



Notice of a public meeting of

Staffing Matters and Urgency Committee

To: Councillors Douglas (Chair), Kilbane (Vice-Chair),
Ayre, Lomas and Widdowson

Date: Monday, 2 September 2024

Time: 5.30 pm

Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

1. **Declarations of Interest** (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members]

2. **Minutes** (Pages 3 - 10)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 20 May and 5 June 2024.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Thursday, 29 August 2024.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Appointment of New Director for YorWaste Limited (Pages 11 - 16)

This report sets out the proposal to appoint a new council representation on the board of directors of Yorwaste Limited following the resignation of the current City of York Council Officer nominated as Director.

5. Redundancy, Retirement and Settlement Agreements (Pages 17 - 22)

This report advises on the expenditure associated with redundancy, pension or exit discretions paid in accordance with council policy to employees below Chief Officer.

6. Work Plan (Pages 23 - 24)

To consider the Committee's draft work plan for the municipal year 2024-2025.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services Officer

Reece Williams

Contact details:

- Telephone – (01904) 55 4447
- Email – reece.williams@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

Alternative formats

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我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آبی کی اپنی زبان (ہولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

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City of York Council

Committee Minutes

Meeting	Staffing Matters and Urgency Committee
Date	20 May 2024
Present	Councillors Douglas (Chair), Ayre, Lomas, Widdowson, and Webb (Substitute for Councillor Kilbane)
Apologies	Councillor Kilbane
Officers in attendance	Helen Whiting – Head of HR Ian Cunningham – Head of Business Intelligence

33. Declarations of Interest (5:31pm)

At this point in the meeting, Members were asked to declare if they had any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

34. Exclusion of Press and Public (5:32pm)

Resolved:

- That the press and public be excluded from the meeting during the consideration of Annexes A-E to Agenda Item 6 on the grounds that they contained information relating to individuals and the financial affairs of particular persons. This information is classed as exempt under Paragraphs 1, 2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).
- That agenda item 6, Redundancy, Retirement and Settlement Agreements be moved to the end of the agenda.

35. Minutes (5:33pm)

Resolved: That the minutes of the Staffing Matters and Urgency Committee meetings held on 21 and 26 March 2024 be approved and then signed by the Chair as a correct record, subject to the following amendment:

- In relation to Minute No.32, Councillors Healey and Waller would replace Councillors Ayre and Widdowson, in order to accurately reflect the attendance and voting record of the meeting.

36. Public Participation (5:33pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

37. Workforce Profile Report (5:33pm)

The Head of HR presented the report and issued a correction to the table of figures below paragraph 4. It was noted that the Resignations for Q4 2024 should have read "25%", and the trend should have read "Decrease", and that the Retirements for Q4 2024 should have read "73%".

In response to questions from members, the Head of HR confirmed that:

- As some agency workers changed to work part-time this could affect the figures shown, but that this would balance over the year.
- CYC could be more representative than currently shown within the figures detailed in Annex 1, but it was not compulsory for employees to disclose this information.

Resolved: That the Committee noted the report and workforce profile provided in Annex 1 of the report.

Reason: In order to provide an overview of the workforce profile.

38. Redundancy, Retirement and Settlement Agreements (5:45pm)

The Head of HR presented the report and the Committee entered into private session for the consideration of Annexes A-E of the report.

Resolved:

- That future Redundancy, Retirement and Settlement Agreements reports would contain overview reports of the number of redundancy, and flexible retirement business cases, rather than full business cases as seen in Annexes A-E.
- That the Committee noted the expenditure associated with each proposal as detailed in Annexes A-E.

Reason: In order to provide an overview of expenditure.

39. Work Plan (5:43pm)

Members considered and confirmed the draft work plan for the municipal year 2023-2024.

It was confirmed that the Committee would receive a further report on the Chief Officer Restructure in the meeting scheduled for 5 June 2024.

Resolved: That the members confirm and accept the committee's draft work plan for the municipal year 2023-2024.

Reason: To ensure the Committee maintains a programme of work for the municipal year 2023-2024.

Cllr Douglas, Chair

[The meeting started at 5.31 pm and finished at 5.54 pm].

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Meeting	Staffing Matters and Urgency Committee
Date	5 June 2024
Present	Councillors Douglas (Chair), Lomas, Widdowson, J Burton (Substitute for Councillor Kilbane) and Waller (Substitute for Councillor Ayre)
Apologies	Councillors Ayre, and Kilbane
Officers in attendance	Dan Moynihan – Senior Lawyer

1. Declarations of Interest (5:30pm)

At this point in the meeting, Members were asked to declare if they had any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

2. Public Participation (5:31pm)

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on Agenda Item 3 and highlighted the importance of accountability in the appointment of Local Authority Company Directors. Gwen spoke on the lack of an accountable appointment process resulting in the recommendation of providing the Chief Operating Officer (COO), and Monitoring Officer with permission to delegate these powers, without scrutiny.

3. Veritau Public Sector Limited - Appointment of Director (5:34pm)

The Senior Lawyer presented the report and reported a correction to the report in that "Chief Operating Officer" in regard to paragraphs 28 and 29 should be replaced by "Head of Paid Service".

The Senior Lawyer introduced an alternative recommendation to the report for members' approval, as a result from concerns raised, in that members would:

- “Appoint the Director of Finance of the Council to represent the Council on the board of directors of Veritau Public Sector Limited;”

And that the previous recommendation to:

- “Delegate authority to the Monitoring Officer and the Chief Operating Officer of the Council to select and appoint any member, and/or officer, and/or person willing to act as a director to represent the Council on the board of directors of Veritau Public Sector Limited, and where necessary in the future remove and/or replace said individuals from the board, pursuant to Staffing Matters and Urgency Committee’s delegated authority under Article 11 and paragraph 5.2 of Article 12 of the Council’s Constitution and in line with company law, the company’s articles of association and any agreement between the company’s members in force from time to time”;
 - i. Would be amended to remove the words “and/or person willing to act as a director”,
 - ii. Would be deferred to a future meeting of the committee.

This amendment to the recommendations was moved by the Chair, and seconded by Councillor Lomas.

Members voted on the motion to accept the Chair’s amendment to the recommendations, and the result of the vote was as follows:

5 votes in favour (Councillors Douglas, J Burton, Lomas, Waller, Widdowson).

0 votes against.

The motion was carried, and members then voted on the approval of the Staffing Matters and Urgency Committee’s appointment of the Director of Finance to represent the Council on the board of directors of Veritau Public Sector Limited, and the result of the vote was as follows:

5 votes in favour (Councillors Douglas, J Burton, Lomas, Waller, Widdowson).

0 votes against.

Resolved:

- That the Staffing Matters and Urgency Committee approved the appointment of the Director of Finance of the Council to represent the Council on the board of directors of Veritau Public Sector Limited.
- That the delegation of authority to select and appoint any member or officer willing to act as a director to represent the Council on the board of directors of Veritau Public Sector Limited, and where necessary in the future remove and/or replace said individuals from the board, pursuant to the Staffing Matters and Urgency Committee's delegated authority under Article 11 and paragraph 5.2 of Article 12 of the Council's Constitution and in line with company law, the company's articles of association and any agreement between the company's members in force from time to time, would be deferred to a future meeting of the committee.

4. Work Plan (5:59pm)

Members considered and confirmed the draft work plan for the municipal year 2024-2025.

The Chair reported that the Chief Officer Restructure report had not been able to be brought to this meeting, but would be received by the committee at a future meeting where appropriate.

Resolved: That the members confirm and accept the committee's draft work plan for the municipal year 2024-2025.

Reason: To ensure the Committee maintains a programme of work for the municipal year 2024-2025.

Cllr Douglas, Chair

[The meeting started at 5.30 pm and finished at 6.00 pm].

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Staffing Matters and Urgency Committee**2 September 2024****Report of the Director of Governance and Monitoring Officer**

Portfolio of the Executive Members for Finance, Performance, Major Projects, Human Rights, Equality, and Inclusion

Yorwaste Limited – Resignation and Appointment of new Director**Summary**

1. This report sets out the proposal to appoint a new Council representation on the board of directors of Yorwaste Limited following the resignation of the current City of York Council Officer nominated as Director.

Background

2. The Company was established as a Local Authority Waste Disposal Company owned fully by North Yorkshire Council in 1991 to manage the Council's landfill sites.
3. In 1996, as part of a Local Government Review, the Council became a 22.27% shareholder of the company. The Company provides services to York relating to transfer stations, processing recycling, garden waste and management and transport of waste at the two Household Waste Sites. The Company also provides similar services within North Yorkshire Council.
4. The Company's board of directors is made up of representatives of the two member authorities and also independent board members. The representatives from the Council are currently:
 - a. Cllr R. Melly; and
 - b. the Corporate Director of Place, Neil Ferris.
5. The company is a *Teckal* company under Reg 12(1) of the Public Contract Regulations 2015 (the "**Procurement Regs**") and Schedule 2, Part 1, Para. 2 of the Procurement Act 2023 (also

called “**Vertical Arrangements**”). These provisions under both the Procurement Regs and the Act allow the Council to award Yorwaste long term waste management service agreements on the basis that over 80% of the Company’s revenues come from its local authority owners.

Proposal

6. Neil Ferris has tendered his resignation from Yorwaste with effect from 27th August 2024, which coincides with his leaving date from City of York Council.
7. It is proposed that James Gilchrist – Director of Environment, Transport and Planning is the new Director and Council Officer representative for the Yorwaste Board.
8. Arrangements will be made for James Gilchrist to be formally appointed to the Board following approval of this Committee.
9. In order, however, to expedite such changes in the future, it is proposed that the Committee delegates authority, to appoint any member and/or officer to the role of director of Yorwaste, to the Chief Operating Officer and the Monitoring Officer.

Recommendations

10. Staffing Matters and Urgency Committee is requested to:
 - a. Approve the appointment of James Gilchrist, the Council’s Director of Environment, Transport and Planning, to represent the Council on the board of directors for Yorwaste from and including 27th August 2024, following the resignation of Neil Ferris, the Council’s Corporate Director of Place.

Reasons –

- i. To ensure that meets the requirements of the Control Test under the *Teckal* Exemption under contained under Reg 12(1) of the Procurement Regs and Schedule 2, Part 1, Para. 2 of the Procurement Act 2023.
- ii. Delegate authority to the Chief Operating Officer and the Monitoring Officer to select and appoint any member and/or officer to represent the Council on the board of directors of Yorwaste Limited, and where necessary in the future remove and / or replace said individuals from the board, pursuant to

the Staffing Matters and Urgency Committee's delegated authority under Article 11 of paragraph 5.2 of Article 12 of the Council's constitution and in line with company laws, the Company's articles of association and any agreement between the Company's members from time to time.

- iii. To expedite such necessary changes to the Council's representation on the Yorwaste Board of Directors in the future.

Implications and risks

HR Implications

11. There are no HR implications arising from this report, however, should a conflict of interest arise between the Council and Yorwaste then any appointee of the Council's would need to declare this. Further, any appointee would need to declare their directorship on the Declaration of Interest form.

Financial Implications

12. There are no financial implications associated with this proposal, the officer assigned will not receive any financial payment in addition to the salary to undertake the role of nominated Director for Yorwaste Limited.

Legal Implications

13. Paragraph 5.2 of Article 12 (**Shareholder Committee**) of the Council's Constitution delegates authority to Staffing and Urgency Committee to approve the appointment, dismissal, and terms and conditions of Council Directors, and to recommend such matters to the board of the relevant company.
14. Any decision to appoint, or not to appoint, any particular individual to the board of Yorwaste must be taken with regard to matters set out under (**Guidance to Councillors and Officers Appointed to Outside Bodies**) of the Council's Constitution (in particular, but not limited to, paragraph 2.1 of Appendix 18), with any particular concerns referred to Monitoring Officer before any decision is taken.

15. The appointment by the Council of directors to Yorwaste's board of directors will help to enable Newco to meet the requirements of the *Teckal* Exemption under Regs 12(1), 12(4) and 12(5) of the Public Contract Regulations 2015 requires (*inter-alia*) that:
 - a. Each contracting authority exercises jointly with other contracting authorities a control over that legal person which is similar to that which they exercise over their own departments; and
 - b. For the purposes of (a) above, contracting authorities are deemed to exercise joint control over a legal person where all of the following conditions are fulfilled:
 - i. The decision-making body of the controlled legal person (i.e., the board of directors) is composed of representatives of all participating contracting authorities;
 - ii. The contracting authorities are able to jointly exert decisive influence over the strategic objectives and significant decisions of the controlled legal person.

16. Schedule 2, Part 1, Para. 2 of the Procurement Act 2023 requires (*inter-alia*) that:
 - a. No person other than the authority, or authorities, exerts a decisive influence on the activities of the person (either directly or indirectly); and
 - b. In the case of joint control, each of the contracting authorities is represented on the person's board, or equivalent decision-making body.

Contact Details

Author:

Helen Whiting,
Chief Officer HR and Support
Services

**Chief Officer Responsible for the
report:**

Bryn Roberts,
Director of Governance and
Monitoring Officer

Report ✓ **Date** 13 August 2024
Approved

Specialist Implications Officer(s):

Dan Moynihan – Senior Lawyer (Contracts and Commercial)

Patrick Looker – Head of Finance

Wards Affected:

All ✓

For further information please contact the author of the report

Background Papers: None.

Annexes: None.

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Staffing Matters and Urgency Committee**2 September 2024****Report of the Chief Officer: HR & Support Services****Redundancy, Pension or Exit Discretion****Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with redundancy, pension or exit discretions paid in accordance with council policy to employees below Chief Officer.
2. The new cases presented to the Committee for information cover the period to June to August 2024 as well as the previous 12 months.

Background

3. The employment Rights Act 1996 s139 defines redundancy where:
 - (i) The employer has ceased or intends to cease:
 - a. To carry on the business for the purposes of which the employee was employed by him, or;
 - b. To carry on that business in the place where the employee was so employed, or;
 - (ii) The requirements of that business;
 - a. For employees to carry out work of a particular kind or;
 - b. for employees to carry out work of a particular kind in the place where the employee was employed by the employer

Have ceased or diminished or are expected to cease or diminish.

- 4 As with all employers the Council due to changes in operational requirements, structure, funding, and or priorities will on occasions require to consult with employees on proposed redundancies. Whilst every effort is made to avoid dismissal for reasons of redundancy through seeking suitable alternative employment, this report notes the number of cases and costs where a dismissal due to redundancy is likely or has taken place.
- 4 The Council has a flexible retirement policy to enable a planned and flexible approach to retirement that helps facilitate the transfer of knowledge and experience to others within the organisation. This report also notes the number of applications approved and any costs associated with these.

Consultation

5. All of the proposed redundancy, pension or exit discretions have been subject to consultation in accordance with the Council's statutory obligations.

Approval

6. In accordance with Council policy the appropriate Chief Officer of the Departmental Management Team and S151 Officer (Director of Finance) have approved presented business case(s). The decisions as to whether or not to make an employee redundant rests with the Chief Operating Officer or Officers nominated by him. In terms of payments related to redundancy the Council is contractually obliged to make the payment set out in the business case. Only in exceptional circumstances can discretionary additional payments for redundancy be considered. The Section 151 Officer has decision making authority for all staff other than Chief Officers in this matter. Chief Officer redundancies (Statutory Chief officers and Corporate Directors) as per the Constitution for this committee (Article 11: Staffing matters and Urgency Committee) will be presented to the committee when appropriate for approval.

<https://democracy.york.gov.uk/documents/s175988/Article%2011%20-%20Staffing%20Matters.pdf>

Analysis

7. Below is an anonymised summary of the cases approved in the last quarter noting costs associated with each, followed by a summary of the previous cases reported in the last 12 months:

Employee	Exit Type	Cost (note over what time period)				
		Estimate £	Time period	Actual £	Discretionary elements	Total
1	Flexible Retirement	£0.00	April 2024	£0.00	N/A	£0.00
2	Flexible Retirement	£0.00	June 2024	£0.00	N/A	£0.00

Summary of cases over the last 12 months.

Total Number	Type of Exit	Reporting Period	Total Cost of Redundancy	Pension Costs
4	Compulsory Redundancy	Jan - Feb 24	£51,722.37	£66,768.46
3	Flexible Retirements	Sept 23 - May 24	N/A	£0.00
1	Flexible Retirement	May-24	N/A	£0.00
1	Flexible Retirement	May-24	N/A	£0.00
2	Flexible Retirements	May-24	N/A	£0.00

Council Plan

8. Whilst the actions being proposed in the report are not material to the Council Plan, they are consistent with the required outcomes of the Workforce Development Strategy

Implications

9. Each case is assessed individually in line with HR processes and procedures. The implications of each business case have been assessed by relevant officers prior to approval. The Committee can be assured that relevant signatures and authorisations have been undertaken prior to processing agreed cases.

Risk Management

10. The specific risks associated with each proposal and how they can be mitigated are contained in each business case. In summary, the risks associated with the recommended option are financial, legal, operational and reputational.

Recommendations

11. Staffing Matters and Urgency Committee is asked to:

Note the expenditure and cases that have been approved. This report will be presented on a quarterly basis.

Reason: In order to provide an overview of expenditure.

Contact Details

Author:

Kay Crabtree
HR Manager

Chief Officer Responsible for the report:

Helen Whiting
Chief Officer – HR & Support Services

**Report
Approved**

Date 15 August 2024

Specialist Implications Officer(s):

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None.

Annexes: None.

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Staffing Matters & Urgency Committee
Draft Work Plan 2024/25
(updated 20 August 2024)

Date	Proposed Reports
2 September 2024	<ol style="list-style-type: none"> 1. Appointment of New Director for YorWaste Limited 2. Redundancy, Retirement and Settlement Agreements
13 January 2025	<ol style="list-style-type: none"> 1. Workforce demographics as at 30 September 2024 (Q2) 2. Redundancy, Retirement and Settlement Agreements 3. Quarterly Retention Payments Update <i>(if any new applications 1 July to 30 September)</i>
24 February 2025	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements 2. Quarterly Retention Payments Update <i>(if any new applications 1 October to 31 December)</i>

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