

Notice of meeting of

Urgency Committee

To: Councillors Steve Galloway (Chair), Merrett, Potter, Reid and Waller

Date: Wednesday, 23 May 2007

Time: 12.30 pm

Venue: The Guildhall

AGENDA

1. **Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the 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 1 & 2 to Agenda Item 4 (Recruitment of a Replacement Chief Executive) on the grounds that they contain information relating to individuals. This information is classed as exempt under paragraph 1 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 - 10)

To approve and sign the minutes of the meetings of the Urgency Committee held on 20 March 2007 and 27 March 2007.

4. Recruitment of a Replacement Chief Executive (Pages 11 - 24)

This report asks Members to approve plans for recruiting to the post of Chief Executive, including the setting of a revised salary for the post and the appointment of a member selection panel.

5. Any Other Matters which the Chair decides are urgent under the Local Government Act 1972.

Democracy Officer:

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

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

City of York Council

Minutes

MEETING	URGENCY COMMITTEE
DATE	20 MARCH 2007
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), HORTON (AS SUBSTITUTE FOR POTTER), MERRETT, REID (FOR AGENDA ITEMS 5 & 7) AND WALLER
APOLOGIES	COUNCILLOR POTTER

28. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

No interests were declared.

29. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of the following:

Annexes 4 & 5 to Agenda Item 5 (Management Re-structure of Learning, Culture and Children's Services) (minute 32 refers) on the grounds that they contained information relating to individuals. This information was classed as exempt under paragraph 1 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

30. MINUTES

With regards to minute 25 (Leeds City Region Leaders' Board), the Chair reported that it had been agreed by the Board to hold meetings in public and to make agenda and minutes publicly available.

RESOLVED: That the minutes of the meeting of the Urgency Committee held on 28 February 2007 be approved and signed by the Chair as a correct record, with the following amendments:

- (i) To minute 25 (Leeds City Region Leaders' Board), to add a sentence to the end of the fourth paragraph to read, "It was agreed that this would be pursued, subject to the willingness of other participants in the Board";

- (ii) To minute 26 (Science City York Limited: Membership of Company and Nomination of Representative), to add a sentence to the end of the fourth paragraph to read, "It was agreed that regular report backs should be received from Science City York Ltd."

31. PUBLIC PARTICIPATION

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

32. MANAGEMENT RE-STRUCTURE OF LEARNING, CULTURE AND CHILDREN'S SERVICES

Members received a report which proposed a management re-structure of the Directorate of Learning, Culture and Children's Services and sought approval for re-grading a number of posts that were subject to significant variations in the job description.

The report was being considered by the Urgency Committee because the recruitment process needed to start as soon as possible to avoid a gap in the management of key services.

Paragraph 5 of the report set out the key principles on which the proposed reorganisation was based. The proposed structure, set out in Annex 2 of the report, was based on five service arms, each led by an Assistant Director and each providing a grouping together of services that benefited from sharing the same line management arrangements:

- School Improvement and Staff Development;
- Children and Families;
- Resource Management;
- Lifelong Learning and Culture;
- Partnership Working and Early Intervention.

The report presented four options for consideration:

- Option 1 – to retain the current structure on a temporary basis until the appointment of a new Director of Learning, Culture and Children's Services;
- Option 2 – to adopt the proposed structure as shown in Annex 2 of the report;
- Option 3 – to modify the proposed structure;
- Option 4 – to request officers to develop an alternative structure based on different principles from those outlined in paragraph 5 of the report.

Councillor Merrett expressed concern regarding the timing of the proposed re-structure, in terms of imposing new arrangements on a new director, leaving him or her with no chance to mould the directorate, and given the possibility of a change in administration at the elections in May 2007 and that they may have different views on the proposals.

Councillor Merrett also raised a number of detailed queries regarding the proposals in the report. He queried the need for a partnerships post at Assistant Director level and questioned whether the grading for the post of Assistant Director (Lifelong Learning & Culture) needed to be reviewed given the reduction in responsibilities proposed. He also expressed the view that the proposed job descriptions in Annex 3 were traditional and narrow, lacking adequate references to partnership working and not reflecting the corporate priorities. He sought clarification regarding the separate reserve that had been set aside for if some posts required further re-grading and officers explained that this would only be necessary if the proposed grades were not competitive in the employment market and recruitment proved to be difficult.

RESOLVED: That Option 2 be approved and the proposed structure, as shown in Annex 2 of the report, be adopted.

REASON: In order to provide a new management structure for Learning, Culture and Children's Services.

33. APPOINTMENTS COMMITTEE FOR THE HEAD OF HUMAN RESOURCES

Members received a report which sought formal support to proceed with the appointment of a Head of Human Resources and approval for the membership of an Appointments Committee for the post within the Chief Executive's Directorate.

The report was being considered by the Urgency Committee because of the need to stabilise the current interim arrangements without any further delay, to enable the Directorate to operate effectively.

RESOLVED: That an Appointments Committee be created for the post of Head of Human Resources, with two Liberal Democrat Members, to be confirmed by their Group Secretary, and one Labour Member, Councillor Merrett, subject to the confirmation of his Group.

REASON: To stabilise the current interim arrangements without any further delay, to enable the Directorate to operate effectively.

34. WHISTLEBLOWING

Members received a report which outlined proposed changes to the Council's Whistleblowing Policy, Procedure and Guidelines and sought approval of these revisions.

The report was being considered by the Urgency Committee because the Council was required to make and implement changes to its whistleblowing arrangements before 31st March 2007. The Council's whistleblowing arrangements were critical to the Council's overall Comprehensive Performance Assessment (CPA) score due to the scoring methodology of

the CPA. The 31st March 2007 was a critical date in this respect as it was the cut off date advised by the District Auditor and the Audit Commission nationally for considering the Council's arrangements for the purposes of the 2007 CPA Use Of Resources (UOR) assessment. Should the amendments not be made and implemented before this date the assessment would be based on pre-review arrangements which were known to require strengthening.

The report presented two options for consideration:

- Option 1 – to revise the Whistleblowing Policy, Procedure and Guidelines to add clarity to the process and to continue to allow Elected Members access to the policy;
- Option 2 – to revise the Whistleblowing Policy, Procedure and Guidelines to add clarity to the process and to remove Elected Members' access to the policy.

The proposed revised Whistleblowing Policy, Procedure and Guidelines were attached as Annexes 1-3 of the report.

Councillor Merrett proposed and Councillor Horton seconded a motion to defer consideration of this item to the Urgency Committee meeting scheduled for 27 March 2007, to allow consultation with the Labour Group at their forthcoming meeting, given that the proposals affected all Elected Members. On being put to the vote, this motion was lost. The Head of Civic, Democratic & Legal Services advised Members that any concerns that they had regarding the proposals could be raised with her and taken forward under the agreed procedures for amending the constitution.

The Chair noted that other means existed for Elected Members to raise concerns in an open, transparent and accountable manner and expressed the view that it was not desirable or necessary for them to raise issues confidentially under the Whistleblowing Procedure. He therefore proposed that Option 2 be agreed, with an amendment to allow an Elected Member to act as a channel for registering a concern, where it was demonstrable that a third party had requested them to do so.

RESOLVED: That Option 2 be agreed and the Whistleblowing Policy, Procedure and Guidelines be revised to add clarity to the process and to remove Elected Members access to the policy, subject to them being able to act as a channel for registering a concern, where it was demonstrable that a third party had requested them to do so.

REASON: To add clarity to the Policy, Procedure and Guidelines and to ensure openness, transparency and accountability.

COUNCILLOR S F GALLOWAY

Chair

The meeting started at 12.15 pm and finished at 1.00 pm.

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MEETING	URGENCY COMMITTEE
DATE	27 MARCH 2007
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), MERRETT, POTTER, REID AND WALLER

35. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

No interests were declared.

36. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of the following:

Annex 11 to Agenda Item 4 (Neighbourhood Services Re-structure) (minute 38 refers) on the grounds that it contained information relating to individuals. This information was classed as exempt under paragraph 1 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

37. PUBLIC PARTICIPATION

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

38. NEIGHBOURHOOD SERVICES RE-STRUCTURE

Members received a report which sought approval of a proposed re-structure of the Neighbourhood Services Directorate.

The report was being considered by the Urgency Committee because the re-structure needed to be implemented immediately to deliver the Directorate's corporate priorities.

Paragraph 5 of the report set out the major challenges facing the Directorate in the next twelve months and paragraph 7 of the report set out a summary of the proposed changes. The proposed senior management structure was set out in Annex 1 of the report, with the Directorate split into five divisions:

- Neighbourhoods and Community Safety;
- Environmental Services;
- Maintenance Services;

- Finance;
- Performance Management.

The options presented in the report were to approve the proposed structure or to retain the existing structure.

The changes to the line management structure for the Safer York Partnership (SYP) had only recently been approved by the SYP board, and the SYP structure as a whole would be subject to a further review. Members were therefore requested to delegate responsibility to the Director of Neighbourhood Services to effect any subsequent modification to the SYP structure, in consultation with and the agreement of the Crime & Disorder Reduction Partnership (CDRP) Board.

Officers advised that the structure chart for Licensing & Bereavement Services included in Annex 3 of the report should show the Safer York Partnership three full time equivalent (fte) Licensing Officer posts reporting to North Yorkshire Police, not the Council's Licensing Manager.

Members thanked the Director of Neighbourhood Services for his hard work developing the proposals and bringing staff on board with the proposed changes through the consultation process. They highlighted the importance of creating a dedicated enforcement team to free up Street Environment team resources, and also of creating the post of Waste Minimisation Officer to reduce waste and improve performance against indicator BV199.

Some Members expressed concern regarding the monitoring of costs and efficiency of services and emphasised the need for clear information to be available to Members to enable them to make judgements of these issues, rather than just receiving reassurances. Officers outlined a range of factors that would ensure service efficiency, including the need for maintenance services to be competitive, the work with ENCAMS (Environmental Campaigns) on street environment services and the monitoring of performance indicators relating to waste services. They also advised that the outcomes of future service reviews would be reported to Members, as would the outcome of discussions with the Director of Resources regarding future trading accounting arrangements.

Some Members, whilst supporting the co-location of the Safer York Partnership with Council services, expressed concern regarding the police losing a degree of ownership of the Partnership, if it became too integrated, and the Partnership being perceived by the public as less independent. Other Members welcomed the move of the Partnership to more accessible and user friendly premises, their co-location with Neighbourhood Pride Officers, with whom they shared objectives, and with the seconded Police Liaison Officer, which would ensure police ownership was maintained.

RESOLVED: (i) That the re-structure be approved as detailed in the report;

- (ii) That responsibility to effect any subsequent modification to the Safer York Partnership structure be delegated to the Director of Neighbourhood Services, after consultation with and in agreement with the Crime & Disorder Reduction Partnership Board.

REASON: To allow the Directorate to provide modern, efficient and customer focused services.

COUNCILLOR S F GALLOWAY

Chair

The meeting started at 12.15 pm and finished at 12.40 pm.

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Urgency Committee**23rd May 2007**

Joint Report of the Director of People & Improvement & the Director of Resources

RECRUITMENT OF A REPLACEMENT CHIEF EXECUTIVE**Summary**

1. This report asks Members to approve plans for recruiting to the post of Chief Executive, including the setting of a revised salary for the post and the appointment of a member selection panel. This matter is urgent as following the recent election the current post holder has now formalised his intention to retire and continuity of officer leadership is critical.

Background

2. The current post holder has given the Council notice of his retirement, to be effective from 20th August, with his last day in the office being 27th July prior to using outstanding leave.
3. Tribal Resourcing have been selected to help the Council with this vacancy and plans for the recruitment process have now been drawn up.
4. It has been necessary to review the salary of the post of Chief Executive to ensure that the Council remains competitive in the market place and remains able to attract the calibre of leadership it requires to meet its challenging priorities.

Consultation

5. Some details relating to the current post holder and the proposals are contained in a confidential annex, Annex 1, as they are exempt under Paragraph 1 of the Local Government and Housing Act. Therefore consultation has been limited to internal consultation with elected members and key officers.
6. Following discussion with all group leaders and advice from Tribal Resourcing the advert for a replacement Chief Executive will appear in a number of national publications week commencing 28th May 2007.

Analysis relating to Salary

7. A review of the salary level for Chief Executive was undertaken during the period March–May 2007, the results of which are attached at Annex 2.
8. The methodology for the salary review was to gather evidence based information from a number of sources in order to enable market comparisons with the City of York Council. These sources included the following:
 - The HAY Remuneration Database of jobs as at January 2007. Hay undertook a benchmark exercise using national jobs from 109 participating organisations in Local government and the Public and Not for Profit Sectors.
 - City of York Council National Survey of Unitary Authorities with 16 participating authorities.
 - Tribal Resourcing Chief Executive Salary Benchmarking data.
 - LGE Salaries and Numbers Survey 2006, of all Unitary Councils (published April 2007)
9. Paragraphs 9 – 12 are contained in confidential Annex 1.

Member Appointment Panel

13. Members are asked to appoint a politically balanced Member selection panel for this process with powers to appoint within the recommended salary range, as described in Annex 1.
14. It is recommended that Tribal Resourcing be asked to search within this scale, and that the scale be published.

Corporate Priorities

15. The recommended course of action supports all the Council's priorities by providing for continuity of overarching officer leadership on all key priorities, and especially the Community and Council leadership priorities.

Implications

16. The report has the following implications:
 - **Financial** – The cost in 2007/8 of the higher salary could range between a maximum of £24k (assuming an August start at the top end of the new salary, including pension and National Insurance costs) to a minimum of nothing (assuming a November start on the bottom end of the salary range). If necessary any additional costs in the 2007/8 financial year can be funded from one –off underspends within the Chief Executive's department in 2006/7. These will be reported formally to members as

part of the closure of accounts in June. The full year effect in 2008/9 will range from £20k to £35k and will need to be funded on an ongoing basis during the 2008/9 budget setting process.

- There will be additional salary costs relating to the conduct of elections as the Chief Executive is likely to be the returning officer and the salary levels proposed do not, in common with most other Councils, include for election duties. These will need to be contained within approved election budgets as they arise.
- **Human Resources (HR)** – The Head of HR has advised that a robust piece of market research has been undertaken using a number of sources of national repute. This research clearly indicates that the recommended option is warranted.
- **Equalities** - There are no equalities implications
- **Legal** - There are no legal implications other than those under the Local Government and Housing Act and the Council's constitution which normally govern the appointment of the Head of Paid Service.
- **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. There are no known risks of proceeding with option 1 other than the challenge to manage the ongoing budget pressures.
18. There are significant risks in proceeding with option 2, which would include a break in officer leadership continuity at a critical time after the election, loss of focus on key priorities, and loss of reputation in the community.

Recommendations

19. Members are asked to:
 - 1) proceed with plans to recruit a replacement Chief Executive, including a reviewed salary range of £130k to £145k based on a 5 point scale, and
 - 2) to appoint a politically balanced member selection panel with powers to make an appointment including salary.

Reason: To maintain continuity of leadership and to retain the Council's ability to attract the appropriate level of calibre for the role.

Contact Details

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Chief Officer Responsible for the report:

Chief Officer's name: Heather Rice
Title: Director of People & Improvement

Report Approved **Date** 16 May 2007

Co-Author's Name

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Title: Director of People & Improvement

Report Approved **Date** 16 May 2007

Specialist Implications Officer(s) *List information for all*

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

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex 1 – paragraphs 9-12, Current and proposed salary range
Annex 2 - Chief Executive's salary review

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

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