

## **ESTABLISHMENT COMMITTEE**

**Thursday, 10 December 2015**

**Minutes of the meeting of the Establishment Committee held at the Guildhall EC2 at 11.00 am**

### **Present**

#### **Members:**

Deputy the Revd Stephen Haines (Chairman)	Wendy Mead
Edward Lord (Deputy Chairman)	Sylvia Moys
Randall Anderson	Deputy Joyce Nash
Deputy Billy Dove	Barbara Newman
Alderman Peter Estlin	Elizabeth Rogula
Deputy Jamie Ingham Clark	Angela Starling
Jeremy Mayhew	Philip Woodhouse

#### **Officers:**

John Barradell	- Town Clerk and Chief Executive
Peter Lisley	- Assistant Town Clerk
Christopher Braithwaite	- Town Clerk's Department
Paul Debuse	- Town Clerk's Department
Caroline Al-Beyerty	- Chamberlain's Department
Matthew Lock	- Chamberlain's Department
Ian Dyson	- City of London Police
Barbara Giles	- City of London Police
Michael Cogher	- Comptroller and City Solicitor
Richard Jeffrey	- Comptroller and City Solicitor's Department
Peter Bennett	- City Surveyor
Chrissie Morgan	- Director of Human Resources
Janet Fortune	- Human Resources Department
Tracey Jansen	- Human Resources Department

#### **1. APOLOGIES**

Apologies for absence were received from Nigel Challis, Deputy Kevin Everett and Deputy Richard Regan.

#### **2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

No declarations of interests were made by Members.

The Town Clerk and Chief Executive and the Comptroller and City Solicitor each declared an interest in respect of item 9 due to it concerning the agreement of the disciplinary procedure in the event that their dismissal was

being considered. Both Officers left the room for the duration of consideration of this item.

The Comptroller and City Solicitor noted that he and the Director of Human Resources both had a potential conflict of interests in respect of item 17, as it concerned the possibility of increasing the notice period required for Chief Officers. The Comptroller and City Solicitor explained that both he and the Director of Human Resources had advised the Town Clerk that they would accept an increase to their notice period, should the Committee wish to apply one. Therefore, they were both able to advise the Committee without a conflict of interest.

3. **MINUTES**

**RESOLVED** – That the public minutes and summary of the meeting held on 18 November 2015 be approved as an accurate record.

4. **OUTSTANDING ACTIONS REPORT**

The Committee considered a report of the Town Clerk which provided details of outstanding actions from previous meetings.

The Deputy Chairman advised the Committee that the application of the Corporate Transport Policy to Members had been considered earlier in the day by the Members' Privileges Sub (Policy and Resources) Committee. The Sub-Committee had requested that the application to Members be reconsidered and the report had been withdrawn.

With regard to identifying an alternative saving due to the reduction in the saving associated with reducing the level of funding to the Pensioners' Annual Lunch, the Town Clerk advised that this funding came from within the Central Risk Budget. He advised that discussions were ongoing with the Chamberlain's Department to identify an alternative saving.

**RESOLVED** – That the Committee notes the report.

**Exclusion of the Public**

**RESOLVED** – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

Item(s)	Paragraph(s)
5	4

5. **CITY OF LONDON POLICE CHANGE PROGRAMME**

The Committee considered and approved a report of the Commissioner of the City of London Police which provided an update on the Police Change Programme.

## **Admittance of the public**

**RESOLVED** – That the public be admitted to the meeting.

### **6. TERMS OF REFERENCE AND FREQUENCY OF MEETINGS OF THE ESTABLISHMENT COMMITTEE**

The Committee considered a report of the Town Clerk which provided the opportunity to review the Committee's Terms of Reference.

The Town Clerk advised the Committee that following a discussion at Callover, the Chairman and Deputy Chairman had agreed to recommend to the Committee that the Committee move to a six-weekly cycle of meeting, as this would better fit with the workload of the Committee. Members agreed to this change.

The Town Clerk also advised the Committee that the Chairman had agreed that it would be beneficial to move meetings away from Thursdays, due to this being the day of a number of substantial meetings, particularly Court of Common Council and Policy and Resources Committee (and its Sub-Committees). Members agreed to this proposal and agreed that the Town Clerk work with the Chairman and Deputy Chairman to identify appropriate meeting dates going forward.

A Member noted that the Policy and Resources Committee acted as the Service Committee for some aspects of the Town Clerk's Department, and suggested that it would be beneficial to amend this Committee's Terms of Reference to make explicit the areas within the Town Clerk's Department for which Establishment Committee was the Service Committee. The Member advised that he would make a similar suggestion to the Policy and Resources Committee when that Committee considered its Terms of Reference. Members agreed to this change.

A Member suggested that it would be appropriate for the Establishment Committee to also become the Service Committee for the Central Criminal Court, which was part of the Town Clerk's Department but currently reported to the Corporate Asset Sub (Finance) Committee. The Town Clerk and Chief Executive agreed that the Corporate Asset Sub-Committee may not be the appropriate Committee for the Central Criminal Court to report to, but noted that this Sub-Committee would continue to have a key role for the Central Criminal Court due to the Sub-Committee's role in maintaining the Corporation's buildings. The Town Clerk and Chief Executive also advised that the Establishment Committee may not be the most appropriate Committee for the Central Criminal Court to report to, highlighting the Court of Aldermen (due to the importance of the Central Criminal Court to Shrieval activities) and the Policy and Resources Committee (due to the Central Criminal Court's role in the overall reputation of the City Corporation) as Committees which might be appropriate.

The Town Clerk advised Members that it was ultimately for the Court of Common Council to determine each Committee's Terms of Reference through

the White Paper, which would be submitted in April 2016. He advised that a report setting out the proposed changes to Terms of References of all Committees would be submitted to the Policy and Resources Committee in March 2016, following consideration of Terms of References by the various Service Committees. The Town Clerk explained that this Committee's comments on the Central Criminal Court's reporting lines would be fed into this process, and a report would be presented to the relevant Committees over the next two months.

A Member suggested that, while it was implicit within the Committee's Terms of Reference that the Committee was responsible for remuneration of Senior Officers, it would be beneficial to make this explicit.

A Member suggested that the reference to maternity leave within the Terms of Reference be amended to parental leave. The Committee agreed to this change.

The Chairman advised the Committee that the 7 January 2016 meeting of the Committee would be cancelled due to a lack of business to transact.

**RESOLVED** – That the Committee:

- a) approves the terms of reference of the Committee for submission to the Court of Common Council as set out at Appendix A to the report, subject to the following amendments:
  - making explicit the areas within the Town Clerk's Department for which the Establishment Committee was the Service Committee;
  - making explicit reference to the Committee being responsible for the remuneration of Senior Officers; and
  - amending the reference to "maternity leave" to "parental leave"
- b) requests that the Town Clerk present a further report to this Committee, and other relevant Committees, regarding the reporting lines for the Central Criminal Court;
- c) agrees to amend the frequency of meetings of the Committee to every six weeks, that the day of meetings be changed from Thursdays, and that the Town Clerk consult with the Chairman and Deputy Chairman to set meeting dates.

**7. REVENUE BUDGETS 2016/17**

The Committee considered a joint report of the Town Clerk, Chamberlain and Comptroller and City Solicitor which provided the annual submission of the revenue budgets overseen by the Committee.

A Member asked whether it was possible for the roll-out of HR Self Service to take place this year and therefore avoid the deferral of this £250,000 Service Based Review (SBR) saving. The Director of Human Resources advised that it had not been possible to roll out HR Self Service due to technological issues.

However, this was now being rolled out, and the savings would now begin to be accrued from this programme.

The Chamberlain advised the Committee that all SBR savings items which Service Committees had agreed could be deferred from budgets would be reported to the Policy and Resources Committee so that the Committee could take a view as to the overall SBR position.

**RESOLVED – That the Committee:**

- a) notes the provisional 2016/17 revenue budget and approves the budget for submission to the Finance Committee;
- b) agrees the deferral of £350,000 of the Town Clerk's Departmental SBR savings from 2016/17 to 2017/18 and note if approved, this deferral will be subject to the agreement of the Policy and Resources Committee in January 2016, along with all other Service Committee SBR deferrals; and
- c) authorises the Chamberlain to revise these budgets to reflect any further implications arising from the Service Based Reviews and other corporate efficiency projects.

#### **8. SENIOR OFFICER RECRUITMENT PROCESS**

The Committee considered a report of the Director of Human Resources which provided a progress update on establishing a formal procedure for Member involvement in the Recruitment and Appointment procedure for Senior Officers below that of Chief Officer.

Members discussed the draft procedure for Senior Officer Recruitment, and suggested some specific amendments, namely:

- Amending the determination of the level of Member involvement for a Senior Office recruitment to be a joint decision between the Chief Officer and Service Committee Chairman;
- Formalising the option for the Town Clerk to choose to be involved in the appointment panel;
- Including the option for Members to be included on the appointment panel even on Officer-led appointments, rather than only in assessment centres.

Members discussed the process for evaluating the quality of internal candidates against the likely quality of external candidates. Members noted that it would be a strong demonstration of the quality of the organisation if the Corporation was able to appoint high calibre internal candidates to senior posts. The Director of Human Resources advised the Committee that developing Officers to rise through the organisation to senior roles was a priority in the Talent Management Strategy. The Director also noted that it was important to consider diversity issues in appointments to senior roles.

Members also commented that it was vital that any Members involved in the appointment of Senior Officers had the appropriate skills and received the appropriate training

**RESOLVED** – That the Committee:

- a) Notes the report; and
- b) Approves the draft procedure for Senior Officer Recruitment, subject to the comments set out above.

9. **RECRUITMENT PROCESS FOR THE CITY SURVEYOR**

The Committee considered a report of the Director of Human Resources which informed the Committee that the City Surveyor had indicated that he intended to leave the City of London Corporation at the end of October 2016 and set out the proposed recruitment process for his replacement, including an indication of the timeframe that could be followed.

A Member explained that the Policy and Resources Committee's Terms of Reference stated that Committee was responsible for "the appointment of the City Surveyor (in consultation with the Investment Committee)", but there was no reciprocal reference within the Investment Committee's Terms of Reference. The Member explained that he had queried this with the Town Clerk and Chief Executive in advance of the meeting, and it had been confirmed that a reciprocal reference should be included within the Terms of Reference of the Investment Committee, and this would need to be added to the Investment Committee's Terms of Reference at the earliest opportunity.

Members also noted that the Chief Officer Appointment Procedure set out at Appendix 1 needed to be updated.

**RESOLVED** – That the Committee notes the report.

10. **STATUTORY DISMISSAL PROCEDURES FOR THE HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

The Town Clerk and Chief Executive and the Comptroller and City Solicitor left the meeting while the Committee considered this item.

The Committee considered a report of the Director of Human Resources which set out options for the new Statutory Dismissal Procedure for the 'relevant officers' i.e. the Town Clerk, the Chief Financial Officer (the Chamberlain) and the Monitoring Officer (the Comptroller and City Solicitor) who are affected by the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2015.

A Member suggested that, rather than the Chairman and Deputy Chairman of the Appointing Committee for the relevant officer considering any complaints or concerns, this should be the role of the Chairman of the Appointing Committee and the Chairman of the Establishment Committee. The Committee agreed that this would be appropriate.

A Member noted that Standing Order 63, which was included as an appendix to the report, should be redrafted to reflect the agreed procedure. The Town Clerk advised that a report setting out proposed amendments to this Standing Order would be brought before the Establishment Committee for comment and the Policy and Resources Committee for recommendation to the Court of Common Council within the next couple of months.

**RESOLVED –** That the Committee:

- a) endorses the proposed way forward set out in the report for onward approval by the Court of Common Council as follows:
  - i) The Chairman of the Appointing Committee for the relevant officers and the Chairman of the Establishment Committee will take an initial view of any complaints or concerns raised regarding the relevant officer and determine the appropriate course of action, reporting to the Court of Common Council as appropriate where dismissal of the relevant officer is recommended. In the event that there is a conflict of interest for the Chairmen, then an alternative Committee Chairman and/or Deputy Chairman will take on this role.
  - ii) For the purposes of considering dismissal of a relevant officer, that the composition of the Panel comprises three current Chairmen and at least two of the three Independent Persons appointed to the Standards Committee.
  - iii) The Panel composition once agreed is set up as a standing committee and referred to the Court of Common Council for approval.
  - iv) The Director of Human Resources will be responsible for providing advice on the administration, application and overview in relation to the disciplinary procedures for the three relevant officers. Where it is considered that there is a conflict of interest, an external senior human resources and/or legal adviser will be sourced to support the process as appropriate.
- b) Notes that subject to approval of the basic framework outline above the current disciplinary procedures for the three relevant officers will be redrafted and referred back to the Committees for approval.
- c) Requests that the Policy and Resources Committee consider amending Standing Order 63 to set out agreed Statutory Dismissal procedure.

#### 11. **REGISTER OF INTERESTS FOR CHIEF OFFICERS**

The Committee considered a report of the Director of Human Resources which provided Members with an updated Register of Interests for Chief Officers as at November 2015.

**RESOLVED –** That the Committee notes the report.

**12. CITYWELL - WORKPLACE WELLBEING STRATEGY**

The Committee considered a report of the Director of Human Resources which provided an update for members on the Workplace Wellbeing Questionnaire results and analysis.

The Chairman noted that the response rate for the City of London Police had been particularly poor. The Commissioner of the City of London Police agreed that the response rate was poor, although this may have been due to the City of London Police operating a different intranet system, and therefore the survey may not have been as well communicated to the Police.

Members agreed that excellent progress had been made in the area of employee Wellbeing, but expressed concern about some of the statistics set out within the report, particularly regarding the number of respondents whose answers indicated poor mental wellbeing. The Director of Human Resources explained that this was the main issue to address which had emerged from the survey.

**RESOLVED** – That the Committee notes the direction and progress to date on the Wellbeing Project.

**13. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

**14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no urgent items.

**15. EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

Item(s)	Paragraph(s)
16, 17, 19, 20	3
18	3, 5
21, 22, 25, 26	1, 3
23	1, 3, 4
24	1, 2, 3
27	1

**16. NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 18 November 2015 were approved.

**17. OUTSTANDING ACTIONS REPORT**

The Committee noted a report of the Town Clerk which provided details of non-public outstanding actions from previous meetings.



18. **POST-TERMINATION OF EMPLOYMENT RESTRICTIONS ON OFFICERS**  
The Committee considered and approved a joint report of the Comptroller and City Solicitor, the City Surveyor and the Director of Human Resources which set out a possible mechanism to restrict the activities of senior officers following retirement and the potential to extend the notice period of Chief Officers and certain other staff, together with the legal, policy and employee relations issues related to this.
19. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**  
There were no questions.
20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**  
There were no urgent items.
21. **CONFIDENTIAL MINUTES**  
The confidential minutes of the meeting held on 18 November 2015 were approved.
22. **REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY**  
The Committee considered and approved a report of the Town Clerk which informed of action taken under delegated authority since the last meeting.
23. **REVENUE BUDGETS - 2016/17 - MEMBERS ONLY APPENDIX**  
The Committee noted an appendix to the joint report of the Chamberlain, Town Clerk and Comptroller and City Solicitor regarding the Revenue Budgets for Establishment Committee operational services for 2016/17.
24. **CITY SURVEYOR'S DEPARTMENT - RESTRUCTURE OF A TEAM**  
The Committee considered and approved a report of the City Surveyor regarding the restructure of a Team within his Department.
25. **TOWN CLERK'S DEPARTMENT - REVIEW OF A TEAM - SERVICE BASED REVIEW PROPOSAL**  
The Committee considered and approved a report of the Town Clerk regarding proposals to change the operation of a team within his Department.
26. **CITY SURVEYOR'S DEPARTMENT - MARKET FORCES SUPPLEMENT**  
The Committee considered and approved a report of the City Surveyor regarding a request for a Market Forces Supplement for an officer within his Department.
27. **SUCCESSION PLANNING**  
The Committee noted a joint report of the Town Clerk and Director of Human Resources which outlined the measures taken in succession planning and explaining actions in relation to the strategy.

**The meeting closed at 1.00 pm**

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Chairman

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