



Notice of a public meeting of

Staffing Matters and Urgency Committee

- To:** Councillors Aspden (Chair), D'Agorne (Vice-Chair),
Hook and Kilbane
- Date:** Monday, 29 November 2021
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West
Offices (F045)

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 A and B to Agenda Item 8 and Annex A to Agenda Item 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 3 - 8)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 18 October 2021.

4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is at **5.00pm on Thursday 25 November 2021**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting please contact Democratic Services on the details at the foot of the agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts. During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

5. Appointment of the Managing Director of Make It York (Pages 9 - 12)

This paper proposes the appointment of the new Managing Director of Make It York, Sarah Loftus, to the company's board.

6. Work Plan (Pages 13 - 14)

To consider the Committee's draft work plan for the municipal year 2021-22.

7. Urgent Business

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

8. Pension or Exit Discretion (Pages 15 - 26)

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

9. Redundancy (Pages 27 - 32)

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

Democracy Officer

Robert Flintoft

Contact details:

- Telephone – (01904) 555704
- Email – robert.flintoft@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

Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

Good ventilation is a key control point, therefore, all windows must remain open within the meeting room.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(testand-trace.nhs.uk\)](https://testand-trace.nhs.uk), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Meetings at West Offices

- Please do not arrive more than 10 minutes before the meeting is due to start.
- You may wish to wear a face covering to help protect those also attending.
- You should wear a face covering when entering West Offices.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all time.
- Regular handwashing is recommended.
- Use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

Meeting	Staffing Matters and Urgency Committee
Date	18 October 2021
Present	Councillors D'Agorne (Vice-Chair), Ayre (Substitute), Hook and Kilbane
Apologies	Councillor Aspden

28. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that 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 Appendix A to Agenda Item 10 (Redundancy) and Appendices A and B to Agenda Item 11 (Pension or Exit Discretion), 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).

30. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 20 September 2021 be approved and then signed by the Chair as a correct record.

31. Public Participation

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

Gwen Swinburn spoke on several of the agenda items. She expressed a range of concerns and made a number of suggestions, including that proportionality proposals be submitted to Joint Standards Committee before approval by Annual Council and that

Member approval be required for expenditure relating to redundancy and pension or exit discretions.

32. Report in the Public Interest: Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments

Members considered a report which sought approval for guidance prepared in response to the recommendations of the Report in the Public Interest dated 19 April 2021, received by Council on 4 May 2021.

The guidance, contained in Appendix A to the report, took into account the recommendations made by Audit & Governance Committee at their meetings on 8 and 29 September, as well as recently-published guidance from MHCLG on exit payments. Trades Unions and Internal Audit had also been consulted on the guidance and on the Pay Discretions document at Appendix B. Both were content for the guidance to progress and their comments had now been incorporated within Appendix B.

Officers responded to Members' questions on the guidance, confirming that it was more detailed than the previous process and would allow more informed decisions to be made. The exact information required would depend on the circumstances of each case, and it would not be appropriate to include a blanket requirement for all information to be made available in every case.

- Resolved: (i) That the Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments (Appendix A to the report) be approved, subject to the following amendments:
- Paragraph 1 (Definitions) - in the definition of 'Confidentiality Clause', add '*or employer*' after '*unauthorised disclosure by the employee*';
 - Paragraph 6.4 (Process for Approval) – amend paragraph 6.4.2 to require final approval from Statutory Officers, with comments from the other officers referred to and Executive Members.
- (ii) That the Guidance, as amended, be adopted and implemented immediately.
- (iii) That the Head of HR liaise with the Executive and the Corporate Management Team to ensure consistent

compliance with the Guidance, training key officers across the Corporate Leadership Group and Human Resources.

(iv) That the pay discretion document presented to the committee, and that this will progress for approval within the Constitution, be noted.

Reason: To ensure compliance with the recommendations detailed by the council's external auditor in the Report in the Public Interest dated 19 April 2021.

33. People Directorate - Appointment of Sub-Committee for Appointment of Corporate Director People and Cover for Current Vacancies

Members considered a report which presented proposals to make a permanent appointment to the post of Corporate Director of People, following the resignation of the current postholder.

The current Director would leave the council at the end of October, but due to annual leave their last working day had been 8 October. Because of the timings, permission to progress the recruitment had been granted by Committee Members without formal approval at a meeting, and this process was now under way. Members were also asked to confirm the pay package for the post, as detailed in paragraphs 16-17 of the report.

Details of interim arrangements to cover vacancies in the People directorate were set out in paragraphs 9-15. Recruitment was under way to replace the Assistant Director (AD) for Children's Social Care, who was leaving on 5 November. The new AD for Adult Services would join the council on 15 November.

Resolved: (i) That an Appointments Sub-Committee for Chief Officer Appointments be established.

(ii) That authority be delegated to the Sub-Committee to conduct the recruitment process and select and appoint a candidate, subject to the requirements of the Standing Orders on appointments.

Reason: To enable an appointment to be made to the Corporate Director post.

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

Members considered a report which sought approval for the following changes to the appointments to committees agreed at Annual Council in May 2021:

Children, Education and Communities Policy and Scrutiny Committee

- Remove Cllr Orrell as a Member and appoint him as a substitute.
- Appoint Cllr Daubeney as a Member (to replace Cllr Orrell).
- Appoint Cllr Daubeney as Chair (to replace Cllr Baker, who will step down as Chair but will remain a Member).

Customer & Corporate Services Scrutiny Management Committee

- Remove Cllr Hook as a Member and appoint her as a substitute.
- Appoint Cllr Orrell (currently a substitute) as a Member.

Resolved: That the changes to committees, as set out above and detailed in paragraph 2 of the report, be approved.

Reason: In order to make appropriate appointments to committees for the remainder of the current municipal year.

Chair's Comments

The Chair noted that this was the last meeting to be attended by Trudy Forster, Head of HR, who would shortly be leaving the council. He thanked Trudy for her work and wished her well in her new post.

35. Work Plan

Members considered the committee's work plan for the current municipal year.

Resolved: That the work plan be agreed, subject to the addition of the following to the list of items for the meeting on 20 December 2021:

- Update on the People Directorate recruitment process.

36. Redundancy

Members considered a report which advised them of the expenditure associated with the proposed dismissal of three employees on the grounds of redundancy

The total expenditure amounted to £23,457.61, as set out in the table at paragraph 5 of the report. Full details were provided in exempt Annex A.

Resolved: That the expenditure associated with the proposed dismissal of the employees on the grounds of redundancy, as detailed in Annex A, be noted.

Reason: So that the committee has an overview of this expenditure.

Note: the above item was considered in private session, in accordance with the decision in Minute 29.

37. Pension or Exit Discretion

Members considered a report which advised them of expenditure associated with pension or exit discretions.

An overview of expenditure was provided in the table at paragraph 5 of the report. There were no costs to the council in this instance. Full details were set out in exempt Annexes A and B to the report.

Resolved: That the expenditure associated with each proposal, as detailed in the report annexes, be noted.

Reason: So that the council has an overview of expenditure.

Note: the above item was considered in private session, in accordance with the decision in Minute 29.

Cllr A D'Agorne, Chair

[The meeting started at 5.30 pm and finished at 6.45 pm].

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Staffing Matters and Urgency Committee

29 November 2021

Report of the Assistant Director (Customer & Communities)

Appointment of the Managing Director of Make It York**Summary**

1. This paper proposes the appointment of the new Managing Director of Make It York, Sarah Loftus, to the company's board.

Recommendations

2. The Staffing Matters and Urgency Committee is recommended to:
Appoint Sarah Loftus as a director of Make It York in order that she may fulfil her role as the new Managing Director.

Reason: To comply with the company's Articles of Association.

Background

3. Make It York is a company limited by shares wholly owned by the Council. It has the following objectives:
 - Increased profile for the city as a destination for living, visiting, studying, and doing business
 - To deliver the recently developed Cultural and Tourism Strategies for the city
 - Increased visitor spend – as measured by increase in average length of stay and average spend per visitor
 - A National / International profile of high quality cultural events, driving the development and implementation of the city's cultural strategy and promoting cultural wellbeing
4. The governance structure provides for a board of directors and a Shareholder Committee. The directors are appointed by the Council, the decision to appoint being within the remit of Council or Staffing Matters and Urgency Committee. The directors, who are unremunerated, are responsible for:
 - Setting the strategic direction of Make It York; keeping it under constant and constructive critical review and ensuring that it

fulfils its purpose: to develop and promote York as a great place to live, visit, work, study and do business

- Commissioning specialist expertise to advice and support the company including legal services, auditors and other expertise as required
 - Bringing fresh and independent thinking to the Board whilst being a team player and supporting a culture of collective responsibility once the Board has taken a decision
 - Practising the highest standards of governance (in line with the Companies Act 2006)
 - Working with the executive team to enhance the profile of Make It York and to promote its achievements
5. As a publicly-owned business, Make It York (MIY) is required to maintain the highest standards in relation to its governance. This applies to the appointment and conduct of its Board of Directors and staff, as well as to the make-up of the Board itself. As a primary means of achieving this, MIY follows the seven Nolan Principles in relation to public service: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Recruitment Process

6. At the outset of the recruitment process for the new Managing Director, a person specification was set out. This called for a candidate who has strong and demonstrable skills and experience in the following areas:

Leadership:

- Proven strong leadership skills
- Powerful ambassador for the city
- Mix of strategic and operational skills
- Visible person who can champion projects
- Motivator and people leader
- Track record of positive change and sustainable transformation

Commerce:

- Commercial acumen
- Identifying and navigating funding and grant opportunities
- Marketing and business development acumen
- Experience of managing budgets
- Sustainability

Collaboration:

- Public and private sector partnership working

- Political sensitivity
- Track record of working with and influencing stakeholders
- Strong advocate of the tourism and culture sectors
- Gain and maintain respect of various stakeholders

Experience:

- Ideally some private sector tourism or leisure experience
- Some experience of working closely with local government
- Experience of or interest in the culture sector
- Comfortable and credible with frequent media exposure

7. An open, objective and rigorous recruitment process was undertaken, supported by recruitment specialists Badenoch and Clark. The role was advertised through their website following consultation on the candidate brief with Portfolio Holders, the Make It York Board, including the CYC Directors, CYC officers and a number of stakeholders. In addition, Badenoch and Clark were able to use their existing databases and national reach to proactively approach suitable candidates and to directly contact candidates who were recommended.
8. Following a first and second interview process with a panel, Sarah Loftus emerged as the unanimously preferred candidate.
9. Sarah Loftus's summary of experience and skills:

Sarah is a graduate of Humberside Polytechnic and University College London.

She is currently the Chief Executive of the Lincoln Business Improvement Group (BIG) and previously held the positions of Corporate Director for Economic Growth at Trafford Council and Service Director for Economic Growth and Strategic Housing for Wakefield Council. She also had a series of different roles in the six years she worked for Yorkshire Forward culminating in the role of Assistant Director for the Humber Region in 2008/9.

Sarah will take the lead on the delivery of the tourism strategy, as well as driving forward the city's cultural strategy and will work with stakeholders and partners across the city to promote York's profile regionally, nationally and internationally.

10. She has a 12 week notice period which may be shortened, and will start in post at Make It York by 3rd December 2021 latest.

Options and Analysis

- 11. It is open to the committee to accept or reject this proposed appointment to the Make it York Board. Should the committee reject the appointment it will not be possible for the individual to carry out this key senior leadership role to the extent and in the way envisaged in the job role or in accordance with the memorandum and articles of association of the company. It is recommended that the candidate is appointed in view of her outstanding credentials and selection through a rigorous process.

Next Steps

- 12. Make It York or its professional advisors will be responsible for registering the appointment of Sarah Loftus as a Director of Make It York with Companies House having undertaken relevant statutory checks.
- 13. Sarah Loftus will fill in a register of interests, advising Make It York of any conflict that they can foresee.
- 14. The Chair of Make It York will arrange a board induction process to take place in the first three months after appointment.

Council Plan

- 15. Make It York contributes to a number of Council Plan themes including Well-paid jobs and an inclusive economy, and Safe communities and culture for all.

Implications

- 16. There are no additional implications beyond those set out in the report.

Author:

Charlie Croft
Assistant Director
(Customer & Communities)

Chief Officer responsible for the report:

Pauline Stuchfield
Director of Customer & Communities

Report Approved: Date: 28.9.21.

Wards Affected:

All

**Staffing Matters & Urgency Committee
Draft Work Plan 2021-22**

21 June 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements 2. Workforce demographics at 31 March 2021 <ul style="list-style-type: none"> • FTE • Equality Data • Absence and Well Being • Starters and Leavers • Reasons for leaving i.e. retirement, redundancy, dismissal, settlement agreement • Agency 3. Progress in implementing the new Corporate Leadership Group (CLG).
19 July 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
16 August 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
20 September 2021	<ol style="list-style-type: none"> 1. Emergency Retention Protocol 2. Redundancy, Retirement and Settlement Agreements
18 October 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
29 November 2021	<ol style="list-style-type: none"> 1. Appointment of the Managing Director of Make It York 2. Redundancy, Retirement and Settlement Agreements

20 December 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements 2. Workforce demographics at 31 March 2021 <ul style="list-style-type: none"> • FTE • Equality Data • Absence and Well Being • Starters and Leavers • Reasons for leaving i.e. retirement, redundancy, dismissal, settlement agreement • Agency
17 January 2022	1. Redundancy, Retirement and Settlement Agreements
15 February 2022	1. Redundancy, Retirement and Settlement Agreements
21 March 2022	1. Redundancy, Retirement and Settlement Agreements
25 April 2022	1. Redundancy, Retirement and Settlement Agreements
16 May 2022	1. Redundancy, Retirement and Settlement Agreements



Staffing Matters and Urgency Committee**29 November 2021**

Report of the Chief Operating Officer

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 for noting.

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 the proposed pension or exit discretions have been subject to consultation in accordance with the Council's statutory obligations.

Approval

4. In accordance with the updated discretions policy the S151 officer has approved the attached business cases. The Committee has the power within the Council's procedures to approve discretionary enhancements to redundancy. The Committee does not have the power to make lower payments. By law the decisions as to whether to make an employee redundant rests with the Chief Operating Officer or Officers nominated by him.

Analysis

5. The analysis of each proposal can be found in the respective business case, however the information below provides an overview.

Employee	Costs to CYC
	£
Employee A	0
Employee B	0
Total	0

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 Organisation Development 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:

Note the expenditure associated with each proposal as detailed in the annexes.

Reason: To provide an overview of expenditure.

Contact Details

Author:

Claire Waind
Acting Head of HR
Human Resources

Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

**Report
Approved**

Date 29 November
2021

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:

Annex A – Confidential Business Case

Annex B – Confidential Business Case

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

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of the Local Government Act 1972.

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Staffing Matters and Urgency Committee**29 November 2021**

Report of Chief Operating Officer

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 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 Operating Officer or Officers nominated by him.

Analysis

5. The analysis of each proposal can be found in the respective business case, however the information below provides an overview.

Directorate: People

Employee	Redundancy £	Pension cost to CYC £	Total £
Employee A	£19,773.00	0	£19,773.00
Total	£19,773.00	0	£19,773.00

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 Organisation Development 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 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:

Claire Waind
Acting Head of HR
Human Resources

Chief Officer Responsible for the report:

Ian Floyd
Head of Paid Service

Report Approved

Date

16 November
2021

Specialist Implications Officer(s):

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A

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

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