

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

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

- To:** Councillors Gillies (Chair), Aspden (Vice-Chair) and Looker
- Date:** Monday, 4 February 2019
- Time:** 5.30 pm
- Venue:** The Craven Room - Ground Floor, West Offices (G048)

### **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 Items 7 to 9 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 - 6)**

To approve and sign the minutes of the Staffing Matters & Urgency Committee meetings held on 13 December and 20 December 2018.

### **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 **Friday 1 February 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 Officers 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 Officers (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\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

**5. Changes to Membership of Committees, Joint Committees administered by other Councils, Regional Local Authority Bodies and Other Bodies (Pages 7 - 10)**

This report seeks approval for amendments to committee memberships as detailed in the report.

**6. Proposals to Negotiate and Consult on Chief Officer Pay Policy (Pages 11 - 20)**

This report provides an overview of the proposed Chief Officer Pay Policy.

**7. Interim Arrangements for the Temporary Cover of the Assistant Director of Legal & Governance (Pages 21 - 42)**

This report sets out and seeks approval to the Director of Customer and Corporate Services' proposals to recruit an interim Assistant Director, Legal & Governance, which are based on operational need and are made in line with the council's constitution arrangements.

**8. Pension or Exit Discretion (Pages 43 - 48)**

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

**9. Redundancy (Pages 49 - 54)**

This report advises the Committee of the expenditure associated with the proposed dismissal of an employee on the grounds of redundancy.

**10. Urgent Business**

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

Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

(If contacting by email, please send to both Democracy Officers named above).

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 (Polish)  
własnym języku.

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

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Meeting	Staffing Matters & Urgency Committee
Date	13 December 2018
Present	Councillors Gillies (Chair) and Aspden (Vice-Chair)
Apologies	Councillor Looker

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#### **42. 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.

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

Resolved: That the press and public be excluded from the meeting during the consideration of annexes to Agenda Items 6 and 7 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).

#### **44. Minutes**

Resolved: That the minutes of the Staffing Matters and Urgency Committee meeting held on 5 November 2018 be approved and then signed by the Chair as a correct record.

#### **45. Public Participation**

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

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

Members noted that at the Annual Council meeting on 24 May 2018, appointments were made to committees, sub-committees and other bodies for the 2018/19 municipal year and that it was now necessary to make changes to the membership of committees and other bodies.

Members agreed that Staffing Matters & Urgency Committee had the authority to deal with any changes or appointments to committees and other bodies, and they noted the following proposed changes as detailed in the agenda papers:

Customer & Corporate Services Scrutiny Management Committee

Cllr Douglas to replace Cllr Brooks on this committee.

Children, Education & Communities Policy & Scrutiny Committee

Cllr Douglas to replace Cllr Brooks on this committee.

Economy & Place Policy Development Committee

Cllr Rawlings to replace Cllr Richardson on this committee.

Community First Yorkshire

Cllr Brooks to replace Cllr Douglas.

Local Government York North Yorkshire & East Riding Housing Board

Cllr Brooks to replace Cllr Douglas on this board.

York, North Yorkshire and East Riding Strategic Housing Partnership

Cllr Brooks to replace Cllr Douglas on the partnership.

Safer York Partnership

Cllr Brooks to replace Cllr Douglas.

West Yorkshire Combined Authority - Overview and Scrutiny Committee

Cllr Douglas to replace Cllr Brooks on this committee.

West Yorkshire Combined Authority Advisory Committee- Place Panel

Cllr Brooks to replace Cllr Douglas on this Panel.

Members then considered the following additional changes to committee memberships and appointments to outside bodies:

Economy & Place Scrutiny Committee

Cllr Gates to replace Cllr Richardson on this committee.

Cllr Steward to be appointed as Vice-Chair.

Health, Housing and Adult Social Care Policy and Scrutiny Committee

Cllr Steward to replace Cllr Richardson on this committee.

Joint Standards Committee

Cllr Brooks to replace Cllr Richardson on this committee.

Resolved: That the above changes to committees and other bodies be agreed.

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

#### **47. Redundancy**

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

The background and detailed cases surrounding the proposals were contained in the individual business cases, attached as confidential 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.

#### **48. Pension or Exit Discretion**

Members considered a report which detailed expenditure associated with two pension or exit discretions in accordance with Council policy.

Members considered the background and detail surrounding the proposals, which were contained in the business cases attached as confidential annexes to the report.

Resolved: That the expenditure associated with both proposed pension or exit discretions, as detailed in Annexes A and B of the report, be considered and approved.

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

Councillor I Gillies, Chair

[The meeting started at 1.40 pm and finished at 1.55 pm].



Meeting	Staffing Matters & Urgency Committee
Date	20 December 2018
Present	Councillors Gillies (Chair), Aspden (Vice-Chair) and Looker

#### **49. 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.

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

Resolved: That the press and public be excluded from the meeting during the consideration of Annex A to Agenda Items 4 on the grounds that it 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).

#### **51. Public Participation**

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

#### **52. Proposed Review of the Council's Operating Model and Re-Structure of the Customer and Corporate Services Directorate**

Members considered a report and Annex A that detailed the final option and structure proposed by the Chief Executive following consultation on options for key changes to the Council's operating model and a refocusing of the Customer and Corporate Services of the Council. The Chief Executive and Head of HR attended the meeting to present the report and answer Member questions.

After discussion of the exempt Annex it was

Resolved: That Members approve;

(i) the final revised option and endorse the Chief Executive's proposed structure and support the implementation process;  
and

(ii) proposals to undertake a review of Heads of Service as a second stage of the change process once the new structure and operating model is in place.

Reason: To enable the proposed restructure and operating model, incorporating statutory roles, to be implemented.

Councillor Gillies, Chair

[The meeting started at 4.00 pm and finished at 4.50 pm].



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## Staffing Matters and Urgency Committee

4 February 2019

Report of the Director, Customer and Corporate Services

### **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 24 May 2018, appointments were made to Committees, Sub-Committees and Outside Bodies for the 2018/19 municipal year. Further changes are now required to the membership of committees, as set out below.

#### **Background**

2. Further to the appointments to Committees etc made at the Annual Meeting, Staffing Matters & 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.

##### Joint Standards Committee

- To appoint Cllr Warters to replace Cllr Hayes on this committee.
- To appoint Cllr Williams to the Labour Group vacancy.
- To appoint Cllr Looker as the Labour Group substitute.

##### Health, Housing and Adult Social Care Policy and Scrutiny Committee

- To appoint Cllr Hayes to replace Cllr Warters on this committee

#### **Consultation**

3. Normal processes to consult the relevant political Group have been applied to ensure the Group nominates the Members of their choice. No other consultation is specifically required in this instance.

## **Options**

4. There are no alternative options available as this is simply for the Groups concerned to nominate appropriate candidates to either replace the Member concerned or to fill the position that has become available. This Committee will then consider and determine those nominations.

## **Council Plan**

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

## **Implications**

6. There are no known implications in relation to the following in terms of dealing with the specific matter before Members:
  - Financial
  - Human Resources (HR)
  - Equalities
  - Crime and Disorder
  - Property
  - Other

## **Legal Implications**

7. The Council is statutorily obliged 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 the changes to committees as outlined in paragraph 2 of the report.

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

**Contact Details**

**Author:**

Dawn Steel  
Head of Civic and  
Democratic Services  
Tel: (01904) 551030

**Chief Officer Responsible for the report:**

Ian Floyd  
Director, Customer and Corporate Services

**Report**

**Date** 24 January 2019

**Specialist Implications Officers**

Not applicable

**Wards Affected:** 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****4 February 2019**

Report of the Chief Executive

**Proposals to Negotiate and Consult on Chief Officer Pay Policy****Summary**

1. This report is provided to Staffing Matters and Urgency Committee to give an overview on the proposed Chief Officer Pay Policy from April 2019.

**Background**

2. Guidance for local councils on promoting openness about their employees' pay is provided by the Government. The guidance sets out the key policy principles that underpin pay accountability in the [Localism Act 2011](#).
3. Relevant authorities have to prepare pay policy statements. These statements must explain what an authority's policies are on a range of issues relating to the pay of its workforce, particularly its senior staff and its lowest paid employees.
4. Annually the pay policy is approved by full council and published on the CYC website.
5. This year work has been ongoing to consider in more detail the Chief Officer Pay Policy, to bring everything into one place for ease of reference and transparency.
6. In addition, the current Chief Officer Pay structure has a significant gap between the role of an Assistant Director and that of a Corporate Director.
7. The Chief Executive and Head of HR believe the Council would benefit from a more complete pay structure that builds in a Director level between the Assistant Directors and the Corporate Directors.
8. Proposals have been worked up in negotiation with trade unions, GMB and Unison, to pull together an appropriate pay structure and pay policy for Chief Officers. Please note that this excludes Chief Executive.

### **Consultation**

9. Work has been ongoing with HR, GMB and Unison to draft the pay policy prior to going into formal negotiation and consultation.
10. The Unions have requested that this becomes a Collective Agreement, this request will be considered at the next CCNC (Corporate Consultative Negotiating Committee) meeting.

### **Options/ Analysis**

11. The attached Chief Officer Pay Policy at appendix A sets out all of the detailed proposed to become part of the pay policy.
12. The new proposed structure is also included, and shows a Director level.
13. For all three chief officer grades in the proposed pay structure there are four incremental levels that have been applied and following discussions with the Unions the increments have been amended to ensure there is a levelling out between increments.
14. The paper clearly states that Hay job evaluation methodology will be used, and for the first time we are sharing the points bandings.
15. There is no additional cost to the proposal expected at this time, as the top of the current bands for Assistant Director and Corporate Director remain unchanged.
16. The new banding of Director is for posts that are part of the Corporate Management Team and therefore unlikely that any current Assistant Director post will fall into that level of Hay banding.
17. The implementation and full review of all Chief Officer posts may result in posts being graded within the new Director grade and as previous papers to the committee have shown new posts within the Corporate Services restructure will fall within this Director level.

### **Council Plan**

18. The Pay Policy continues to support the council plan, ensuring we attract and retain staff with the rights skills.

### **Implications**

19. The following implications have been considered.



**Financial:** There is no expectation that the pay policy will cost any additional costs to the pay bill.

**Equalities** The policy ensures transparency and fairness.

**Human Resources-** HR will liaise with CCNC to agree a Collective Agreement for the Chief Officer Pay Policy.

**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**

20. There are no known risks associated with the enhancement to the Chief Officer Pay Policy.

### **Recommendations**

21. Staffing Matters and Urgency Committee is asked to note the ongoing work to agree the Chief Officer Pay Policy with the Trade Unions and that Council will receive the full Pay Policy to approve at its meeting in March 2019.

Reason: To keep the Committee informed of progress relating to the Chief Officer Pay Policy and comply with statutory requirements in relation the formal approval of the full Pay Policy.

### **Contact Details**

**Author:**

Trudy Forster  
Head of  
Human Resources

**Chief Officer Responsible for the  
report:**

Mary Weastell  
Chief Executive

**Report  
Approved**

**Date** 25/1/2019

**Specialist Implications Officer(s):**

None

**Wards Affected:**

**All**

For further information please contact the author of the report

**Background Papers:**

None

**Annexes**

A Draft Chief Officer Pay Policy and Implementation Plan

## **DRAFT CHIEF OFFICER PAY POLICY – For negotiation with the trade unions and consultation with Chief Officers**

### **Scope**

This policy applies to employees covered by the Joint Negotiating Committee for Local Authority Chief Officers. In City of York Council this is Assistant Directors, Directors and Corporate Directors. Separate arrangements exist for the Chief Executive.

### **Policy on remunerating Chief Officers (from Pay Policy)**

It is the policy of this council to establish a remuneration package for each Chief Officer post based on evaluation of the role to determine its size and consequently its position in the Chief Officer grading structure. The salaries attached to the structure originate from the historic national framework for Chief Officers

Increases to the salary scales are based on nationally negotiated settlements by the Joint Negotiating Committee for Chief Officers of Local Government, and progression through a salary scale is incremental and based on performance.

### **Appointment of Chief Officers**

Approval to recruit to a chief officer post is required from the Staffing Matters and Urgency Committee. The committee is responsible for establishing an appointments sub committee.

The appointments sub committee; subject to the council's pay policy and job evaluated range for the post determines the salary level and package offered to the successful candidate.

Chief Officer severance packages over £100k in value are subject to approval by the Council's Staffing Matters & Urgency Committee.

### **Termination payments of Chief Officers including redundancy and pension discretion**

The council applies its normal redundancy payments arrangements to senior officers and does not have separate provisions for senior officers. The council also applies the appropriate Pensions regulations when they apply. The council has agreed policies in place on how it will apply any discretionary powers it has under Pensions regulations. Any costs that are incurred by the council regarding senior officers are published in the authority accounts as required under the Accounts and Audit (England) Regulations 2015

## Consultation with Executive Members

Executive members should be notified of appointments and dismissals of Chief Officers. The detail of how the consultation is carried out is contained within Section 4D section 6 of the constitution.

<https://democracy.york.gov.uk/ecSDDisplay.aspx?NAME=Section%204D%20Appointment%20and%20Dismissal%20of%20Staff&ID=2088&RPID=20403282>

This is shown below for ease of reference in consultation / negotiation process.

### **6. Consultation with Executive Members**

6.1 No offer of an appointment or notice of dismissal in relation to the appointment or dismissal of the Head of Paid Service or a Chief Officer or shall be given by the appointer or dismissor (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001) until:

(a) the appointer or dismissor has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;

(b) the proper officer has notified every member of the Executive of –

i. the name of the person to whom the appointer wishes to make the offer or who the dismissor wishes to dismiss;

ii. any other particulars relevant to the appointment or dismissal which the appointer or dismissor has notified to the proper officer; and

iii. the period within which any objection to the making of the offer or to the dismissal is to be made by the Leader on behalf of the Executive to the proper officer; and

either –

(i) the Leader has, notified the appointer or dismissor that neither he nor any other member of the Executive has any objection to the making of the offer or;

(ii) the proper officer has notified the appointer or dismissor that no objection was received by him within that period from the Leader; or

(iii) the appointer or dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

## **Role of the Unions in Chief Officer Terms and Conditions / Pay and Grading**

At national level Unison and GMB are recognised for negotiation purposes on Chief Officer terms and conditions. Terms and conditions are set out in the Joint Negotiating Committee for Local Authority Chief Officers Conditions of Service Handbook.

Collective bargaining arrangements for the Chief Officer group at City of York Council are set out in the Trade Union Engagement Framework, (Recognition at City of York Council). The Framework can be viewed online.

## **Job Evaluation**

Chief Officer's roles are evaluated using Hay Job Evaluation methodology. Trained Hay analysts are employed within HR and there will always be at least 3 analysts trained at any one time.

Where a Chief Officer post is being amended or new posts created two Hay analysts will analyse the job description and provide a Hay score. The analysts will inform the trade unions of the outcome to ensure consistency and transparency. The Hay score will be used to establish the grade for the role within the pay structure.

Where an initial job evaluation exercise is carried out on more than five Chief Officer roles then the unions will observe the evaluations.

If it is not possible for the analysts to determine a score then this will be referred to the Head of HR (who will be Hay trained) to make the final decision.

## **Pay Structure**

There are 3 levels of Chief Officer Grades within CYC. These are shown below with the corresponding Hay score.

Corporate Director	1401 - 2000
Director	1001- 1400
Assistant Director	800 - 1000

Directors and above are part of the Corporate Management team responsible for delivering the Councils Objectives.

Below shows the structure, incremental points for each of the chief officer pay grades.

<b>CorpDir</b>	Corporate Directors	4	106,929.00
		3	<b>103,500.00</b>
		2	<b>100,200.00</b>
		1	<b>97,000.00</b>
<b>Dir</b>	Directors	4	<b>95,244.41</b>
		3	<b>92,023.58</b>
		2	<b>88,911.68</b>
		1	<b>85,905.00</b>
<b>AsstDir</b>	Assistant Directors	4	77,901.00
		3	75,090.00
		2	72,608.00
		1	70,119.00

### Pay Awards

Any nationally negotiated annual pay settlement by the Joint Negotiating Committee for Chief Officers of Local Government will be applied to the salary scales. The National pay settlements are effective from 1<sup>st</sup> April of that year.

## **Incremental Progression**

Incremental progression is not automatic and is based upon annual performance and achievement of objectives.

Incremental progression is agreed by the line manager i.e. the Chief Executive, Corporate Director or Director.

Only one increment level can be made at a time.

Progression through the levels will be either 1<sup>st</sup> April or 1<sup>st</sup> October each year, whichever comes first following the completion of 12 months' continuous service. This applies to both new starters or existing employees promoted to a higher Chief Officer grade

## **Pension**

Chief Officers have access to the LGPS.

## **Market Supplements**

A Market Supplement Policy is in place for Chief Officers which allows where there is objective justification and evidence for, a supplement to be paid to reflect a market premium for a specific role.

## **Stand By**

A contractual standby requirement is in place for Chief Officers to participate in a Stand By rota to provide emergency cover out of hours. Payment for hours on Standby is at the agreed rate in force under the Council's standard Stand By Policy for Local Government Service Employees. The stand by rate is 56p/hour.

## **Call out**

Time worked when called out from stand by can either be claimed at normal hourly rate or taken as time off in lieu. Work is deemed to have commenced from the time of the call.

## **Expenses**

Travel and other expenses are reimbursed through normal council procedures.

**Other allowances:**

There is no provision in the Chief Officer pay policy for :

- Bonus
- Earn Back
- Ex gratia payments
- Honoraria
- Or any other payments not specifically referenced.

**Pay Protection**

The council's standard Pay Protection Policy applies to Chief Officers. The policy can be viewed online.

**Proposed Implementation Timescale for 2019**

15 January – 19 February Negotiation and Consultation	Formal negotiation with trade unions and consultation with Chief Officer's.
4 February SMU Committee	SMU consider the proposal to continue to agree with Trade Unions through negotiation
19 February CCNC	CCNC agreement of the collective agreement
28 February Finalise Chief Officer Pay Policy	Agree the Chief Officer Pay Policy with the trade unions
1 March – 30 March	Chief Officers to ensure current Job Descriptions are up to date. HR Analysts to support Chief Officers individually to agree Job Descriptions CMT – to approve Job descriptions
21 March Full Council	Pay Policy 2019 approval
2 and 3 April Hay Panel	HAY Analysts and observed by Unions
4 April Outcomes	Staff Advised of outcomes
1 May	Any changes made to grading structure for individuals If grade increases will take effect 1 May If grade decreases, pay protection applies commencing 1 May





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

Report of the Director of Customer and Corporate Services

**Interim arrangements for the temporary cover of the Assistant Director of Legal & Governance****Summary**

1. This report sets out and seeks approval to the Director of Customer and Corporate Services' proposals to recruit an interim Assistant Director, Legal & Governance, which are based on operational need and are made in line with the council's constitution arrangements.

**Background**

2. As a result of a long term absence of the current post holder, approval is requested to backfill the Assistant Director post, through a temporary arrangement estimated at six months.
3. The Chief Executive and Director of Customer and Corporate Services have identified the need to provide interim cover in such a critical part of the organisation. With the impending elections and complexities across legal and governance, the absence of the current post holder leaves the authority at risk and hence the need for an interim who will also cover the Deputy Returning Officer role. It is anticipated that this post will also cover required Monitoring Officer duties (allocated by full Council).
4. The current role of Assistant Director of Legal & Governance provides senior management and leadership for the following service areas:
  - Legal Services
  - Civic & Democratic Services
  - Facilities Management
  - Business Support

It is proposed that the interim cover will directly line manage the top two departments.

5. The interim post will report directly to the Director of Customer and Corporate Services, who will also directly manage Facilities Management and Business Support.

### **Consultation**

6. Consultation has taken place with the Chief Executive, Council Management Team, Portfolio Lead member and the Leader/Deputy Leader of the Council.

### **Options/ Analysis**

7. This will be a member appointment in line with the constitution and therefore Staffing Matters and Urgency Committee will need to set up an Appointments Sub-committee.
8. The post is currently graded at Assistant Director level with a salary scale up to £77,901. It is proposed to advertise for a fixed term contract, however due to the urgency to have an interim in post (with the local elections looming), it may be necessary to consider other options as detailed below.
9. Alternative options include engagement with a suitable individual through a self-employed route, or through our agency, Work With York.
10. These alternative routes attract additional monies- often individuals who are available to fill such interim roles at short notice attract daily rates. Any Appointments Sub-Committee set up will need to take into account what level of remuneration is considered appropriate to attract the right candidate given the relative urgency of the situation and the potential variations in pay rates, dependent upon the route of recruitment.
11. Timing is very important and the risk to the authority is increasing, therefore we are recommending that Staffing Matters and Urgency Committee consider utilising the services of NYCC, who have supported the recruitment process for other recent Chief Officer appointments. There is no capacity within CYC HR to do this in the time required.
12. NYCC have provided estimated timescales for this activity:
  - Advert Live 6<sup>th</sup> Feb
  - Closing Date 18<sup>th</sup> Feb
  - Shortlist 20<sup>th</sup>/21<sup>st</sup> Feb

- Assessment Event – 1 Day week commencing 4<sup>th</sup> March (avoiding school holiday week at end of February)
13. Details of NYCC's proposed charges for their support are set out in Annex D, which is exempt under commercial requirements
  14. The alternative is not to recruit and risk the impact on key areas being unable to deliver services to the required standard.

### **Council Plan**

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

### **Implications**

16. The following implications have been considered.

**Financial:** The salary costs to the temporary appointment

- Recruitment at AD level would be in line with the current salary band which ranges from £70,119 to £77,901 per annum (and with on costs rises to £104,005). Costs at this level for 6 months would be in the region of up to £50,000.
- Recruitment at a daily rate (normal practice for interim arrangements in specialist areas such as legal services) may be in the region of £700 per day. This would therefore cost around £90,000 for 6 months.
- Costs will be met from existing legal and governance staffing budgets, including carry forward from current years budget.

**Equalities** The post will be recruited to in accordance with the Councils Recruitment policy.

**Human Resources-** The job description for the position of Assistant Director – Legal & Governance is subject to the Council's established job evaluation mechanism and the grade confirmed for the position.

**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**

- 17. Appointing to this post, on an interim basis will ensure greater resilience in the Council fulfilling its election and governance responsibilities at this time, through carrying out the duties of the Deputy Returning Officer and statutory monitoring officer.

**Recommendations**

- 18. Staffing Matters and Urgency Committee is asked to:
  - i. endorse proposals for the Director of Customer and Corporate Services to progress the recruitment of an Interim Assistant Director of Legal & Governance, in light of the circumstances outlined in the report.
  - ii. establish an Appointments Sub-Committee consisting of three members, one from each main party (1 Conservative, 1 Liberal Democrat and 1 Labour) to include a member of the Executive.
  - iii. endorse proposals for NYCC to support the recruitment process, including advertising and candidate search, as costed in Annex D
  - iv. agree that the salary to attract the right candidate for this interim role is either at the AD level or hourly rate alternative, set out in paragraph 16.

Reason: To progress an interim appointment in relation to this critical role required to deliver statutory responsibilities.

**Contact Details**

**Author:**

Trudy Forster  
Head of HR  
Human Resources  
Tel: 01904 553984

**Chief Officer Responsible for the report:**

Ian Floyd.  
Director of Customer and Corporate Services

**Report Approved**



**Date** 25/1/2019

**Wards Affected:**

All



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

**Background Papers:**

None

**Annexes**

- A Chief Officer Recruitment Protocol
- B Conditions of Service
- C Job Profile
- D NYCC Costs (exempt under paragraph 3 to Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006)

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### **Chief Officer\* Recruitment Process - Officer / Members decisions**

\* A Chief Officer is defined as an officer who is employed under the Joint Negotiating committee for Chief Officers of Local Authorities Terms & Conditions. Key Recruitment & Selection decision stages

<b>Key Recruitment &amp; Selection decision stages</b>	<b>Officer Decision / Member Decision</b>
1. Develop proposal to create a new or amend an existing Chief Officer post	Officer decision: Chief Executive or Director
2. Establish a new temporary or permanent Chief Officer post	Member decision
3. Develop and agree Job description & Person Specification	Officer decision
4. Confirm the grade of the post	Officers to implement job evaluation outcomes within Chief Officer pay structure
5. Agree recruitment budget	Officers decision subject to budgetary provision
6. Commence recruitment activity	Officer proposal subject to Member decision
7. Establish Appointments Committee	Officer proposal subject to Member decision
8. Confirm method to source applicants i.e. advert, use of search / consultancy services	Appointments Committee subject to proposal from Officers (Chief Executive or Director and Head of Human Resources or nominated substitute). Proposal to include recommendation on advertising media and a recommendation to use external recruitment consultants or run in-house and if so, what services to use. Options include search, response handling, technical assessment, long-listing, shortlisting, support at final stage or a combination therein. Criteria to be considered are:

	<ul style="list-style-type: none"> <li>i. Grade and salary in relation to the market;</li> <li>ii. Current employment market situation;</li> <li>iii. Design of post and likelihood of direct skills match;</li> <li>iv. Technical expertise being sought;</li> <li>v. Ability to conduct technical assessment in-house;</li> <li>vi. CYC capacity to handle in-house</li> </ul>
9. Long-list applicants	Officer decision in accordance with job description and person specification
10. Interview long listed applicants / conduct selection tests / assessment centre	Officer panel or recruitment consultant
11. Short list applicants	Officer decision in accordance with job description and person specification
12. Informal reception event(s) for short listed candidates (not part of the recruitment process)	Officer decision in consultation with Appointments Committee to determine invitees
13. Final selection process	Appointments Committee, advised by Officers
14. Determine salary of role to be offered	Appointments Committee, subject to Council pay policy and within job evaluated range for post
15. Agree appointment	Appointments Committee subject to Standing Orders (objections from the Executive)



## **Conditions of Service Interim Assistant Director Legal & Governance**

The post you are interested in is subject to the Schemes and Conditions of Service of the Joint Negotiating Committee for Chief Officers of Local Authorities as supplemented by any local collective agreements negotiated on behalf of the employees and by the rules of the Council.

### **Health**

Prospective employees must be cleared by the Occupational Health Service as medically fit for employment by City of York Council, and are advised not to give notice to terminate their present employment until clearance has been received.

### **Probationary period N/A for Interim post**

The Appointment shall commence on the Commencement Date and shall continue, subject to the remaining terms of this agreement, until it terminates on [DATE] without the need for notice unless previously terminated by either party giving the other not less than [NUMBER] months' notice in writing."

### **Reporting line**

This post reports to the Chief Executive

### **Targets**

Objectives and targets will be agreed with the Chief Executive to reflect the Council's strategic priorities.

### **Salary\***

The appointment will be made in the Chief Officer Grade 10 range. The salary levels within the grade are as follows:

61	70,119
62	72,608
63	75,090
64	77,901

The starting salary will be determined by the recruiting officer in accordance with the Council's policy.

Salaries are paid on the last working day of the month. The salary is indexed to the JNC cost of living pay awards currently effective from 1st April each year.

**Annual leave**

The annual leave entitlement is 30 days increasing by five days after five years continuous local government service, plus eight public holidays per annum.

**Pension**

Membership of the Local Government Pension Scheme will be automatically continued for all employees who transfer from another Local Authority, unless they gave notice that they no longer wish to contribute. Membership of the scheme is automatic for new employees unless they state otherwise.

**Car mileage for business use/Car parking**

A mileage allowance of 45.0p per mile (up to 8,500 miles) is payable for business use.

**Hours of Work**

Working hours in this post will be subject to the needs of the service.

**Whole time service**

The postholder will be expected to devote his or her whole time to the work of the Council and not engage in any other business or employment without the prior knowledge and approval of the Council.

**Sickness Absence**

Any entitlements related to absence due to sickness or injury is as set out in the JNC for Chief Officers agreement. Officers are entitled to receive sick pay for the following periods:

During 1 <sup>st</sup> year of service	1 month's full pay and (after completing 4 months service) 2 months half pay
During 2 <sup>nd</sup> year of service	2 months full pay and 2 months half pay
3 <sup>rd</sup> year of service	4 months full pay and 4 months half pay
During 4 <sup>th</sup> & 5 <sup>th</sup> year of service	5 months full pay and 5 months half pay
After 5 years of service	6 months full pay and 6 months half pay

**Retirement**

The normal retirement age of all Council employees, irrespective of gender, is 65 years.

**Period of Notice**

The written notice required to terminate employment in this post will be three months on either side.

**Canvassing**

Applicants for appointment must not canvas any Member or employee of the City of York Council in respect of their application. There is, however, no objection to any of the aforementioned providing written references in respect of applicants. Applicants related to any of the above must disclose the fact.

**Political Restriction**

This post is politically restricted and is subject to the restriction of political activities imposed by the Local Government and Housing Act 1989, and as outlined in the City of York Council's Employee Code of Conduct.

**Further Information**

If you would like an informal discussion about the post, please contact In  
Floyd, Corporate Director Customer and Corporate Services



## ASSISTANT DIRECTOR ROLE PROFILE

**JOB TITLE:** Interim Assistant Director – Legal and Governance

**DIRECTORATE:** Customers and Business Support Services

**REPORTS TO:** Director of Customers and Business Support Services

**DATE:** January 2019

### 1 PURPOSE OF YOUR JOB

To provide strategic leadership and support to members and officers to enable effective decision making and ensure transparency and compliance across the council by championing good governance.

To work with the Councils Executive to ensure the achievements of the corporate objectives and the needs of the council are met. To be the guardian of the Council's constitution and democratic process.

### 2 DIMENSIONS

Total Expenditure Budget:	£3.6 m
People:	C 45 fte
Premises:	as per portfolio
Equipment:	as per portfolio
Projects:	as per portfolio

### **3 PRINCIPAL ACCOUNTABILITIES**

#### ***Strategic***

- As a member of the Council Leadership Group, actively contributes to the strategic management of the Council to ensure achievement of corporate aims and objectives.
- Scans and understands the external and political environment in which the Council operates and takes lead responsibility for ensuring that the strategic plans of the Directorate and the whole organisation meets the needs of the current administration
- Contributes to the development, articulation and communication of a clear vision for co-ordinated services across York, and provides a framework to ensure an effective and shared programme of joined up service delivery with key partners.
- Leads the formulation and application of strategy for the portfolio within the context of the overall CYC Council plan
- Ensures that elected Members are fully aware of strategic plans and that they are positively, pro-actively and appropriately engaged in the portfolio
- Makes decisions critical to the organisation's success in respect of the wider City of York agenda and the specific portfolio responsibility
- Takes lead responsibility for seeking opportunities to develop the revenue of CYC through partnerships, new ventures and delivers activity that grows revenue and minimises cost without detriment to services

#### ***Business operations***

- Lead the governance framework and the Council's decision making process to ensure effective and timely decisions are made in accordance with the law and the Council Constitution.
- To perform the statutory Monitoring role and functions for the Council.
- To work in partnership with Members and the Chief Executive to provide effective policy development and implementation to support the decision making processes of the Council.

- To review, interpret and report new and revised legislation, guidance and practice and recommend appropriate action and policy development.
- Ensures a quality, cost effective portfolio performance
- Accountable for the financial performance across the portfolio
- Takes lead responsibility for the effective utilisation of resources, e.g. financial, people , premises (where applicable), electronic, and hardware, identifying efficiencies and savings where appropriate without detriment impact on service and performance
- Strategic responsibility for the civic function and supporting the Lord Mayor and civic party. To ensure the Mansion House is run effectively as a civic and commercial concern.
- Compliance with the statutory requirement of information and data and investigate and deal with complaints ensuring they are dealt with systematically and used to drive improvement.
- To support the Chief Executive in the conduct and management of elections and the delivery of the election registration process.
- Responsibility for the Councils performance and assurance framework.

### ***Partnership***

- Identifies key stakeholders and develops an engagement plan that ensures that CYC is engaging appropriately to deliver improved partnerships and, consequently, service outcomes
- Pro-actively seeks opportunities to represent the organisation at high levels with stakeholders across the Yorkshire Region and nationally, where applicable
- Leads the development and sustainability of collaborative working arrangements internally within CYC and with partner organisations and where appropriate commissioning, to agree strategic priorities and ensure integrated and cost effective service design and provision.

- Develop and maintain positive and effective working relationships with elected Members of the Council to ensure effective communication, engagement and leadership of the Council.
- Builds robust cross service relationships and plans that ensure a “One York” service delivery

### ***People Leadership and Management***

- Ensures that all members of the portfolio team are aware of the requirements of their role and how that contributes to the success of CYC and how it benefits the residents of CYC
- Takes personal responsibility for identifying and nurturing talent from across the whole organisation and at every level within the organisation and ensures that people with potential are pro-actively supported to deploy their talent and progress to the benefit of CYC
- Leads individuals and teams through change, ensuring that service is protected and people are actively engaged in the seeking of, developing of and delivering of change initiatives which add value to CYC performance and service
- Ensures that each member of the team have clear annual targets and have the resources available to deliver
- Ensures the performance management of the team and individuals within it are effectively and continuously managed and that underperformance is dealt with positively and robustly
- Ensures that all people resources add value to the organisation and the City and that structures are clear, efficient and well targeted

### ***Programme and Project Management***

- Is responsible for sponsoring and delivering complex programmes of work that improve performance of CYC and delivers exceptional service to residents and partners
- Takes lead responsibility for identifying, sponsoring and ensuring the delivery of performance improvement projects



- Accountable for ensuring project delivers sustainable results for the benefit of the organisation and the City of York

### ***Equality and Diversity***

- Takes lead responsibility for equality, diversity and fairness issues
- Takes personal responsibility for ensuring that all services, employees and service users are treated with dignity and respect
- Ensures that the service portfolio is inclusive for all users and is flexible to meet the diverse needs of service users

## **4 KNOWLEDGE SKILLS AND EXPERIENCE**

### **Knowledge**

- Knowledge and understanding of local government
- A degree level qualification and/or professional managerial qualification (such as qualified lawyer or equivalent) or equivalent;
- Understanding of organisation structure, operations, decision making channels, planning processes and systems and the ability to identify opportunities for improvement
- Understanding of collaboration with partners and the governance arrangements needed to ensure the council is protected.

### **Skills**

- Ability to successfully develop and deliver strategies to meet organisation objectives and achieve planned results in a complex multi-functional organisation;
- Ability to manage large and complex budgets with an emphasis on value for money and efficiencies
- Highly effective leadership and motivational skills and behaviours that develop and inspire others, promote high standards and collaborative working amongst internal and external stakeholders;
- Outstanding interpersonal, negotiating and commissioning skills;
- Excellent verbal and written communication skills that are persuasive, informative and effectively engage the interests of a wide range of audiences;
- IT skills and the ability to fully exploit access to modern Information technology;
- Highly developed skills in numeracy and budget management;

- Corporate and service planning skills that ensure effective resource management, service delivery, best value and continuous improvement;
- Analytical skills that contribute effectively to the identification of development and trends, prioritisation and problem solving.
- Ability to keep equality of opportunity and diversity at the heart of all strategic management and operational activity
- Ability to advise, influence, persuade, command confidence and act assertively in a political environment with all key partners, internal and external, including members.

### **Experience**

- A successful track record of achievement in a senior management role
- Substantial record of achievement in successfully managing change and large-scale projects;
- Significant experience of successfully motivating, managing, persuading and leading staff;
- Wide experience of successful inter-agency working and demonstrable success in developing effective collaborative working with a range of stakeholders to achieve objectives;
- Experience of significantly improving service delivery;
- Evidence of decision making based on sound risk management principles and contingency planning, which comply with the Council Procedures and processes
- Experience of managing performance within a complex environment where there is constant challenge and change
- Experience of negotiating significant contracts, commissioning services and monitoring provision
- Experience of working in a political environment.
- Experience of advising elected members at all levels.

## **5 Statutory or specialist knowledge, skills and/or experience required**

- Senior experience in providing high level legal advice to a large and complex organisation
- Thorough understanding of the legal framework that local authorities operate within
- Knowledge and experience of the democratic process within local government
-

## 6 Portfolio

The service areas responsible by this post holder include the following:

- Legal Services including Complaints, FOIs and Official correspondence
- Civic and Democratic services
- Elections

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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

Report of the Director of Customer and Corporate 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**

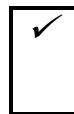
**Author:**

Trudy Forster  
Head of HR  
Human Resources  
Ext 3984

**Chief Officer Responsible for the report:**

Ian Floyd  
Director of Corporate and Customer Services

**Report Approved**

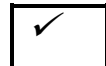


**Date** 23/1/19

**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



By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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

Report of the Chief Executive

**Redundancy****Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with the proposed dismissal of an employee on the grounds of redundancy.

**Background**

2. The background and detailed case surrounding the proposal was considered by the committee on 20 December 2018 and is contained in the individual business case contained as an annex to this report.

**Consultation**

3. The proposed redundancy has 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 the 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 the proposal can be found in the respective business case.

### Risk Management

8. The specific risks associated with the proposal and how they can be mitigated is contained in the 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:
  - 1) Approve the expenditure associated with the proposed dismissal of the employees on the grounds of redundancy detailed in the annexes.

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

### Contact Details

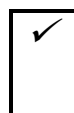
#### Author:

Trudy Forster  
Head of HR  
Human Resources  
01904 553985

#### Chief Officer Responsible for the report:

Mary Weastell

**Report  
Approved**



**Date** 24/01/2019

#### 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

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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