



## **Notice of meeting of**

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

**To:** Councillors Alexander (Chair), Gunnell, Fraser, Runciman and Gillies

**Date:** Monday, 16 April 2012

**Time:** 1.00 pm

**Venue:** The Guildhall

### **AGENDA**

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

At this point in the meeting, 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 to Agenda Item 6 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 1,2,3 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 - 6)**

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 2 April 2012.

**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 **Friday 13 April 2012 at 5.00 pm.**

**5. Appointments Sub-Committee for Director of City and Environmental Services (Pages 7 - 18)**

This report seeks formal approval to establish an Appointments Sub-Committee for the post of Director of City & Environmental Services and to delegate sufficient powers to that Sub-Committee to enable it to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.

**6. Redundancy (Pages 19 - 20)**

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

Democracy Officer:

Name: Judith Betts

Contact details:

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

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an

interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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## **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

## **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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City of York Council

Committee Minutes

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MEETING	STAFFING MATTERS & URGENCY COMMITTEE
DATE	2 APRIL 2012
PRESENT	COUNCILLORS ALEXANDER (CHAIR), SIMPSON-LAING (SUBSTITUTE FOR COUNCILLOR FRASER), GUNNELL, RUNCIMAN AND GILLIES
APOLOGIES	COUNCILLOR FRASER

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**120. DECLARATIONS OF INTEREST**

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

Councillor Alexander declared a personal non prejudicial interest in Agenda Item 5 (Redundancy) as a member of GMB.

Councillor Gunnell also declared a personal non prejudicial interest in Agenda Item 5 as a member of UNISON.

Councillor Simpson-Laing also declared the same interest in Agenda Item 5.

No other interests were declared.

**121. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during the consideration of annexes to Agenda Item 5 (Redundancy) on the grounds that they contain information relating to individuals and the financial affairs of particular persons.

**122. MINUTES**

RESOLVED: That the minutes of the Staffing Matters and Urgency Committee held on 19 March 2012 be approved and signed by the Chair as a correct record.

**123. PUBLIC PARTICIPATION**

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

**124. REDUNDANCY**

Members received a report which advised them of the expenditure associated with the proposed dismissal of a number of employees on the grounds of redundancy.

Details of the eight individual employees were contained in three business cases circulated at the meeting. All of the redundancies were voluntary and no discretionary enhancements were proposed.

Following a request from Members at the previous meeting for further information on staffing numbers in a specific service area of the Council, Officers tabled a briefing note at the meeting. This informed Members of the numbers of staff expected to be needed following reorganisation of the service area.

RESOLVED: (i) That the expenditure associated with the proposed dismissal of eight employees on the grounds of redundancy as detailed in Annexes A, B and C be noted.

(ii) That the additional information provided by Officers on staff numbers at the meeting be noted.

REASON: So that Members have an overview of the expenditure.



**125. URGENT ITEM: HUNGATE HAYMARKET CAR PARK SITE**

Members received a report which asked them to approve additional archaeological excavation works at the Hungate Haymarket Car Park at a cost of £112k.

The report was brought to the Committee as an urgent item as the current phase of work on site was due to be completed on 30 March 2012 and Officers recommended that funding be continued.

Questions from Members to Officers related to the reasons for the continuance of funding excavations and the likelihood of a future sale of the site, once archaeological investigations had been completed.

Officers informed Members of a successful open day for members of the public at the excavation site and it was noted that another open day would be arranged soon. They also informed the Committee that a visit of the site for Members could be arranged on request.

- RESOLVED:
- (i) That the report be noted.
  - (ii) That the additional archaeological excavation works at £112k be approved.
  - (iii) That the capital receipt be used to fund the capital expenditure.
  - (iv) That the capital expenditure be included in the capital programme in the year 2013/14.
  - (v) That the company that completes the work would fund the expenditure until 2013/14.
  - (vi) That if the capital receipt is not realised at an amount to cover the expenditure, then it be noted that potential additional borrowing may be required, subject to a review of the overall capital programme.

- (vii) That the finance costs as a result of the timing differences between the archaeological investigation costs incurred and the sale of the capital receipt be funded from property services revenue budget.

REASON: To enable the archaeological investigative work on the site to proceed in the most cost effective manner.

Councillor J Alexander, Chair  
[The meeting started at 1.00 pm and finished at 1.10 pm].



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**Staffing Matters & Urgency Committee****16 April 2012**

Report of the Chief Executive

**Appointments Sub- Committee for Director of City & Environmental Services****Summary**

1. This report seeks formal approval to establish an Appointments Sub-Committee for the post of Director of City & Environmental Services and to delegate sufficient powers to that Sub-Committee to enable it to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment. This post was created and approved by Cabinet on 6 December 2011 as part of the Organisational Review 2011.
2. The report is being considered because of the need to plan to fill the vacant substantive post, to enable the new Directorate to operate effectively, and to avoid any further delay. Cabinet approved the recruitment to the post at its meeting of 3 April 2012.
3. The recruitment process will run parallel to the NHS-led recruitment process arranged for a Joint Director of Public Health and Wellbeing (DPHW) with the Vale of York Commissioners Group. When appointed this postholder will be seconded to CYC until the formal TUPE transfer of the post on 1<sup>st</sup> April 2013. It has been agreed by Cabinet that the Cabinet Member for Health, Housing and Adult Social Services represents the Council alongside the Chief Executive to sit on the recruitment panel for the DPHW role.
4. According to the Council's Pay Policy 2012 (approved at Council on 29 March 2012), the Council or this committee should approve any Chief Officer Pay Package over £100,000 in value.

**Background**

5. A current Director has resigned from his post and will leave the Council on 10 June 2012. In line with the Cabinet decisions taken

on 6 December 2011 the postholder took over the new role of Director of City & Environmental Services from 1 April 2012.

6. The Council's Constitution allows for an Appointments Sub-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.
7. It is requested that for the Director of City & Environmental Services Appointments Sub-Committee, that the Sub-Committee be constituted on a 2:1 basis. This will mean that there will be two Labour members, and one Conservative or Liberal Democrat Member. Nominations for these appointments will be coordinated by Democratic Services.
8. Attached at Appendix B are details of the pay package and Conditions of Service for the post of Director of City & Environmental Services. The Committee is asked to confirm the pay package for this post which will be offered as part of the recruitment process which is set at a job evaluated grade of Director at a salary of £88,080 to £102,766 with access to the standard set of Chief Officer terms and conditions. There are no other enhancements recommended for this role. Any amendment to this position will be brought back to a future meeting of this committee for further review and approval should the salary package be over £100,000 in value.

### **Consultation**

9. Consultation has taken place with the Corporate Management Team and out-going Director as to the need for this appointment. It is requested that the two largest political groups now nominate Members to participate in the Appointments Sub-Committee.

### **Options/Analysis**

10. There are no alternative options for Members on the recruitment process to consider, other than simply not proceeding with the recruitment to the post. The failure to create an Appointments Sub-Committee at this stage would delay any subsequent appointment to the post.

## **Council Plan**

11. Making an appointment to this post will contribute to delivering the Council Plan and its priorities, in particular Get York Moving and Protect the Environment.

## **Implications**

12. The following implications have been considered:
  - **Financial** –There could potentially be some budget pressure in the next financial year if interim arrangements are necessary pending an appointment. The recruitment costs will be funded by the vacancy saving for the period between the existing postholder leaving and the new postholder commencing in the role.
  - **Human Resources (HR)** –The job description for the Director of City & Environmental Services has been subject to the Council's established job evaluation mechanism and a grade of Director has been confirmed for the post. The Appointments Sub-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 protocol attached (Appendix A). A procurement tendering exercise is currently being undertaken to determine which Recruitment Agency from a national framework will undertake the recruitment campaign for the Director of City and Environmental Services. These costs will be funded from savings arising from a period of time that the post is vacant (2-3 months).
  - **Equalities** - There are no equalities implications.
  - **Legal** – The Appointments Sub-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 Director of City & Environmental Services. The proceedings of the Appointments Sub-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 Sub-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**

13. There are no known risks associated with the recommendations of this report.

### **Recommendations**

14. It is recommended that Staffing & Urgency Committee:
  - i. Notes the intention to recruit to the DPHW and Director of City & Environmental Services concurrently.
  - ii. Notes that the Portfolio Holder for Cabinet Member for Health, Housing and Adult Social Services represents the Council alongside the Chief Executive to sit on the recruitment panel for the DPHW role.
  - iii. Establishes an Appointments Sub-Committee consisting of three members, two from Labour, and one Conservative or Liberal Democrat, to be authorised to conduct the final interviews for the

Director of City and Environmental Services and select a successful candidate with a view to making an offer of employment subject to the necessary employment procedures.

- iv. Agrees the proposed pay package of the Director of City & Environmental Services, as set out in paragraph 8 of the report.

Reason: To progress appointment to the posts of Director of Public Health & Wellbeing and Director of City & Environmental Services.

### Contact Details

**Author:**

Pauline Stuchfield  
Assistant Director,  
Customers  
& Employees

**Chief Officer Responsible for the report:**

Kersten England  
Chief Executive

**Report  
Approved**



**Date** 10<sup>th</sup> April 2012

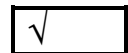
**Specialist Implications Officer(s)**

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

Finance: Patrick Looker, Finance Manager, Communities & Neighbourhoods

**Wards Affected:**

**All**



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

**Background Papers:**

6 December 2011 – Report to Cabinet: Organisation Review 2011

3 April 2012 – Report to Cabinet: Recruitment to the roles of Director of Public Health & Wellbeing and Director of City & Environmental Services

**Appendix:**

- A. Chief Officer recruitment protocol
- B. Conditions of Service -Director of City and Environmental Services



**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.

<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

	<p>therein. Criteria to be considered are:</p> <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 (Chief Executive or relevant Director and Head of Human Resources, or nominated substitute) and recruitment consultants (if appropriate)
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)

## APPENDIX B

## Conditions of Service

### Director of City and Environmental Services

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**

Appointments from outside local government are subject to the successful completion of a six month probationary period.

**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 Director range. The salary levels within the grade are as follows:

30	<b>£88,080</b>
31	<b>£92,491</b>
32	<b>£96,883</b>
33	<b>£99,822</b>
34	<b>£102,766</b>

The starting salary will be determined by the Appointments Panel of elected Members.

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.

Director (April 12)

APPENDIX B

**Relocation allowance**

There will be an entitlement to relocation expenses up to a ceiling of £6,500 subject to certain conditions. The terms of the relocation scheme are dependent on the post holder residing within the City of York Council boundary. Further details are set out in the Council's relocation policy.

**Annual leave**

The annual leave entitlement is 34 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 45p 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 are 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



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**Staffing Matters and Urgency Committee****16 April 2012**

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 More 4 York programme.

**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 and note each proposal presented on the grounds of redundancy 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:**

Mark Bennett  
Head of HR Directorate  
Support  
Human Resources  
Ext 4518

**Chief Officer Responsible for the report:**

Ian Floyd  
Director of Customer and Business  
Support Services

**Report  
Approved**

**Date** 5 April 2012

**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)