



Notice of a public meeting of

Staffing Matters and Urgency Committee

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

Date: Monday, 14 July 2025

Time: 5.30 pm

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

AGENDA

1. Apologies for Absence

To receive and note apologies for absence.

2. Declarations of Interest (Pages 5 - 6)

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]

3. Minutes (Pages 7 - 12)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 2 June 2025.

4. 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, 10 July 2025.

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.

5. Changes to Membership of Committees and Other Bodies (Pages 13-16)

At the Annual Council meeting on 22 May 2025, appointments were made to Committees, Sub-Committees and Outside Bodies for the 2025/26 municipal year. A further change is required to the membership of SACRE.

6. Recruitment of Head of Paid Services (Pages 17 - 26)

The Chief Operating Officer (COO) who holds the designation of Head of Paid Services has given an early indication of notice that he will be retiring from his post from April 2026. This report seeks approval to proceed with options available for the replacing of the COO, and to establish an Appointment Sub-Committee for a Head of Paid Service appointment.

7. Work Plan (Pages 27 - 28)

To consider the Committee's draft work plan for the municipal year 2025-2026.

8. City of York Trading Limited and Work With York Limited - Appointment of Director and Chair Nominations (Pages 29 - 38)

This report seeks the committee's approval: To nominate Councillor Claire Douglas as the Chair of the Board of Directors of City of York Trading Ltd, to appoint City of York Council's representative on the Board of Directors of Work with York Limited (WWY) for the continued provision of agency workers to the Council, and to nominate Councillor Claire Douglas as Chair of the Board of Directors of WWY.

9. Urgent Business

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

Democratic Services Officer

Reece Williams

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

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- Business of the meeting
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Contact details are set out above.

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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 آپ کی اپنی زبان (بولی) 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	2 June 2025
Present	Councillors Douglas (Chair), Kilbane (Vice-Chair), and Ayre
Officers in attendance	Helen Whiting – Chief Officer, HR and Support Services

18. Apologies for Absence (5:30pm)

No apologies for absence were received.

19. 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.

20. Minutes (5:31pm)

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 13 January 2025 be approved and then signed by the Chair as a correct record.

21. Public Participation (5:31pm)

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

22. Appointment of New YorWaste Director (5:31pm)

The Chief Officer, HR and Support Services presented the report and noted that there was a requirement to appoint a new City of York Council (CYC) representative on the board of directors for Yorwaste due to the resignation of the current board member, the former CYC Director of Environment, Planning and Transport. It was reported that the recommended appointment of the Director of Finance to this position would be an interim measure ahead of the new Director of Environment commencing in August 2025 who would then be proposed as the new representative on the board of directors for Yorwaste.

Resolved: That the committee:

- i. Approved the appointment of the Council's Director of Finance to represent the Council on the board of directors for Yorwaste following the resignation of the Council's Director of Environment, Transport and Planning.

Reason: To ensure that Yorwaste continues to meet the requirements of the Control Test under Schedule 2, Part 1, Para. 2 of the Procurement Act 2023.

- ii. Delegated 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.

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

23. Market Supplement for Corporate Director of Children and Education Services (5:36pm)

The Chief Officer, HR and Support Services presented the report proposing a market supplement to the role of Corporate Director of Children and Education (CDCE) to ensure that the role remained competitive, this had been prompted by a recent vacancy at another Council and an assessment of risk should the current post holder leave CYC.

In response to questions from members, the Chief Officer, HR and Support Services presented the report confirmed that following approval of the recommendations, work would be undertaken to apply a pro-rata clawback clause into the agreement with the CDCE for up to four years.

Members discussed the work and successes achieved by the children's services directorate, and the role of the CDCE, and the following points were raised:

- Keeping the current CDCE was important for the ongoing work of children's services
- An improved salary for the CDCE role would retain the post holder for the benefit of CYC and young people.
- There were concerns with the benchmarking method used to compare salaries of senior officer roles from nearby local authorities (LAs) as they didn't take into account the different budgets held by the directorate, and comparisons instead against similar sized LAs would be beneficial, however the method used was beneficial in highlighting areas where CYC may lose staff to.

The Committee voted two in favour and one against the recommendations in the report, and it was resolved that:

- The committee approved:
 - i. A market supplement for the post of Corporate Director of Children and Education Services.
 - ii. That subject to approval, the supplement will be monitored by the Chief Officer, HR and Support Services. As part of regular reports to the committee relating to market supplements and retention payments, this supplement would be presented.

Reasons:

- i. To ensure that the post is competitive in the current market and not risk the departure of the current post holder.
- ii. There is a very real flight risk of the current postholder leaving CYC on the grounds of career development to a larger authority and/or on the grounds of seeking a higher salary for a comparable role with another Council. The postholder is prepared to dedicate time and resources to CYC should a supplement be approved. The continuity of leadership is advantageous to lead on the social care reforms and maintain the outstanding status of Ofsted. Learning and shared ambition can also continue with fellow colleagues as we work on a one council basis to achieve the best outcomes for the children and families that we support in the City.

24. Workforce Profile as at Quarter 4 2024/25 (5:54pm)

The Chief Officer, HR and Support Services presented the report and noted that CYC's FTE and headcount has increased since the last report, however, since teams had undergone changes like for like comparisons were not possible. It was also noted that CYC's average age had decreased to 47 years which was still higher than the average within Yorkshire and the Humber.

In response to questions from members, the Chief Officer, HR and Support Services confirmed that:

- The increasing headcount number would be expected to flatline shortly as the council continues to review services.
- The high number of new starters and leavers within the Housing and Communities Directorate was partly down to the number of internal recruitments and promotions which was a positive story for the directorate, and partly due to the recent TUPE transfer to the Council
- HR teams had delivered training to managers on short and long term sickness absence, and reinforced occupational health and tools such as Medigold.

- There had been a recent increase in the declaration of protected characteristics across the workforce following promotion and awareness, and there had also been engagement with the staff networks to assist with promotion.
- CYC's gender pay gap was more positive in favour of women than men, and that although the gender pay gap was small, Officers were not complacent. This year CYC had also voluntarily published a disability and ethnicity pay gap report based on the data available (these were available on the York Open Data platform).

Resolved: That the committee noted the workforce profile provided in Annex A of the report.

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

25. Redundancy, Pension and Exit Discretions Expenditure (6:11pm)

The Chief Officer, HR and Support Services presented the report and provided clarification in that the Discretionary elements for Employee 2 and 5 within Table 1 on page 47 of the agenda; for these employees it was explained that the 'discretionary element' was the pension payment that was due as these employees were eligible for their pension on redundancy in accordance with the Local Government Pension Scheme and the Pension Discretions Policy (hence the term 'discretion' used in the table). It was confirmed that there was no additional discretion or payment beyond a statutory redundancy and the individual employees' pension entitlement, and that in order to be entitled to pension when made redundant, an employee must be 55 years or over. Table 2 showed a summary of all exit payments over the last 12 months and included those in Table 1. Table 2 had multiple employees in numerous lines, and summarised costs were therefore provided. The Chief Officer – HR and Support Services would look to amend the tables for future meetings for greater clarity.

Resolved: That the committee noted the expenditure and cases that have been approved.

Reason: To provide an overview of expenditure.

26. Work Plan (6:18pm)

Resolved: That members considered the work plan for the municipal year 2025-2026.

Reason: To ensure the Committee maintains a programme of work for the municipal year 2025-2026.

Cllr Douglas, Chair

[The meeting started at 5.30 pm and finished at 6.19 pm].



Staffing Matters and Urgency Committee

14 July 2025

Report of the Director of Governance and Monitoring Officer

Changes to Membership of Committees, Joint Committees administered by other Councils, Regional Local Authority Bodies and Other Bodies**Summary**

1. At the Annual Council meeting on 22 May 2025, appointments were made to Committees, Sub-Committees and Outside Bodies for the 2025/26 municipal year. A further change is required to the membership, as set out in section two of the report.

Background

2. Further to the list of appointments made at the Annual Meeting, Staffing Matters and Urgency Committee has authority to deal with any in-year changes or appointments to any Committees and Outside Bodies, and the following changes are put forward for consideration:

SACRE (Standing Advisory Council on Religious Education)

The Staffing Matters and Urgency Committee is being asked to confirm the appointment of Tony Lawton, representing Faith/Catholic, to SACRE's Group A.

Consultation

3. Normal processes to consult the relevant political Group have been applied. No further consultation is required.

Options

4. The options available to the committee are to accept the recommended appointment or to reject the proposal.

Council Plan

5. Maintaining an appropriate decision-making and scrutiny structure, particularly in ensuring that appointees contribute to the Council effectively, delivering its core priorities as set out in the Council Plan.

Implications

6. There are no known implications in relation to the following key areas:
 - Financial
 - Human Resources (HR)
 - Equalities
 - Crime and Disorder
 - Property
 - Other

Legal Implications

7. The Council has a statutory obligation to make appointments to Committees, Advisory Committees, Sub-Committees and certain other prescribed bodies in accordance with the political balance rules. These rules may only be waived where no Member votes against the proposal.

Risk Management

8. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendation in this report.

Recommendations

9. Staffing Matters and Urgency Committee is asked to consider and approve the change to committee and outside body appointments as set out in section two of the report.

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

Contact Details

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Chief Officer Responsible for the report:

Bryn Roberts

Director of Governance and
Monitoring Officer

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Report

Approved



Date 3 July 2025

Specialist Implications Officers

Not applicable

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

14 July 2025

Report of the Chief Officer – HR and Support Services on behalf of Executive Leader

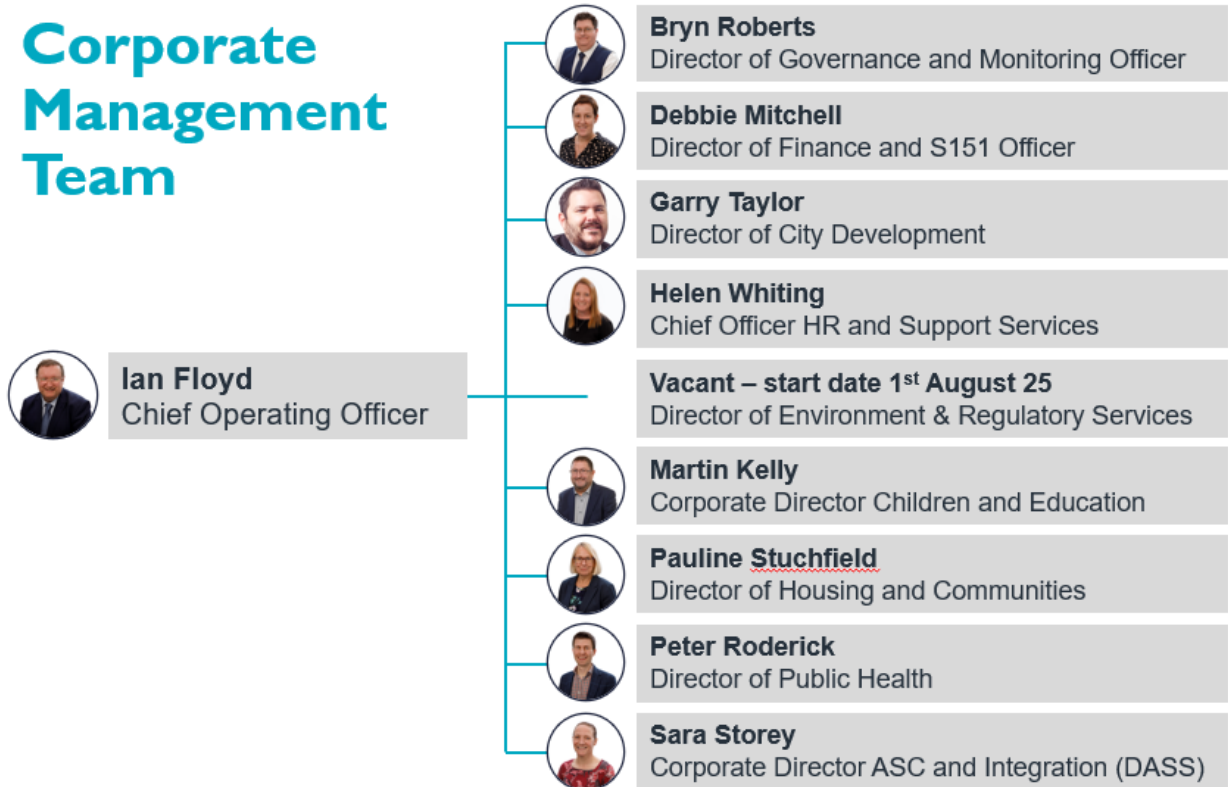
Recruitment of Head of Paid Services**Summary**

1. The Chief Operating Officer (COO) who holds the designation of Head of Paid Services (HoPS) has given an early indication of notice that he will be retiring from his post Easter 2026, (beginning of April 2026).
2. This early notification is useful to assist with the preparation of a replacement HoPS and inform the workforce, partners and other stakeholders accordingly. It will also aid a smooth leadership transition especially as an external recruitment campaign and likely notice period of a successful candidate could be between 6-8 months with appropriate approvals. Preparation is, therefore, required to progress a campaign.
3. This report seeks approval to proceed with the recommended option of replacing the COO post with a Chief Executive position and establish an Appointment Sub-Committee for a Head of Paid Service / Chief Executive Appointment, in accordance with paragraph 3.5 of Article 11 of the Constitution. This includes to delegate sufficient powers to that Sub-Committee to conduct the recruitment process, select and make a recommendation of a successful candidate to Full Council for approval of the appointment.

Background

4. The COO has been in post since November 2020. He was formerly the Deputy Chief Executive and Director of Customer and Corporate Services from 2016 and prior to that was Director of Customer and Business Support Services 2008.

5. The following is the current structure of Corporate Management Team headed and managed by the COO. There is no proposed change to the structure prior to recruitment of a new Chief Executive / Head of Paid Services, however, it is likely that there would be expected to be a review of the layers beneath a Chief Executive to ensure that there is sufficient capacity for internal focus. There is, therefore, likely to be a review of Corporate Management Team on the appointment of a ChEx.



Options for Replacing the Chief Operating Officer

6. There is a range of options available to consider the replacement of the current COO / Head of Paid Services. It should be noted that there is not the option to 'do nothing' as there must be a Head of Paid Services. Options include:
- Replace like for like and recruit to a new Chief Operating Officer which will fulfil the role of Head of Paid Services
 - Replace with a Chief Executive (ChEx) which will fulfil the role of Head of Paid Services (Recommended)**
 - Do not replace the Chief Operating Officer role and designate an existing Chief Officer with the role of Head of Paid Services
 - Consider a shared Head of Paid Service with another Council on an interim or permanent basis.

7. The recommended option is **Option B**, replace the COO with a Chief Executive.
8. Whilst **Option A** is the current model, in practice the COO has operated as a Chief Executive as time and demands have evolved. The role implements the Executive's decisions including focus on long term goals, leads strategic and risk management of the Council, provides a clear vision of how the workforce can meet its objectives, provides leadership to the community and residents, is the principal advisor to elected members and works closely with the Executive to set the strategic direction of the Council and represent the council on external bodies.
9. It is suggested that in terms of attraction, more applicants will be drawn to a Chief Executive role and title than a COO role, and there is greater chance of an experienced Chief Executive or deputy Chief Executive showing interest in a chief executive role.
10. In the current climate of local government reorganisation and devolution, there may be current Chief Executives of smaller Councils interested in a new position and York has a good and attractive employer brand to its advantage.
11. **Option C** to designate an existing Chief Officer with the role of Head of Paid Services, would immediately require a restructure of the corporate management team to ensure capacity across the directorates is maintained. A Head of Paid Services designation must be a stand-alone statutory role and cannot be added to another statutory officer role. This option would mean recruiting to an existing Chief Officer role.
12. **Option D** is discounted as this option as this has not been explored to date and is not feasible given the timescales available. This option would have wider implications for both on the workforce and political structure.

Chief Executive Role Versus a Chief Operating Officer

13. CYC formerly appointed a ChEx up to March 2020. In response to national and local events, the former Administration created and adopted a Leader model, when the ChEx post became vacant. This model meant the (former) Leader would be more outwardly focused in place of a Chief Executive, and a COO would be appointed to strengthen the internal focus as it was forecasted that strong leadership would be needed ahead of the emerging COVID challenge alongside other key impacts of Brexit, climate change commitment, York Central and other large infrastructure projects which were all on the horizon. As such, a COO model was created and other chief officers and senior members would take more responsibility for external activities and specifically the responsibility for representing the Council's interests at a local, regional and national level.
14. The COO has successfully navigated the workforce and the City through these projects and is now presented with new challenges such as the Combined Authority, changing partner dynamics, changing demand in our social care services and an ambitious economic and regeneration agenda. As time has moved on, we were faced with a need for a different focus and leadership of the workforce to meet the new challenges. This includes working differently and collegiately with our key city partners to deliver success.
15. The pending retirement of the current COO has given the opportunity to reflect on the current model, how the current COO is operating as a Chief Executive, the future as well as reflecting on the tones and feedback of the 2024 peer challenge reports which observed the need to be more outwardly focussed and build on the existing good partner relationships and joint opportunities. Great steps and progress have been taken to do this, and the COO has undertaken this role. This is led through strong visible leadership working side by side with the Executive to show a united and responsive Council team to deliver the ambitions for the City and our residents.

Remuneration Package

16. The Committee is asked to confirm the pay package for this post which will be offered as part of the recruitment process.
17. There remains a Chief Executive pay structure and salary range, albeit, dormant and not used. The pay structure is, therefore, not new. The salary ranges from £154,693 to £172,308 (the Chief Executive band includes an additional 3 increments to the COO range). The 2025/26 pay award is also pending and remains subject to national pay bargaining negotiations. The role has a standby payment attached to it which equates to £19.95 per month for emergency standby rota.
18. The role will have access to the standard set of Chief Executive Terms and Conditions. It is also proposed that relocation costs may be reimbursed up to a maximum of £8,000 as per the council's policy which is line with HMRC rates. There are no enhancements, bonuses or additional discretions attached to the role.
19. There are very few Councils with a COO model, most have a Chief Executive model. Comparing CYC's Chief Executive salary band with similar sized Councils it is clear that the salary is competitive at the higher end of the salary band. It would, therefore, not be suggested that there is a need to review the salary range in the first instance, but the salary is promoted at the upper end of the range.

Council	Chief Executive Salary (pending 2025 pay award)
City of York (population 202,800)	Up to £172,308
Stockton Borough Council (population 196,595)	£173,252
North Tyneside Council (population 208,967)	£168,104
Calderdale Council (population 206,631)	£163,196

(To note for comparison COO max salary is £163,499)

Appointments Committee

20. As noted above, the Council's Constitution allows for the Staffing Matters and Urgency Committee to establish an Appointments Committee, including at least one member of the Executive, to interview applicants for a Chief Executive post. There will also be various panels as part of the selection process, prior to the Appointments Committee making a recommendation to Executive and then Full Council. Full Council will consider agreeing the appointment, in line with the Council's Constitution and statutory guidance for the appointment of a Head of Paid Service.
21. To attract the strongest field of candidates with the right knowledge and skills there will be a need for a dedicated experienced head hunt exercise and arrangements will be made to appoint a specialist executive recruitment agency. Officers will, however, be preparing a microsite and the recruitment campaign packs. It is anticipated that an exercise of this nature will cost in the region of £25k to £30k, quotes will be obtained, and procurement processes will be followed.

Proposed Timetable

22. Subject to approval of the Committee it is proposed that the following timetable will be followed as closely as possible but may be subject to change depending on availability to key officers and stakeholders involved in the recruitment and appointment process.

Activity	Planned date
Recruitment Campaign live w/c 28 th July or 4 th August running to 1 st September	w/c 28 th or 4 th August to 1 st September
Longlisting w/c 8 th September –	w/c 8 th September
Shortlisting w/c 15 th September	w/c 15 th September
Various Panel interviews w/c 22 nd September	w/c 22 nd September
Final Interview w/c 29 th September	w/c 29 th September
Executive to be given option for any objections to recommended candidate (5 working days)	w/c 29 th September
Appointment made subject to Full Council approval – to remain confidential, pre-employment checks to commence	w/c 29 th September
Full Council approval required for appointment of New ChEx	Date to be confirmed following SMUC in July
Following approval from Full Council successful candidate will be formally appointed and will give notice period	October / November
Onboarding and handover with start date expected to be Easter 2026	March / April 2026

Council Plan

23. Making an appointment to the Head of Paid Service post will contribute to delivering the Council Plan and its priorities as well as ensuring that the Council remains statutory compliant.

Implications

24. The following implications have been considered:

- **Financial and procurement** - The cost of associated recruitment will be managed within existing departmental budgets as is common practice. The cost for the proposed salary is forecast to be a maximum of £220.5k which includes oncosts. The COO staffing costs (including oncosts) are currently £208.3k. The difference between the COO and Chief Executive roles (£12.2k) will be made from existing budgets.
- **Human Resources (HR)** – The job description for the post will be submitted and subjected to the council's established job evaluation mechanism and reflects the national job evaluation framework for Chief Executives. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers and the appointment will be carried out in accordance with the Chief Officer recruitment protocol.
- **Equalities** - There are no specific equalities implications relating to the impact of this report.
- **Legal** – The approach in this report seeks to ensure that the Council continues to meet its statutory requirements as set out in the Constitution. Under section 4 of the Local Government and Housing Act 1989, the Council is required to designate an Officer as the Head of Paid Service

All Chief Officer posts are politically restricted pursuant to the Local Government and Housing Act 1989.

In addition, the recruitment must be carried out in accordance with the provisions of [Part II](#) of Schedule 1 to The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

Risk Management

25. The risk of no or a delayed appointment could risk delivery against the Council Plan and its priorities. Should there not be a suitable candidate to appoint, further options will be presented to the Committee for recommendation to Full Council.

Recommendations

26. It is recommended that the Committee:
- a. approves the recruitment of a Chief Executive as a replacement of the Chief Operating Officer following the early notification that the post holder intends to retire at Easter 2026 **(paragraphs 6 to 15)**.
 - b. confirms the pay package for the role of Chief Executive to allow the post to be advertised **(paragraphs 16 to 19)**.
 - c. establishes an Appointments Sub-Committee for the role. To delegate sufficient powers to the Sub-Committee enabling them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment **(paragraphs 3 and 20)**.
 - d. approves the engagement of an executive recruitment consultant to undertake an executive search to aid the recruitment process, this process will follow procurement processes **(paragraph 21)**.
 - e. Notes the proposed timetable for the recruitment campaign **(paragraph 22)**.

Reason: To allow timely appointment to the Head of Paid Services / Chief Executive in line with the council's Constitution and relevant legislation, as well as to ensure that there is a handover and seamless transition of leadership when the Chief Operating Officer retires.

Contact Details

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Chief Officer Responsible for the Report

Helen Whiting
Chief Officer – HR and Support
Services

Report
Approved

✓

Date 3 July 2025

Specialist Implications Officer(s):

Bryn Roberts – Director of Governance and Monitoring Officer
Debbie Mitchell – Director of Finance

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

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
Draft Work Plan 2025/26
(updated 30 June 2025)

2025/26

Date	Proposed Reports
14 July	<ul style="list-style-type: none"> 1. Changes to Membership of Committees and Other Bodies 2. Recruitment of Head of Paid Services 3. City of York Trading and Work With York Limited - Appointment of Director and Chair Nominations
1 September	<ul style="list-style-type: none"> 1. Workforce demographics as at 30 June 2025 2. Redundancy, Retirement and Settlement Agreements
24 November	<ul style="list-style-type: none"> 1. Workforce demographics as at 30 September 2025 2. Redundancy, Retirement and Settlement Agreements
25 January 2026	<ul style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
25 February	<ul style="list-style-type: none"> 1. Workforce demographics as at 31 December 2025 2. Redundancy, Retirement and Settlement Agreements
20 April	<ul style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements

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Staffing Matters and Urgency Committee

14 July 2025

Director of Governance and Monitoring Officer

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

**City of York Trading Limited and Work With York Limited
– Appointment of Director and Chair Nominations**

Introduction

1. This report seeks approval on three proposals,
 - a. to nominate Councillor Claire Douglas as Chair of the Board of Directors of City of York Trading Ltd. (“**CYT**”);
 - b. to appoint the Council’s representative on the Board of Directors of Work with York Limited (“**WWY**”), for the continued provision of agency workers to the Council; and
 - c. to nominate Councillor Claire Douglas as Chair of the Board of Directors of WWY.

General context and Background*City of York Trading Limited*

2. Councillor Claire Douglas was nominated as one of the CYC Representatives of CYT at Full Council on 22nd May 2025. This report seeks approval for Councillor Douglas to be the Chair of CYT as detailed at paragraph 16.

Work with York Limited

3. Work With York is established as what has been referred to historically as a “*Teckal* company.” This enabled the Council to take advantage of the exemption contained under Reg 12(1) of the Public Contract Regulations 2015 (“**the Teckal Exemption**”) and

the arrangements under Schedule 2, Part 1, Para. 2 of the Procurement Act 2023 (also called “**Vertical Arrangements**”), to award long-term contracts to the company for the supply of services without the requirement to undertake a public procurement exercise, **PROVIDED THAT** all of the following three conditions are met:

- i. the Council, either on its own or jointly with other contracting authorities, exercises a similar degree of control over the WWY as it does over its own departments (in other words, the Council exercises a decisive influence over both strategic objectives and significant decisions of the Company) (the “**Control Test**”);
 - ii. WWY must be inwardly, not outwardly focussed, in that more than 80% of the work undertaken is for the benefit of the Council or for other organisations controlled by the Council (averaged over 3-years) (the “**Function Test**”); and
 - iii. there is no direct private capital participation in the WWY except for no controlling and non-blocking forms of private capital participation required by national legislative provisions, which do not exert a decisive influence on the company.
4. The governance arrangements for WWY are set out in the articles and a shareholders’ agreement, dated 1st April 2021. These are drafted to reflect local authority control and the *Teckal* Exemption and/or the *Teckal* Exemption and/or the requirements for Vertical Arrangements under the Procurement Act 2023.
 5. The shareholders’ agreement includes a number of provisions including the appointment of Directors and the chair, the frequency of board meetings, and the requirement to prepare an annual business plan and budget.
 6. The agreement also includes a number of reserved matters which require prior approval of the Council as WWY’s sole shareholder.

7. The WWY Board of Directors currently comprises:

Name	Position
Cllr Ian Cuthbertson	Chair and Non-Executive Director
Cllr Kallum Taylor	Non-Executive Director
Cllr Jason Rose	Non-Executive Director
Ann Vickers	Non-Executive Director
Lisa Wood	Non-Executive Director
Chloe Kerridge-Phipps	Non-Executive Director
Karen Bull	Managing Director

8. The Council also has arrangements in place to maintain oversight over the strategic direction and performance of WWY. They also ensure that the company's purpose and aims continue to be aligned to their own priorities.
9. This oversight involves the approval of WWY's company business plan and annual budget by the Council Shareholder Committee and the periodic reporting of performance including the submission of audited financial statements and an annual report.
10. Together with the articles and shareholders' agreement, these arrangements help the Council to demonstrate the degree of control required to satisfy the *Teckal* Exemption and/or the *Teckal* Exemption and/or the requirements for Vertical Arrangements under the Procurement Act 2023.
11. In order to meet the requirements of the Control Test under the *Teckal* Exemption and/or the *Teckal* Exemption and/or the requirements for Vertical Arrangements under the Procurement Act 2023, the Council is required to have a presence on the Board of Directors for the Company to make sure the member authorities take part in the operational day-to-day decision making and management of WWY.
12. The Council needs to appoint a representative to the board of WWY in order to have a voice in the decision making and operation and management of the company.

Proposals

13. The following three proposals (paragraphs 14, 15 and 16) have been presented to Shareholder Committee on 23rd June 2025, and were approved in principle subject to agreement by Staffing Matters Committee. This is in accordance with Article 12 of Council's Constitution, paragraph 1.4a which states that non-executive directors (non-salaried) are appointed by the Shareholder committee in conjunction with the Council's Staffing Matters and Urgency Committee.
14. It is therefore, proposed that Councillor Claire Douglas is appointed to the Board of Directors of WWY as a Non-Executive Director. In addition, to this it is requested to approve the delegated authority to the Managing Director of WWY to make all the necessary filings with the Registrar of Companies at Companies House and necessary updates to the statutory registers and local administration in relation to this appointment.
15. On approval of appointment of Councillor Douglas as Director, it is proposed to nominate Councillor Douglas as Chair of the Board of Directors of WWY, following the stepping down of the previous chair, Councillor Ian Cuthbertson. Councillor Cuthbertson will continue as a Non-Executive Director on the Board
16. As noted in paragraph 2, Councillor Douglas was appointed as the Council's representative for CYT at Full Council on 22nd May, 2025. It is further proposed to nominate Councillor Claire Douglas as Chair of the Board of Directors of CYT, following the stepping down of the previous chair, Councillor Ian Cuthbertson. Councillor Cuthbertson will continue as a Non-Executive Director on the Board.

Recommendations and Reasons

17. It is recommended that the Staffing Matters and Urgency Committee:
 - a. approve the appointment of Councillor Claire Douglas to represent the Council on the Board of Directors for City of York Trading Limited and Work With York Limited (*paragraph 14*);
 - b. approve the delegated authority to the Managing Director of

Work with York Limited to make all the necessary filings with the Registrar of Companies and necessary updates to the statutory registers and local administration in relation to this appointment (*paragraph 14*);

- c. approve the appointment of Councillor Claire Douglas to act as Chair on the Board of Directors for Work With York Limited (*paragraph 15*); and
- d. approve the appointment of Councillor Claire Douglas to act as Chair on the Board of Directors for City of York Trading Limited (*paragraph 16*),

For the following reasons:

- i. to ensure that City of York Trading Limited and Work With York Limited meets the requirements of the Control Test under the *Teckal* Exemption under contained under Reg 12(1) of the Public Contract Regulations 2015 and the requirements for Vertical Arrangements under Schedule 2, Part 1, Para. 2 of the Procurement Act 2023.

Financial Implications

- 18. There are no financial implications arising from this report.

HR Implications

- 19. There are no HR implications arising from this report, however, should a conflict of interest arise between the Council and the Company 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.

Legal Implications

- 20. Article 20.2 of the articles of association for both companies (which are on identical terms) states that each company shall procure that the Directors shall appoint the Council Non-Executive Directors recommended by the Council (acting as sole shareholder of each company), and that the Council shall recommend for appointment a replacement Council Non-Executive Director should the number of Council Non-Executive Directors fall below the agreed number

specified in the Shareholders Agreement

21. Clause 7.1 in both:

- a. the Shareholders Agreement between the Council and CYT dated 1st April 2021; and
- b. the Shareholders Agreement between the Council and WWY 24th November 2024,

states that the minimum number of Directors for each company shall be six (6), of which at least three (3) Directors should be elected Members or officers of the Council, appointed by the Council as Non-Executive Directors.

- 22. Clause 7.6 of both Shareholders Agreements states that each company shall procure that its Board of Directors shall appoint the Council Non-Executive Directors recommended by the Council's Shareholder Committee, and the Shareholder Committee shall recommend for appointment a replacement Council Non-Executive Director should the number of Council Non-Executive Directors fall below the number specified in Clause 7.1.
- 23. Clause 7.7 of both Shareholders Agreements requires that each company shall procure that its Board of Directors shall appoint the Council Non-Executive Director recommended by the Shareholder Committee as Chair.
- 24. Paragraph 1.4(a) of Article 12 (**Shareholder Committee**) of the Council's Constitution requires that any Council Non-Executive Directors appointed by the Shareholder Committee in accordance with the Articles and/or Shareholder Agreement of the Company must be done so in conjunction with the Council's Staffing Matters and Urgency Committee.
- 25. Paragraph 5.2 of Article 12 (**Shareholder Committee**) of the Council's Constitution goes further and states that any decision to approve the appointment, dismissal, and terms and conditions of Council Non-Executive Directors (including where applicable the Chair of the Company) are reserved exclusively to the Staffing Matters and Urgency Committee. Therefore, any recommendation from the Shareholder Committee to approve the appointment, dismissal, and terms and conditions of Council Non-Executive

Directors (including where applicable the Chair) is subject to the decision of the Staffing Matters and Urgency Committee. The appointment of Councillor Claire Douglas as a Council Non-Executive Director for both CYT and WWY, as well as the proposal for Councillor Claire Douglas to act as Non-Executive Chair for both companies, was approved in principle by the Shareholder Committee on 23rd June 2025, subject to the decision of the Staffing Matters and Urgency Committee.

26. Any decision to appoint, or not to appoint, any particular individual to the board of either company 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.
27. The appointment by the Council of Directors to Board of Directors of both of these companies will help to enable both companies to meet the requirements of the *Teckal* Exemption.

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.

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.

With this in mind, appointment by the Council of a Non-Executive Director to the boards of CYT and WWY will help to ensure that both companies will remain compliant with the *Teckal* Exemption under Regs 12(1), 12(4) and 12(5) of the Public Contract Regulations 2015 Schedule 2, Part 1, Para. 2 of the Procurement Act 2023.

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Report

Approved

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Date 27 June 2025

Specialist Implications Officer(s): List information for all

Financial: Debbie Mitchell – Director of Finance

Legal: Dan Moynihan - Senior Lawyer

HR: Helen Whiting - Chief Officer – HR and Support Services

Wards Affected: List wards or tick box to indicate all

All

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For further information please contact the author of the report

Background Papers:

Shareholder Committee Report 23 June 2025 - City of York Trading
Limited and Work With York Limited Update

<https://democracy.york.gov.uk/documents/s184054/CYT%20and%20WWY%20Update%20June%202025.pdf>

Full Council Supporting Documents Further Update – Formal Business of
Council – Committee Arrangements, Allocation of Seats and
Appointments to the Council Structure and other Bodies 2025/26 – 22
May 2025

<https://democracy.york.gov.uk/documents/s183348/Further%20Update%201%20-%20Appointments%20to%20Committees%20and%20Outside%20Bodies%202025.pdf>

Annexes:

None.

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