



City of Westminster

Committee Agenda

Title: **General Purposes**

Meeting Date: **Wednesday 1st July, 2015**

Time: **6.00 pm**

Venue: **Rooms 3 & 4 - 17th Floor, City Hall, 64 Victoria Street, London SW1E 6QP**

Members: **Councillors:**

Tim Mitchell (Chairman)
Robert Davis (Vice-Chairman)
Melvyn Caplan
David Boothroyd

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Mick Steward; Head of Committee and Governance Services.

**Tel: 7641 3134; Email: msteward@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

The Head of Legal and Democratic Services to note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the meeting held on 25 February 2015.

(Pages 1 - 2)

4. ROLE OF PROPER OFFICER IN RESPECT OF FORMAL MEETINGS AND OTHER RELATED CONSTITUTIONAL CHANGES

Report of the Head of Committee and Governance Services, attached.

(Pages 3 - 6)

5. UPDATES TO STANDING ORDER 51 RELATING TO STATUTORY CHIEF OFFICERS

Report of the Head of Committee and Governance Services, attached.

(Pages 7 - 12)

6. MEMBERSHIP OF THE LICENSING COMMITTEE

Report of the Head of Committee and Governance Services, attached.

(Pages 13 - 14)

7. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

Tasnim Shawkat
Tri-borough Director of Law
23 June 2015



CITY OF WESTMINSTER

MINUTES

General Purposes

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **General Purposes** Committee held on **Wednesday 25th February, 2015**, Rooms 3 & 4 - 17th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Melvyn Caplan (Chairman), David Boothroyd, Robert Davis and Tim Mitchell

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2. There were no Declarations of Interest.

3 MINUTES

3.1 The Chairman, with the consent of the Members present, signed the minutes of the meeting held on 24 November 2014 as a true and correct record of the proceedings.

4 ESTABLISHMENT OF A PENSION BOARD

4.1 Jonathan Hunt, Director of Corporate Finance and Investment, introduced the report. He advised that the establishment of a pension board was now a legal requirement. He asked that the periods of office for each board member be increased from 2 years to 3 years with the option to increase the term of office by 3 years instead of 2 years.

4.2 The Committee asked, in addition to the changes set out in paragraph 4.1 above, that it be confirmed that the two nominated employer representatives could be Members of the Council.

RESOLVED:

- (a) That the establishment of a Pension Board and its terms of reference attached at Appendix 1 of the report be approved subject to the amendments set out in paragraphs 4.1 and 4.2 above.
- (b) That the approval of the Pension Board Code of Conduct, Conflicts of Interests Policy, Training Policy and the process for selecting non-Councillor members of the Board be delegated to the Chief Executive following consultation with the Chairman of the General Purposes Committee and the Chairman of the Pensions Fund Committee.

5 MEMBERS ALLOWANCES SCHEME 2015/16 (SEE REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES)

- 5.1 Mick Steward, Head of Committee and Governance Services, introduced the report. It was noted that Members were no longer able to obtain a local government pension accordingly that reference in the proposed scheme would be removed.

RESOLVED: That the Council be recommended to approve the Members Allowances Scheme 2015/16.

6 CLOSE OF MEETING

The Meeting ended at 6.14 pm

CHAIRMAN: _____

DATE _____



General Purposes Committee

Date:	1 July 2015
Classification:	For General Release
Title:	Role of Proper Officer in respect of Formal Meetings and Other Related Constitutional Changes
Report of:	Head of Committee and Governance Services
Wards Involved:	All
Policy Context:	City for All
Financial Summary:	There are no financial implications
Report Author and Contact Details:	Mick Steward Tel: 020 7641 3134 Email: msteward@westminster.gov.uk

1. Executive Summary

- 1.1 The Cabinet Member for Finance, Corporate and Customer Services recently approved the establishment of a Tri-borough Legal Service. Following this, a minor reorganisation was also agreed by the Chief Executive under delegated authority of the former Democratic Services parts of the Legal and Democratic Services and the Lord Mayor's office so that these services now report to the Chief of Staff, who in turn reports to the Chief Executive.
- 1.2 As a result of the establishment of a Tri-borough Legal Service consideration needs to be given to the location of the proper officer functions relating to formal meetings and Cabinet Member Decisions and other associated constitutional issues.
- 1.3 It is proposed that these be transferred to the Chief Executive from the now deleted post of Head of Legal and Democratic Services with effect from the rising of the Council meeting on 8 July 2015. Other constitutional changes arise, as highlighted in this report.

2. Recommendation

- 2.1 That the Council be recommended to approve the transfer of the existing proper officer functions allocated within the Constitution to the Head of Legal

and Democratic Services to the Chief Executive with effect from the rising of the Council meeting on Wednesday 8 July 2015.

- 2.2 That the Council be recommended to approve the proposed new Standing Order 57 set out in paragraph 3.4 below.
- 2.3 That the Chief Executive be authorised to make the necessary changes to the Constitution, including Standing Orders and the Scheme of Delegations in order to reflect the decision proposed in recommendation 2.1 above.

3. Background

- 3.1 Following the establishment of a Tri-borough Legal Service it is necessary to determine the location of the proper officer functions relating to formal meetings and formal Cabinet Member decision making as currently set out in the Constitution. Most of these are actually carried out on a routine basis by the Head of Committee and Governance Services who has been authorised to do so on behalf of the existing proper officer. Upon approval of this report it is intended that similar authorisation be issued. As the Committee and Governance Services team, following the approval of the reorganisation referred to in paragraph 1.1 above, now reports to the Chief of Staff who reports to the Chief Executive it makes sense for these functions to be allocated to the Chief Executive who will, in turn, authorise the Chief of Staff and the Head of Committee and Governance Services to exercise these on his behalf.
- 3.2 Rather than set out a number of specific references where it would be required it is recommended that authority be given to the Chief Executive to make the necessary changes to the Constitution in order to implement recommendation 2.1 above.
- 3.3 Examples of these functions are as follows:
 - Notice of Meetings
 - Conducting draw for Council Questions and Councillor Issues;
 - Advising Mover of a Notice of Motion of an amendment (for purposes of Council meetings)
 - The editing, in consultation with the Mover, of any Notice of Motion to put into proper form
 - To receive notice of membership of Committees from the respective Party Whips
 - To issue reports to Cabinet Members and Policy and Scrutiny Members
- 3.4 Also related is the need to obtain approval to a change to Standing Order 57 which currently reads as follows:

(a) Current Standing Order 57:

“The affixing of the Common Seal to any document shall be attested by any one of the following: Chief Executive; Head of Legal and Democratic Services; Tri-borough Director of Law or authorised Divisional Head of Law, Corporate Lawyer or Principal Solicitor”.

(b) Proposed New Standing Order 57:

“The affixing of the Common Seal to any document shall be attested by any one of the following: Chief Executive; Tri-borough Director of Law or Divisional Head of Law or Principal Solicitor authorised by the Chief Executive or Tri-borough Director of Law”.

4. Legal Implications

- 4.1 The proper officer will carry out certain statutory functions. However, accepting that these duties will continue to be exercised by the new proper officer no legal issues will arise.

5. Financial Implications: None

6. Other Implications: None.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact Mick Steward: 7641 3134;
Email: msteward@westminster.gov.uk**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1972
BACKGROUND PAPERS**

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City of Westminster

General Purposes Committee

Date:	1 July 2015
Classification:	For General Release
Title:	Update to Standing Order Relating to Statutory Chief Officers
Report of:	Head of Committee and Governance Services
Wards Involved:	Not Applicable
Financial Summary:	There are no financial implications
Report Author and Contact Details:	Mick Steward Tel: 020 7641 3134 Email: msteward@westminster.gov.uk

1. Executive Summary

- 1.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 come into force on 11 May 2015 and amend the Local Authorities (Standing Orders) (England) Regulations 2001 insofar as they apply to the dismissal of certain officers. As a result, it is necessary for the City Council to amend its Standing Order 51 to reflect the new statutory requirement.

2. Recommendation

- 2.1 That the City Council be recommended to adopt a revised Standing Order 51 as set out in Appendix A.

3. Background

Current Requirements

- 3.1 The following Council officers namely the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer have statutory responsibilities to discharge. Since they work with and report to the elected members they discharge these responsibilities in a political environment. As a result, statutory protection requiring an appointment of a Designated Independent Person (DIP) to investigate any allegation of misconduct against these senior officers was introduced in the 2001 Regulations.

New Requirements

- 3.2 DCLG are of the view that the DIP process is in practice complex and expensive. It has placed Councils as the employer at a great disadvantage in comparison to the position of the employee, particularly given that the recommendation of the DIP must be followed. There have also been suggestions that some councils prefer to negotiate severance payments rather than go through the formal DIP process. The Government believes that such a process is not appropriate as it defeats the purpose of having the DIP process in place.
- 3.3 The new Regulations which apply to all principal councils in England change the disciplinary process for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. They remove the requirement that a DIP be appointed to investigate and make a binding recommendation on disciplinary action against these members of staff. The Regulations provide that, in place of the DIP process, the decision will be taken by full Council which must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned. The Council must appoint the panel at least 20 working days before the Council meeting at which the Council will consider whether or not to dismiss one or more of the statutory officers.
- 3.4 The Council is required to invite independent persons who have been appointed for the purposes of the Members conduct regime under Section 28 (7) of the Localism Act 2011 to be considered for appointment to the panel with a view to appointing at least two independent persons to the panel.
- 3.5 The appointment of the Independent Panel is the subject of a separate report to the General Purposes Urgency Sub-Committee.
4. **Other Implications:** None.

If you have any questions about this report, or wish to inspect one of the background papers, please contact Mick Steward: 7641 3134;

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**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1972
BACKGROUND PAPERS - None**

51. Appointment of Chief Officers

- (1) Subject to paragraphs (2) and (6) the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the Chief Executive or by an officer nominated by him.
- (2) Paragraph (1) shall not apply to the appointment or dismissal of, or disciplinary action against –
 - (a) the Chief Executive
 - (b) a statutory or non statutory chief officer within the meaning of section 2 of the Local Government and Housing Act 1989 Act (“the 1989 Act”);
 - (c) a deputy chief officer within the meaning of section 2 of the 1989 Act; or
 - (d) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
- (3)
 - (a) The full Council must approve the appointment of the Chief Executive before an offer of appointment is made to him or, as the case may be, must approve dismissal before notice of dismissal is given to him.
 - (b) Where a committee or sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraphs (a), (b) or (c) of paragraph (2), at least one member of the Cabinet must be a member of that committee or sub-committee.
- (4)
 - (a) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.
 - (b) An offer of an appointment as an officer referred to in sub-paragraph (a), (b) or (c) of paragraph 2 must not be made by the appointor until –

- (i) the appointor has notified the Head of Human Resources of the name of the person on whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (ii) the Head of Human Resources has notified every member of the Cabinet of:
 - (A) the name of the person to whom the appointor wishes to make the offer;
 - (B) any other particulars relevant to the appointment which the appointor has notified to the Head of Personnel; and
 - (C) the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the Head of Human Resources; and either
 - (A) the Leader has, within the period specified in the notice under sub-paragraph (ii) (c), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;
 - (B) the Head of Human Resources has notified the appointor that no objection was received by him within that period from the Leader; or
 - (C) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well founded.
- (5) (a) In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.
- (b) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b) or (c) of paragraph (2) must not be given by the dismissor until
- (c) the dismissor has notified the Head of Human Resources of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (iv) the Head of Human Resources has notified every member of the Cabinet of

- (A) the name of the person who the dismissor wishes to dismiss;
 - (B) any other particulars relevant to the dismissal which the dismissor has notified to the Head of Personnel; and
 - (C) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the proper officer; and
- (d) either –
- (A) the Leader has, within the period specified in the notice under sub-paragraph (ii) (c) notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
 - (B) the Head of Human Resources has notified the dismissor that no objection was received by him within that period from the Leader; or
 - (C) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
- (6) Nothing in paragraph 1 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
 - (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
- (7) (i) Every appointment of a Chief Officer and a Deputy Chief Officer of the Council shall be made by the Appointments Sub-Committee. In the case of Chief Officers and Deputy Chief Officers these appointments (and dismissals) shall also be made by the Appointments Sub-Committee except where the relevant Cabinet Member, in consultation with the Chief Executive, indicates that they wish the Chief Executive or Senior Officers to do so on his/her behalf. These arrangements shall also apply to appointments of Chief Officers and Deputy Chief Officers made as part of the Tri-borough arrangements. For such appointments to be made the Appointments Sub-Committee (or similar) of each of the participating boroughs must have agreed.
- (ii) Disciplinary action shall only be considered against the Head of the Paid Service, the Chief Financial Officer or the Monitoring Officer when the provisions of the Local Authorities (Standing Order (England) (Amendment)) Regulations 2015 have been adhered to.

- (8) Where it is proposed to appoint a Chief Officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among the Council's existing officers, the Head of Human Resources shall:
- (a) draw up a statement specifying the duties of the post concerned and any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement referred to in paragraph (i) to be sent to any person on request.
- (9) Where a post has been advertised in accordance with paragraph (8) (b) a shortlist of qualified applicants for the post shall be selected and such selected applicants shall be interviewed by the Appointments Sub-Committee.
- (10) Where no qualified person has applied, the Head of Human Resources shall make further arrangements for advertisement in accordance with paragraph (8) (b) above.
- (11) The appointment, resignation, retirement etc, of Chief Officers shall be reported to all Members of the Council.



City of Westminster

General Purposes Committee

Meeting:	General Purposes Committee
Date:	1 July 2015
Classification:	For General Release
Title:	Membership of the Licensing Committee
Wards Affected:	Not applicable
Financial Summary:	There are no financial implications
Report of:	Head of Legal and Democratic Services

1. Executive Summary

- 1.1 This report has been prepared to allow a recommendation to be submitted to the Council for a change to the membership of the Licensing Committee.
- 1.2 The Council has agreed to establish a Licensing Committee of 15 members of the Council based on a proportional split of 11 Majority group members and 4 Minority group members. The Council has also appointed the Members to serve on the Licensing Committee and from time to time agreed changes to the membership.
- 1.3 Councillor Guthrie McKie, Chief Whip of the Minority Party has asked that arrangements be made for Councillor Murad Gassanly to replace Councillor Patricia McAllister on the Licensing Committee.

2. Recommendation

- 2.1 That the Council be recommended to appoint Councillor Murad Gassanly to the membership of the Licensing Committee in place of Councillor Patricia McAllister.

3. Background Information

- 3.1 The appointment of Members to the Licensing Committee is a matter reserved to full Council. Accordingly, the Council must be asked to agree the change in membership.

- 3.2 Arrangements will be made for Councillor Murad Gassanly to receive the necessary training to enable her to sit on the Licensing Sub-Committees which consider applications and reviews in accordance with the Licensing Act 2003.
- 3.3 Section 15 of the Local Government and Housing Act 1989 (rules relating to proportionality on Committees and Sub-Committees) does not apply to the Licensing Committee or its Sub-Committees.
- 3.4 The responsibility for appointing Members to the Licensing Committee sits with the full Council. Accordingly, it is intended to refer this proposal to the full Council meeting on 8 July 2015 for approval.

4. Legal Implications

- 4.1 These are set out in the body of the report.

5. Other Implications

None.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact Mick Steward: 7641 3134
msteward@westminster.gov.uk

BACKGROUND PAPERS

- None.