

## **Notice of a public meeting of**

### **Staffing Matters & Urgency Committee**

**To:** Councillors Steward (Chair), Aspden (Vice-Chair) and Looker

**Date:** Tuesday, 29 March 2016

**Time:** 5.30 pm

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### **AGENDA**

#### **1. 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.

#### **2. Exclusion of Press and Public**

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

Annexes to Agenda Item 6 (Pension or Exit Discretion) on the grounds that they contain 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).

#### **3. Minutes (Pages 1 - 2)**

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 15 February 2016.

#### **4. 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 **Thursday 24 March 2015 at 5.00 pm**. 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**

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#### **5. Appointment of Chief Executive (Pages 3 - 10)**

This report seeks approval to establish an Appointments Sub-Committee for Chief Officer appointments and to delegate sufficient powers to that Sub-Committee to enable it to conduct the recruitment process, select and recommend for appointment a Chief Executive and Head of Paid Service, subject to the requirements of the standing orders on appointment.

## 6. Pension or Exit Discretion (Pages 11 - 12)

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

## 7. Urgent Business

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

### Democracy Officer:

Name: Judith Betts

Contact details:

- Telephone – (01904) 551078
- E-mail – [judith.betts@york.gov.uk](mailto:judith.betts@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.

**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

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City of York Council

Committee Minutes

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Meeting	Staffing Matters & Urgency Committee
Date	15 February 2016
Present	Councillors Steward (Chair), Looker and Fenton (Substitute for Councillor Aspden)
Apologies	Councillor Aspden

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**69. Declarations of Interest**

At this point in the meeting, Members were asked to declare if they had any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. No interests were declared.

**70. Minutes**

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 1 February 2016 be signed and approved as by the Chair as a correct record.

**71. Public Participation**

It was reported that there had been one registration to speak. Gwen Swinburn did not attend the meeting, however the Chair read out her emailed comments in relation to the recruitment of staff.

The Chair stated that he wanted to make the recruitment process as open as he could, however there needed to be a balance between paid and non paid advertising. He stated that he would take some of the issues raised to the next Group Leader's meeting.

**72. City of York Council Member Representation on the Business Improvement District Board**

The Committee considered a report which asked them to appoint two Members to the York Business Improvement District Board (BID).

It was noted that Councillor Looker had made previous representations when the report had been presented at Executive about greater political balance on the Board.

Resolved: That that the two available BID Board posts set aside for City of York Council be filled by Councillor Steward and Councillor Aspden.

Reason: To ensure balanced representation for the Council on the BID Board and ongoing visible support for local businesses.

### **73. Appointment of Chair for the York Flood Inquiry**

Members received a report which asked them to establish a Panel to interview for the role of Chair of an independent inquiry into the York Floods.

The Chair suggested in regards to the suggested recommendations in the Officer's report, that a panel of three was not sufficient and felt that Group Leaders should be involved in consultation with the Chief Executive.

One Member asked if expressions of interest had been invited for members of the inquiry. It was confirmed this would be carried out once the Chair had been appointed.

Resolved: (i) That a Panel be appointed consisting of the four Group Leaders to interview and appoint for the role of Chair to the Flood Inquiry.

(ii) That further members of the inquiry team be appointed by the Chief Executive in consultation with the Chair of the inquiry and Group Leaders.

Reason: To ensure the appointment of a credible and independent chair for the Flood Inquiry.

Councillor C Steward, Chair  
[The meeting started at 5.30 pm and finished at 5.37 pm].



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**Staffing Matters & Urgency Committee****29 March 2016**

Report of the Head of Human Resources and Organisational Development

**Appointment of Chief Executive****Summary**

1. This report seeks approval to establish an Appointments Sub-Committee for Chief Officer appointments and to delegate sufficient powers to that Sub-Committee to enable it to conduct the recruitment process, select and recommend for appointment a Chief Executive and Head of Paid Service, subject to the requirements of the standing orders on appointment.

**Background**

2. Kersten England, Chief Executive, resigned with effect from 31<sup>st</sup> July 2015. Following a report to this committee on the 8<sup>th</sup> June 2015 and external recruitment process, Steve Stewart was appointed as Acting Chief Executive and took up post on the 1<sup>st</sup> August 2015.
3. The recruitment process for a permanent Chief Executive and Head of Paid Service is likely to take up to 10 weeks as we undertake the necessary search and selection. The successful candidate may then be required to work a period of notice with their current employer, typically for a post at this level of seniority this would be three months.
4. The current acting arrangements would remain in place until a permanent appointee takes up post.
5. On 25<sup>th</sup> June 2015 Executive received a report which confirmed the intention to undertake a review of the job description and pay of the role of Chief Executive. This will happen alongside a review of all other senior manager posts and proposals developed for a revised senior management structure. It was agreed that Steve Walmsley, Employers' Director for Local Government Yorkshire and Humber would support these reviews.

6. The council is not required by statute to appoint a Chief Executive but the council is required to designate one of its officers as Head of the Paid Service (HoPS). The HoPS has a number of statutory duties which relate to the management and direction of the authority to fulfil its responsibilities. Where a council appoints a Chief Executive the council normally designates the Chief Executive as HoPS. The role and responsibilities of a chief executive can broadly be defined as working closely with elected members to deliver the following:
- Leadership: political understanding and management and working with elected members to ensure strong and visible leadership and direction, encouraging and enabling managers to motivate and inspire their teams
  - Strategic direction: vision setting and strategic management ensuring all staff understand and adhere to the strategic aims of the organisation and follow the direction set by the elected members
  - Policy advice: acting as the principal policy adviser to the elected members of the Council to lead the development of workable strategies which will deliver the political objectives set by the councillors
  - Partnerships: leading and developing strong partnerships across the local community to achieve improved outcomes and better public services for local people
  - Operational management: leading communications and cultural change, driving financial and performance management, commercial awareness and commercial activity, risk management, people management and change management within the council

## **Analysis**

7. The role of Chief Executive and HoPS in York is seen as being vital to secure continued strategic leadership of the council and the achievement of our ambitions for the residents of the City. The post is also required to oversee the delivery of the council plan, financial strategy and take overall accountability for delivery of statutory and non statutory services.

## Appointment process

8. The post will be advertised extensively using multiple channels.



9. It is recommended that the post is advertised on the MJ jobs website, as the MJ specialise in advertising senior roles in local government. The advert will also be placed on the CYC jobs website.
10. We will promote the role through the CYC social media channels and will ask our partners and stakeholders to do the same.
11. We will maximise the use of free external advertising on free jobs bulletin boards (e.g.indeed.co.uk) and will actively approach recruitment agents and ask that they submit the details of any candidates who they believe can meet the requirements of the role.
12. To progress quickly with this appointment, subject to the agreement of the appointment committee, it is proposed that the opportunity is advertised on the 8<sup>th</sup> April with a closing date of 25<sup>th</sup> April and that interviews are held during w/c 9<sup>th</sup> May 2016.

#### Remuneration Package

13. In accordance with the City of York Pay Policy Statement, the current salary for this post is £130,000 to £145,000 per annum. It is anticipated that the person appointed would be at the bottom of this range but there is scope to offer a salary above the top of the scale if this was required to secure the appointment of an appropriate candidate.
14. Proposals have been agreed to review the pay for all Chief Officer posts, including the Chief Executive. Steve Walmsley, Employers' Director for Local Government Yorkshire and Humber is to support this review.
15. In advance of this full review Steve has provided pay benchmarking information drawn from the Local Government Association pay database with respect to remuneration of Chief Executive posts. The pay data drawn from 35 Metropolitan and Unitary authorities across the North West and Yorkshire & Humber regions shows the following for Chief Executive posts:
  - The lower quartile salary maximum is £144k
  - The average salary maximum is £158k
  - The upper quartile salary maximum is £178k
16. By comparison the current salary range of Chief Executive in York is £130k to £145k, which would put the salary on offer within the lower quartile.

17. The overall aim is to ensure that we attract a field of very capable and appointable candidates. Since the City of York is a great place to live and work, salary is not everything - but it inevitably will play a key role in attracting candidates for the post.
18. The terms and conditions for this role, like all other Chief Officer posts, have a direct link between the annual Performance Development Review (PDR) process and incremental progression. Any decisions about pay progression through the range can only be made following on the assessment of the achievement of the objectives in the previous year.
19. It is a requirement that any proposed salary offer which is in excess of £100,000 is agreed by Full Council.

#### Appointments Committee

20. The Council's Constitution allows for an Appointments Committee, including at least one member of the Cabinet, to shortlist and interview applicants for a post and to determine who should be recommended for appointment to the vacant post. Statutorily the power to appoint an individual to the position of Head of Paid Service rests with Full Council.
21. It is recommended that the appointment sub-committee should consist of three members on a 1:1:1 proportionate basis. This would mean that there would be one Conservative, one Liberal Democrat and one Labour member on the appointment committee.
22. It is recommended that a technical external advisor is engaged to work with the appointment committee. This could be a current or ex-Chief Executive and would be somebody who could bring technical expertise and an understanding of the requirements of the role and challenge candidates' abilities against these requirements.

#### **Consultation**

23. The proposals in this paper have been discussed with the Regional Employers' Director for Local Government Yorkshire & Humber. If agreed each of the three political groups would be asked to nominate a member to participate in the appointments committee.

### **Options/Analysis**

24. There are no alternative options for members on the recruitment process to consider, other than simply not proceeding with the recruitment to the post. However there is a statutory responsibility for the council to have a Head of Paid Service.
25. Alternatives would include continuing with the existing acting arrangements or to go to the external consultant or interim market and fill the post on this basis for this temporary duration. However neither of these options secures a permanent appointment and the consultant / interim route would incur additional cost.

### **Council Plan**

26. Making an appointment to this post will contribute to the continued delivery of the Council Plan and its priorities.

### **Implications**

27. The following implications have been considered:
  - **Financial** – The salary cost will be managed from within existing budgets and we will seek to minimise recruitment costs.
  - **Human Resources (HR)** – The job description for the Chief Executive has been subject to the Council's established job evaluation mechanism, the grade established for the post and the agreed Council Pay Policy. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. The appointment will be carried out in accordance with the Chief Officer recruitment protocols.
  - **Equalities** - There are no specific equalities implications.
  - **Legal** – The Council has a statutory duty to appoint a Head of Paid Service under the Local Government and Housing Act 1989.
  - The Appointments Committee is created pursuant to S.102 (1)(c) of the Local Government Act 1972 and its terms of reference are to shortlist for, interview and recommend for appointment to the position of Head of Paid Service.

The proceedings of the Appointments Committee are likely to be held mainly in exempt session due to the nature of the information that it will be considering.

The process of appointing officers of this level is regulated by the Local Authority (Standing Orders) (England) Regulations 2001. Amongst other things, these regulations require that an appointment committee must include at least one member of the Executive and further, that no formal offer of appointment may be made until all members of the Executive have been informed of the details of the intended appointee, and have raised no objection within the specified period, (usually 5 clear days). Full Council must also approve the appointment before an offer of appointment is made.

- **Crime and Disorder** – There are no crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

### **Risk Management**

28. The risk of no or delayed appointment could risk delivery against the Council Plan and its priorities.

### **Recommendations**

29. It is recommended that the Committee:
  - i. Approve the advertisement of the post of Chief Executive and Head of paid Service at the job evaluated salary of £130,000 to £145,000.
  - ii. Agree to advertise the opportunity on a national jobs website, the CYC jobs website, promote the opportunity on social media and ask recruitment agents to present appropriate candidates for the role.
  - iii. Agree that an Appointments Sub-Committee is established and authorised to shortlist, interview, and recommend for appointment subject to the necessary employment procedures. The sub-committee should consist of three members, on a 1:1:1 proportionate basis. This would mean that there would be one Conservative, one Liberal Democrat and one Labour member on the Appointment Committee.

- iv. To recommend to Full Council approval of this salary package as this would be in excess of £100,000.

Reason: To allow appointment of the Chief Executive and Head of Paid Service to be made.

**Contact Details**

**Author:**

Mark Bennett  
Head of Human Resources  
& Organisational  
Development  
Ext 4518

**Chief Officer Responsible for the report:**

Ian Floyd  
Director of CBSS

**Report  
Approved**



**Date**

17 March  
2016

**Specialist Implications Officer(s)**

Legal: Andrew Docherty, Assistant Director, Governance and ICT  
ext 1004

Finance: Debbie Mitchell, Corporate Finance Manager ext 4161

HR: Mark Bennett, Head of Human Resources & Organisational  
Development ext 4518

**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****29 March 2016**

Report of the Director of Customer and Business Support 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 to be circulated at the meeting as 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 him.

**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.

**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:**

Mark Bennett  
Head of Human Resources  
& Organisational  
Development  
Ext 4518

**Chief Officer Responsible for the report:**

Ian Floyd  
Director of Customer and Business  
Support Services

**Report**  **Date** 17 March  
**Approved**  2016

**Specialist Implications Officer(s):**

**Wards Affected:** *List wards or tick box to indicate all* **All**

**For further information please contact the author of the report**

**Background Papers: None**  
**Annexes**

Individual Business Cases (confidential and to be circulated at the meeting)