



## Law, Probity and Governance

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The Rt. Honorable Eric Pickles MP  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
London SW1E 5DU

Via email: [eric.pickles@communities.gsi.gov.uk](mailto:eric.pickles@communities.gsi.gov.uk)

18<sup>th</sup> November 2014

Dear Mr Pickles

**Re: Letter from Chair of HR Committee and General Purposes Committee of the London Borough of Tower Hamlets to the SoS forming part of the Council's formal response to the Draft Directions constituting proposed intervention by the Department for Communities and Local Government.**

*These comments should be considered as the formal representations of the Council to the SoS regarding those matters that are, under the Councils constitution, non-executive matters falling under the remit of the HR committee and the General Purposes Committee and as such fall to the Chairs of these committees to make.*

**Appointment of Statutory Officers.**

The authority is directed to -

- Undertake as a matter of urgency a recruitment exercise, under the direction of the Commissioners, with the aim of making as soon as practicable and in any event by 1st April 2015, subject to 'b' below, permanent appointments of suitable persons to the positions of the three statutory officers:
- For the Direction Period, to obtain the agreement of the Commissioners to (a) any dismissal or suspension of a Statutory Officer, appointed as a result of a. above or otherwise: and (b) any proposed appointment of a replacement following such dismissal or suspension.

**Response**

Under the Councils constitution the appointment and dismissal of senior officers of the council is a non-executive function held by Full Council.

We welcome the intention of the proposed direction and will support it fully subject to further clarifications.

We would welcome clarity and/or dialogue on the intervention proposed.

It would be helpful if the Secretary of State could further define the term 'under the direction of the commissioners'. We are currently engaged in processes to recruit permanently to the three statutory posts and further clarity would enable us to adapt the processes to better meet the April deadline. We are open to a dialogue on either the commissioners engaging in the existing recruitment process, or reviewing these processes in partnership with the commissioners. We are, however, mindful of the timescale set by the Secretary of State and assume given that the direction is centred on the urgency of establishing permanent appointments to the statutory roles it might be better/faster to continue with existing recruitment processes, as potentially amended by the commissioners.

We hope that the commissioners would want to work with an appointments panel of locally elected councillors and would be happy to have a dialogue about how we maintain the role of councillors and the confidence of elected members in the recruitment process whilst delivering the Secretary of States stated aspiration of having concluded matters by April 2015.

The commissioners involvement could include-

- a. ensuring that the agreed timetable for recruitment to these posts is adhered to.
- b. overseeing and approving any changes to the agreed timetable
- c. involve themselves in the shortlisting process
- d. sitting on the interview panel as an observer. (we have been advised that it would not be possible for the commissioners to have a voting power on the panel because Council Committees are formed under section 102 Local Government Act 1972 and that sub-section (3) allows Councils to appoint "persons who are not members of the appointing authority" but that Councils may not appoint persons who are disqualified from being elected under Part V of the Act: and that in section 80 disqualification would apply where one holds a paid office or employment with the Council. This would be the case with the commissioner).

Ultimately, and to ensure the achievement of the best possible outcomes we would hope that the Secretary of State could clarify the above by being specific in his direction and direct the commissioners to work with the council throughout the recruitment process rather than simply retaining a sign off/veto at the end of it.

Subject to clarification of the above the council will welcome and cooperate fully with the proposed direction.

## **Elections**

### **Proposed direction**

The functions of appointing and dismissing the Electoral Registration Officer and Returning Officer for Local Elections are to be exercised during the Direction Period by the Commissioners.

### **Response**

We accept that there are serious concerns about last May's election. It would be timely to remind the Secretary of State that the council has a clearly defined role and responsibilities in relation to its function as employer and specific legal obligations to the council officer currently holding the Returning Officer portfolio.



it would also be helpful if the Secretary of State would consult with the electoral commission to understand the implications of the proposed direction before seeking to confirm it

None the less we welcome the stated intention of the intervention to appoint a widely recognised experience returning officer as a matter of urgency and we would be happy to work with commissioners and the electoral commission to achieve this through appropriate, proper and relevant processes.

It is vital that there is confidence in the election process in time for the general election. This direction therefore needs to be clarified and progressed as a matter of urgency.

Yours sincerely



**Cllr Clare Harrisson**  
**Chair of HR Committee**



**Cllr Shiria Khatun**  
**Chair of General Purposes Committee**