



Notice of a public meeting of

Staffing Matters & Urgency Committee

To: Councillors Aspden (Chair) (To be substituted by Cllr Widdowson), D'Agorne (Vice-Chair) (To be substituted by Cllr Craghill), Hook and D Myers

Date: Monday, 4 November 2019

Time: 5.30pm

Venue: The King Richard III Room (GO49) - West Offices

AGENDA

1. Election of Chair

To formally appoint a Chair for this meeting.

2. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

3. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annexes A, B and C to Agenda Item 6 (Pension or Exit Discretion) on the grounds that they contain information relating to individuals, information which is likely to reveal the identity of individuals and information relating to the financial or business affairs of particular persons (including the authority holding that information). 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).

Report and Annexes A, B C and D to Agenda Item 7 (Complaints Investigation) on the grounds that they contain information relating to individuals and information which is likely to reveal the identity of individuals. This information is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

4. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on Monday 7 October 2019.

5. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is on **Friday 1 November 2019** at **5.00pm**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>. or, if recorded, this will be uploaded onto the Council website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

6. Pension or Exit Discretion (Pages 5 - 18)

This report advises the Staffing Matters and Urgency Committee of the expenditure associated with pension or exit discretions in accordance with council policy.

7. Complaints Investigation (Pages 19 - 56)

Staffing Matters and Urgency Committee are asked to consider the complaints received individually and to confirm the next steps on each complaint.

8. Urgent Business

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

Democracy Officer

Louise Cook

Contact details:

- Telephone – (01904) 551031
- Email - louise.cook@york.gov.uk

For more information about any of the following please contact the Democratic Services Officers 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.

This information can be provided in your own language.

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 آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Staffing Matters & Urgency Committee
Date	7 October 2019
Present	Councillors Aspden (Chair), D'Agorne (Vice-Chair), Hook and D Myers

26. Declarations of Interest

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.

27. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the consideration of annexes to Agenda Item 7(Redundancy) 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).

28. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on Monday 2 September 2019 be approved and then signed by the Chair as a correct record.

29. Public Participation

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

Michael Hammill, a resident, addressed the committee on two matters, defamation and the conduct of the planning

department. He made reference to a complaint he had submitted regarding the conduct of the Chief Executive and informed the Committee that he still awaited an apology and/or explanation. He also raised his concerns relating to the attitude of the planning department and its management.

Gwen Swinburn, a local resident, raised concerns relating to:

- delays in establishing a process for Members to be suitably involved in disciplinaries;
- delays in handling multiple complaints against the Chief Executive;
- Non-Disclosure Agreements (NDAs), requesting an update item at future meetings;
- Introducing a work plan for this Committee, giving some suggested items of business.

The Chair thanked the speakers for their contributions and in this instance confirmed that the Committee was supportive of introducing a work plan going forward.

30. Changes to Membership of Committees and Other Bodies

Members considered a report setting out proposed changes to the membership of the following outside bodies for their approval, further to the appointments made at the Annual Council meeting on 22 May 2019:

Foss 2008 Internal Drainage Board

To appoint Councillor Fisher and Councillor Wartens onto the Board.

St Wilfrid's Eleemosynary Charity

Councillor Cuthbertson to replace Councillor Mason

Resolved: That the above Outside Bodies membership changes be agreed.

Reason: In order to make appropriate appointments to the Councils Committees and Outside Bodies for the remainder of the current municipal year.

31. Interim cover for the Chief Executive

Members considered a report reviewing arrangements for the continued provision of cover for the duties of the role of Head of Paid, whilst the Chief Executive continued to be absent from work.

The following options were outlined and Members' approval was sought to that which they considered most appropriate:

Option 1: to continue with the current arrangements, under which the Deputy Chief Executive had assumed acting responsibility for the duties as Interim Chief Executive and the Deputy Section 151 Officer had become Interim Section 151 Officer;

Option 2: to recruit an additional temporary Chief Officer to assume acting responsibility for Finance and the Section 151 duties, whilst the Deputy Chief Executive acted as Interim Chief Executive;

Option 3: to recruit an Interim Chief Executive on an initial 3 month contract, with the flexibility to extend.

Members were advised that the current arrangements were currently working satisfactorily.

Resolved:

- a) That Option 1 be approved, continuing with the current interim arrangements;
- b) That the additional supplements for Interim Head of Paid Service and Interim Section 151 Officer as detailed in option 1 in the report, continue to be paid;
- c) To note that all interim arrangements would cease with immediate effect upon the return of the Chief Executive;
- d) That the above interim arrangements be reviewed further in January 2020, if the Chief Executive remained absent.

Reason: To provide suitable cover in the absence of the Chief Executive.

32. Redundancy

Members considered a report which detailed the expenditure associated with the proposed dismissal of two employees on the grounds of redundancy.

The Head of HR explained the background and detailed case surrounding the proposals, which were contained in individual business cases, attached as 'exempt' annexes to the report.

Resolved: That the expenditure associated with the proposed dismissal of two employees on the grounds of redundancy, as detailed in Annexes A and B of the report, be noted.

Reason: In order to provide Members with an overview of the expenditure.

Councillor K Aspden, Chair

[The meeting started at 5.30pm and finished at 5.50pm].



Staffing Matters and Urgency Committee**4 November 2019**

Report of the Interim Head of Paid Services

Pension or Exit Discretion**Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with pension or exit discretions in accordance with council policy.

Background

2. The background and detailed case surrounding each proposal are contained in the individual business cases attached as confidential annexes to this report.

Consultation

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

Options

4. The Committee has the power within the Council's procedures to approve discretionary enhancements to redundancy and/or pension payments. The Committee does not have the power to make lower payments. By law the decisions as to whether or not to make an employee redundant rests with the Chief Executive or Officers nominated by her.

Analysis

5. The analysis of each proposal can be found in the respective business case.

Council Plan

6. 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 Strategy (People Plan).

Implications

- 7. The implications of each proposal can be found in the respective business case.

Risk Management

- 8. 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

- 9. Staffing Matters and Urgency Committee is asked to consider each proposal as detailed in the annexes.

Reason: In order to provide an overview of expenditure and to consider whether the Council should exercise its discretionary powers to make enhancements.

Contact Details

Author:

Trudy Forster
Head of HR
Human Resources
01904 553984

Chief Officer Responsible for the report:

Ian Floyd
Interim Head of Paid Services

**Report
Approved**



Date 25/10/19

Specialist Implications Officer(s):

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None

Annexes:

- Annex A – Confidential Business Case
- Annex B – Confidential Business Case
- Annex C – Confidential Business Case

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of the Local Government Act 1972.

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