



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

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

- To:** Councillors Steward (Chair), Aspden (Vice-Chair) and Williams
- Date:** Monday, 8 June 2015
- Time:** 5.30 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### **AGENDA**

#### **1. Declarations of Interest**

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

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

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

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

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

Annexes to Agenda Item 6 (Redundancy) on the grounds that they contain information relating to individuals and the financial affairs of particular persons. This information is classed as exempt under paragraphs 1,2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

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

To approve and sign the minutes of the last meeting of the Staffing Matters & Urgency Committee held on 30 March 2015.

**4. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5.00 pm on Friday 5 June 2015**.

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

*The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at*

*[http://www.york.gov.uk/downloads/download/3130/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings](http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings)*

**5. Appointment of Acting Chief Executive (Pages 3 - 8)**

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

**6. Redundancy (Pages 9 - 10)**

This report advises the Staffing Matters and Urgency Committee of the expenditure associated with the proposed dismissal of a number of employees on the grounds of redundancy.

## 7. Urgent Business

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

### Democracy Officer:

Name: Judith Betts

Contact details:

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

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

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City of York Council

Committee Minutes

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Meeting	Staffing Matters & Urgency Committee
Date	30 March 2015
Present	Councillors Simpson-Laing, Steward, Looker (Substitute for Cllr Williams) and Runciman (Substitute for Cllr Aspden)
Apologies	Councillors Aspden, Watson and Williams

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**87. Election of Chair**

Due to the absence of Councillor Williams, Members were asked to elect a Chair for the meeting.

Resolved: That Councillor Simpson Laing be elected Chair.

**88. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

**89. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during the consideration of annexes to Agenda Items 5 (Pension or Exit Discretion) and 6 (Redundancy) (Minute Items 91 and 92 refer).

**90. Minutes**

Resolved: That the minutes of the last meeting of the Staffing Matters and Urgency Committee held on 16 March 2015 be approved and signed by the Chair as an accurate record.

**91. Public Participation**

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

**92. Pension or Exit Discretion**

Members received a report which advised them of the expenditure associated with pension or exit discretions in accordance with council policy.

A confidential annex was circulated which included details of a request for flexible retirement from an employee, there was no cost associated with the proposal.

Resolved: That the Council should exercise its discretionary powers and approve the flexible retirement.

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

**93. Redundancy**

Members considered a report which advised them of the expenditure associated with the dismissal of six employees on the grounds of voluntary redundancy.

Confidential annexes containing details of the redundancies were circulated.

Resolved: That the expenditure associated with six employees on the grounds of voluntary redundancy as detailed in the annexes be noted.

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



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**Staffing Matters & Urgency Committee****8<sup>th</sup> June 2015**

Report of the Head of Human Resources and Organisational Development

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

1. Kersten England, the current Chief Executive, has resigned and will leave City of York Council on 31<sup>st</sup> July 2015.
2. This report seeks approval to establish an Appointments Sub-Committee for Chief Officer appointments and to delegate sufficient powers to that Sub-Committee to enable it to conduct the recruitment process, select and appoint an Acting Chief Executive and Head of Paid Service, subject to the requirements of the standing orders on appointment.

**Background**

3. Kersten England has been the Chief Executive and Head of Paid Service at City of York Council since her appointment on the 5<sup>th</sup> October 2009. Kersten has resigned to take up the post of Chief Executive at City of Bradford Metropolitan District Council and will leave City of York Council on 31<sup>st</sup> July 2015.
4. It is a statutory requirement that the Council has a Head of Paid Service.
5. The appointment of a permanent Chief Executive and Head of Paid Service is likely to take between 5 and 9 months whilst the council goes through the recruitment process to search for and select a new Chief Executive and the subsequent notice period of the successful candidate.
6. During this period the council has to continue to progress the achievement of our corporate ambitions for the residents of the City whilst delivering against our financial strategy.
7. In these circumstances it is recommended that the Council should appoint an Acting Chief Executive and Head of Paid Service to secure

continued strategic leadership and take overall accountability for delivery of statutory and non statutory services.

8. Proposals for a permanent Chief Executive and Head of Paid Service will be developed quickly alongside a wider review of council management and details and appointment timescales will be provided in a future report.
9. The possibility of becoming the Acting Chief Executive and Head of Paid Service could be seen as a development opportunity for existing senior staff in the Council and our Council Workforce Strategy seeks to create opportunities to develop our staff. The Council does have experienced senior staff that it is felt have the necessary skills to be considered for the opportunity.
10. To ensure that external candidates can also be considered for the opportunity the post will be advertised on City of York Council Jobs Website, this approach would mean there would be no additional recruitment costs.
11. It is proposed that the opportunity will be advertised on the 8<sup>th</sup> June with a closing date of 19<sup>th</sup> June and that interviews are held on the 26<sup>th</sup> June 2015.
12. It is anticipated that the post would be for a minimum duration of 5 months, but the exact contract end date would be confirmed with the appointed candidate once the start date of a permanent Chief Executive and Head of Paid Service was known.

### **Remuneration Package**

13. In accordance with the City of York Pay Policy Statement, approved at Council on 26<sup>th</sup> March 2015 the salary for this post is £130,000 to £145,000 per annum, it is anticipated that the salary for the acting post would be at the bottom of this range.
14. It is a requirement for any proposed salary offer which is in excess of £100,000 is agreed by Full Council.

### **Appointments Committee**

15. The Council's Constitution allows for an Appointments Committee, including at least one member of the Cabinet, to shortlist and interview applicants for a post and to determine who should be offered the vacant post.

16. It is recommended that the appointment sub-committee should consist of three members on a 1:1:1 proportionate basis. This would mean that there would be one Conservative, one Liberal Democrat and one Labour member on the appointment committee.

### **Consultation**

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

### **Options/Analysis**

18. There are no alternative options for members on the recruitment process to consider, other than simply not proceeding with the recruitment to the post. However there is a statutory responsibility for the council to have a Head of Paid Service.
19. An alternative approach would be to go to the external consultant or interim market and fill the post on this basis for this temporary duration but that may incur additional cost.

### **Council Plan**

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

### **Implications**

21. The following implications have been considered:
  - **Financial** – The salary cost will be managed from within the existing budget and there will be no recruitment costs.
  - **Human Resources (HR)** – The job description for the Chief Executive has been subject to the Council's established job evaluation mechanism, the grade established for the post and the agreed Council Pay Policy. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. The appointment will be carried out in accordance with the Chief Officer recruitment protocols.
  - **Equalities** - There are no specific equalities implications.
  - **Legal** – The Council has a statutory duty to appoint a head of paid service under the Local Government and Housing Act 1989.

- The Appointments Committee is created pursuant to S.102 (1)(c) of the Local Government Act 1972 and its terms of reference are to exercise the functions of the Council in relation to the selection and appointment of the successful applicant in respect of the vacant post. The proceedings of the Appointments Committee are likely to be held mainly in exempt session due to the nature of the information that it will be considering.

In circumstances where the appointing committee agrees, without any member voting against, S.17 of the Local Government & Housing Act 1989 provides that the distribution of seats on a sub-committee need not comply with the political balance requirements contained in Part 1 of that Act.

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

- **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**

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

### **Recommendations**

23. It is recommended that Council:
  - i. Approve the filling of the post of Acting Chief Executive and Head of paid Service at the job evaluated salary of £130,000.
  - ii. Advertise this opportunity on the CYC Jobs Website.

- iii. Agree that an Appointments Sub-Committee is established and authorised to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures. The sub-committee should consist of three members, on a 1:1:1 proportionate basis. This would mean that there would be one Conservative, one Liberal Democrat and one Labour member on the Appointment Committee.
- iv. To recommend to full council approval of this salary package which is in excess of £100,000.

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

### Contact Details

**Author:**

Mark Bennett  
Head of Business HR

**Chief Officer Responsible for the report:**

Kersten England  
Chief Executive

**Report  
Approved**



**Date** 29<sup>th</sup> May 2015

**Specialist Implications Officer(s)**

Legal: Andrew Docherty, Assistant Director, IT Democratic & Legal Services

Finance: Debbie Mitchell, Corporate Finance Manager

HR: Mark Bennett, Head of HR & OD

**Wards Affected:**

**All**

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

Annexes - None

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**Staffing Matters and Urgency Committee****8<sup>th</sup> June 2015**

Report of the Director of Customer and Business Support Services

**Redundancy****Summary**

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

**Background**

2. The background and detailed case surrounding each proposal are contained in the individual business cases to be circulated at the meeting as annexes to this report.

**Consultation**

3. All of the proposed redundancies 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.

**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 is 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:
  - 1) Note 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:**

Mark Bennett  
Head of HR & OD  
Human Resources  
Ext 4518

**Chief Officer Responsible for the report:**

Ian Floyd  
Director of Customer and Business  
Support Services

**Report  
Approved**

**Date** 29<sup>th</sup> May 2015

**Specialist Implications Officer(s):**

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

**All**

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

**Background Papers:**

None

**Annexes**

Individual Business Cases (to be circulated at the meeting)