

Meeting	Staffing Matters & Urgency Committee
Date	5 August 2019
Present	Councillors Aspden (Chair), D'Agorne (Vice-Chair), Hook and D Myers

14. 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.

Councillor D'Agorne declared a personal non prejudicial interest in agenda item, 7, Changes to Membership of Committees and Other Bodies as he had been appointed onto the York Business Improvement District (BID) Board.

15. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 1 July 2019 be approved and then signed by the Chair as a correct record.

16. Public Participation

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme.

Mr Richardson, a resident, spoke on agenda item 4, Interim Cover for the Chief Executive. He raised questions around the S151 officer and he felt that the public had been over charged in relation to the Adult Social Care precept total of council tax collected and that the amount submitted to the government was incorrect. He asked for a reply to his queries and also expressed his concerns on the proposed additional salary offered to the S151 officer.

Gwen Swinburn, a resident, made comments on agenda 4, Interim Cover for the Chief Executive, agenda item 5, Customer

& Corporate Services Restructure and Feedback from Appointments Sub-Committee and agenda item 6, Settlement Agreements and Non Disclosure Clause. She stated that she did not support the option to temporary promote the S151 officer and expressed her reasons for this and questioned why other options had not been presented or evaluated. She felt that the recruitment of a new Director of Governance and Improvement should not take place until the Chief Executive position was resolved. She concluded by commenting on the Settlement Agreements and Non Disclosure Clause report and made suggestions on the process arrangements to Members.

17. Interim Cover for the Chief Executive

Members considered a report that provided options for them to agree on the most appropriate cover for the Chief Executive.

The Head of HR gave an update and confirmed that the Chief Executive was currently unwell to attend work and that the interim arrangements would be reviewed in October unless the Chief Executive returned to work before then, in which case the interim arrangements would cease.

The Head of HR highlighted the three options put forward in the report and in answer to Members questions she confirmed there was no legal requirement for a statutory officer to attend the Council's Management Team (CMT) meetings. Members felt that the Monitoring Officer and S151 Officer should receive the CMT agenda and have the right to attend.

Following discussion around the financial elements and the resolutions highlighted in the report it was:

Resolved:

- a) That option 1 be agreed and remove Section 151 from his remit and allocate the Head of Paid Service.
- b) That it be agreed to pay the additional supplement for covering the Chief Executive/Head of Paid Service functions as described in the report.
- c) That the Section 151 Officer be allocated to the Deputy Section 151 Officer.

- d) That it be agreed to pay the additional allowance to cover this statutory function.
- e) That the interim arrangements be reviewed and an update report be brought to the Staffing Matters and Urgency Committee in October, unless the Chief Executive returned before that date and interim arrangements would cease.
- f) That during the interim period the Section 151 Officer and Monitoring Officer be issued with a copy of the CMT agenda and be given the right to decide if they would like to attend the meeting.

Reason: To provide suitable cover in the absence of the Chief Executive.

18. Customer & Corporate Services Restructure and Feedback from Appointments Sub-Committee

Members considered a report that provided an update on the review of the Corporate Services Structure, together with feedback from the Appointments Sub-Committee set up to appoint to the post of Director of Governance and Improvement and sought approval for proposed revisions to the post.

The Head of HR gave an update and highlighted the background to the report. She informed Members that the feedback received confirmed that the role was atypical and it was unlikely that applicants would have the full range of experience and knowledge that was requested within the job description. Members noted that whilst the applicants had experience in legal and governance they did not have the experience around customer and corporate improvement so the appointments committee took the decision not to progress with the selection process and suggested officers reconsider the role and structure.

Members considered the new structure and job description and in answer to their questions the Head of HR confirmed:

- The applicants who had applied previously would be notified of the changes and the advertisement.
- The recruitment process would start in September.

Members agreed that the organisation required a permanent Monitoring Officer and that the amended structure and job description would encourage the recruitment of the correct level of professional expertise required for the post.

Resolved:

- a) That the filling of the revised post and remuneration package for the Director post at a job evaluated salary of £87,623 - £97,149, be approved.
- b) That it be agreed to retain the existing membership already established for the Appointments Sub-Committee in relation to this post.

Reason: To ensure that the revised role is filled and to mitigate any risk of having no Monitoring Officer.

19. Settlement Agreements and Non-Disclosure Clause

Members considered a report that explained the process in which they would be given assurance and oversight of the council's activity on settlement agreements and the inclusion of a non disclosure clause within.

The Head of HR gave an update and confirmed that:

- Settlement agreements were a legally binding contract which could be used to end the employment relationship on agreed terms.
- Settlement agreements were voluntary, parties did not have to agree them or enter into discussions about them if they did not wish to do so.
- Settlement arrangements could be proposed by both City of York Council (CYC) Managers and employees and then the initial proposal would be considered by the Head of Service/Assistant Director, Legal, HR and Finance. Where it was proposed to progress then the Assistant Director/Corporate Director would inform the Executive Member and gain approval from the Section 151 officer.
- All settlement agreement business cases would be noted at a Staffing Matters and Urgency Committee inline with redundancy decisions.
- The non disclosure clause within the settlement agreement was used generally for the benefit of CYC and the employee.

Following discussions about the process, Members agreed that an appropriate Executive Member should have the opportunity to consider and approve each business case and that as Audit and Governance Committee requested a process to oversee the use of settlement agreements, they should receive the proposed process and business case.

Resolved:

- (i) That the proposed reporting to Staffing Matters and Urgency Committee on settlement agreements used within the authority be agreed.
- (ii) That each settlement agreement business case be formally considered and signed for approval by an appropriate Executive Member.
- (iii) That the report and proposed business case be provided for information to the Audit & Governance Committee.

Reason: To provide assurance and oversight by Members, as agreed by Audit and Governance Committee.

20. Changes to Membership of Committees and Other Bodies

Members noted that at the Annual Council meeting on 22 May 2019, appointments were made to Committees, Sub-Committees and Outside Bodies for the 2019/20 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 authority to deal with any in-year changes or appointments to any Committees and Outside Bodies and they noted the following proposed changes as detailed in the agenda papers:

Migration Yorkshire Board

To appoint Councillor Smalley onto this Board and remove him from the Yorkshire and Humber Strategic Migration Group.

York Business Improvement District (BID) Board

That the representation on the York BID Board be amended to one place to Lib Dem and one place to the Green political group and confirmed as follows:

To appoint Councillor D'Agorne to replace Councillor Douglas on the Board and for clarification Cllr Waller to remain on the Board.

York Learning Improvement Board

To appoint Cllr Daubeney as Chair of this newly-established Board.

It was noted that the Labour Group had concerns with the proposed appointment changes on York BID and the Leader of the Labour Group agreed to discuss them directly with the York Business Improvement District Board.

Resolved: That the above Committee and Outside Bodies membership changes be agreed.

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

Cllr Aspden, Chair

[The meeting started at 5.35 pm and finished at 6.05 pm].