLETS CONSIDERATIONS

- 7.1 The Council's commitment to equalities includes an undertaking to achieve a Workforce to Reflect the Community at all levels in the organisation and such considerations were part of the recruitment process and informed the procurement process. All posts are recruited to on merit. Internal arrangements provide for succession planning and career development.

8. BEST VALUE (BV) IMPLICATIONS

- 8.1 This report is pursuant to the Directions issued by the Secretary of State and forms part of the key actions of the Council's Best Value action plan.

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 9.1 There are no implications.

10. RISK MANAGEMENT IMPLICATIONS

- 10.1 The arrangements proposed in this report will reduce the risks associated with temporary staffing.

11. CRIME AND DISORDER REDUCTION IMPLICATIONS

11.1 There are no implications.

12. EFFICIENCY STATEMENT

12.1 No changes to service delivery or the use of resources are proposed.

13. BACKGROUND DOCUMENTS

13.1 No unpublished background documents have been relied upon in the preparation of this report other than documents which disclose exempt information within the meaning of Schedule 12a of the Local Government Act 1972 (as amended).

14. APPENDICES ATTACHED

Appendix A – Job description for the post of Chief Executive
Appendix B – Letter from Max Caller CBE on behalf of the Tower Hamlets
Commissioners

LONDON BOROUGH OF TOWER HAMLETS

JOB DESCRIPTION		
Post Title: Chief Executive	Post No.	Grade: Chief Executive
Directorate:	Division:	Section:
<p>Responsible to: Mayor and Council</p> <p>Responsible for: The Council's workforce, proper management of the authority's staff and appropriate staffing structures.</p>		

JOB PURPOSE

- To be the Council's Statutory Head of Paid Service, with the responsibility of leading the management team to secure the provision of advice for the forward planning of objectives on services and ensuring efficient implementation of the Council's programmes and policies across all services, ensuring the effective deployment of the Authority's resources. For these purposes, the Chief Executive has authority over all other employees of the Council, either directly or indirectly.
- To advise the Mayor, the Council, its Executive and its Committees on all matters of general policy and all other matters upon which the post holder's advice is necessary with the right of attendance at all decision taking bodies of the Mayor and Council and informal working parties.
- Provide leadership in the development, implementation and monitoring of strategic objectives for the Council to improve the quality of life for Tower Hamlets' residents through the provision of high quality, innovative, efficient services delivered through excellent partnerships and relationships with the public, third and private sectors, within available resources.
- Lead the Council's effective engagement with the local community, actively seeking and acting on public feedback to develop community engagement and social inclusion and ensure equality, diversity and the principles of community cohesion are embedded across the Council and all service provision.

- Advising or making suitable arrangements for advising the Speaker of the Council on all matters on the duties of that office.
- To advise on the effective operation of the Council's democratic constitutional and governance structures and arrangements and to promote improvements to ensure democratic accountability.
- To act as an ambassador, and advocate, for Tower Hamlets, both as a place and as a Council and where appropriate representing and negotiating on behalf of the Council on external bodies and networks.
- To personally undertake the role of Returning Officer and be the Council's statutory Electoral Registration Officer.
- To ensure that the Mayor's priorities are translated into effective programmes and activities to deliver measurable outcomes within the constraints of available resources.

KEY ACCOUNTABILITIES

Leadership

1. Provide effective leadership to the officer structure setting an example in management and staff relations and practices, promoting positive relationships between elected Members and officers at all levels to ensure that the Council's vision, goals and core values are made a reality. Provide a clear sense of direction and purpose , marshalling the resources of the whole organisation to achieve positive outcomes.
2. Optimise the Council's organisational capability in terms of financial and human resources through the development of appropriate financial, succession and workforce planning.
3. Ensure the development and implementation of the Council's performance management system.
4. Ensure the delivery of local services is consistent with corporate priorities and objectives.
5. Work in a co-operative manner with other agencies, businesses, voluntary sector and community groups, capable of effectively contributing to and delivering the Community Plan.
6. Inspire, empower and develop the Council's workforce to secure a real sense of ownership of its aims and objectives.

7. Champion a “one Council” approach, so as to ensure a corporate and joined up service to all residents.

Quality and Service Delivery

1. Develop and advise Members on strategies to meet the needs of all parts of the community, and to ensure their successful implementation.
2. Delivering the council’s business planning process to ensure the delivery of high quality cost effective and best value services to the Borough, using the most appropriate delivery mechanism.
3. Develop and sustain a positive and enabling organisational culture, and ensure that there is sufficient capacity in the organisation to deliver against the Mayor’s and Council priorities, monitoring outcomes and reviewing processes accordingly.
4. Ensuring the effective operation of all elections in accordance with statutory and best practice requirements.

Partnership and Regeneration

1. Lead the Council’s commitment to working in partnership with a range of stakeholders, with the aim of maximising positive and sustainable investment in the Borough and delivering the Community Plan.
2. Using the Borough’s strengths (economic, cultural, heritage, location, skills and talent) champion the Council’s regeneration strategy and programme to achieve a vibrant, varied and sustainable economy and quality environment.

Communications and external relations

1. Maintain and promote effective relationships with other authorities within the Greater London area, partners, government agencies etc.
2. Promote effective communication of the Council and its activities to both internal and external audiences ensuring compliance with all relevant codes and legislative requirements.

Valuing Diversity

1. Through personal example, value and celebrate the rich diversity of the Borough’s communities and workforce, building upon the Council’s positive approach to equality of opportunity for all and ensuring that this is reflected in all that the Council does and says as regards employment, service delivery and activities to promote social justice, anti-poverty and community safety.

Miscellaneous

1. This job description is not to be regarded as exclusive or exhaustive. It is intended as an outline indication of the areas of activity and will be amended in the light of the changing needs of the Council. You will be required to undertake any other reasonable duties as appropriate to the role.