



Notice of a public meeting of

Staffing Matters & Urgency Committee

To: Councillors Simpson-Laing (Chair), Fraser, Aspden, Steward and Watson

Date: Monday, 19 January 2015

Time: 1.00 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 it contains information relating to individuals. 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 - 4)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 5 January 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 **Friday 16 January 2015 at 5.00 pm.**

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

5. Appointments to Committees and Outside Bodies (Pages 5 - 14)

This report provides further details in relation to appointments deferred at the last meeting together with additional requests for changes made since that time.

6. Redundancy (Pages 15 - 18)

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. This summary information covers the period October 2014 to December 2014.

7. Urgent Business

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

Democracy Officer:

Name: Judith Betts

Contact details:

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- 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

Meeting	Staffing Matters & Urgency Committee
Date	5 January 2015
Present	Councillors Simpson-Laing (Chair), Fraser, Aspden, Steward and Watson
Apologies	Councillor Alexander
In Attendance	Councillor Watt

64. 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 in respect of business on the agenda. None were declared.

65. Minutes

Resolved: That the minutes of the last meeting of the Committee held on 22 December 2014 be approved and signed by the Chair as a correct record.

66. Public Participation

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

Councillor Watt made a number of comments in relation to the proposed change in appointments to the Local Plan Working Group membership as detailed in Annex A to Agenda Item 4 (Appointments to Committees and Outside Bodies).

He felt that there was a need for a rebalance in the proposed membership in order for York to achieve a Local Plan. He reiterated the importance of York to have a Local Plan in place that could incorporate population changes and reminded Members that York remained open to predatory planning applications in the absence of an agreed plan. He asked the Committee to retain him as a member of the Local Plan Working Group.

67. Appointments to Committees and Outside Bodies

Members considered a report which asked them to agree to a number of changes to Committees and Outside Bodies, as a result of the recent change in Council leadership.

An updated list of nominations from the Labour Group was circulated to the Committee (re-published with the agenda for the meeting online).

The Chair took Members through the various changes to be considered one by one.

In light of the recent resignation of Councillor Watt from the Conservative Group, some Members queried any potential impact upon overall proportionality on Committees and other bodies. Specifically, they were concerned about any impact this may have on the Conservative place being considered at this meeting on the Local Plan Working Group. As a result, clarification was sought for the next meeting.

In relation to the West Yorkshire Combined Authority Investment Committee, clarification was also sought as to whether the Council nominee for this ought, more appropriately, to be the Cabinet Member for Transport as discussed previously at this Committee, as opposed to the Council Leader.

Finally clarification, as to whether Councillor Cunningham had been nominated as both a member of and Chair of City of York Trading Company Shareholder Board was also requested.

Resolved: That

- (i) The following changes be agreed to Committees, Outside Bodies etc:
 - Councillor Funnell to replace Councillor Williams on Planning Committee.
 - Councillor Simpson-Laing to replace Councillor Alexander as Chair of Staffing Matters and Urgency Committee.

- Councillor Williams to replace Councillor Alexander on the following outside bodies;
 - Leeds City Region LEP Leaders Board
 - Local Government Association- General Assembly
 - Local Government North Yorkshire and Humber
 - West Yorkshire Combined Authority
 - Visit York
 - Without Walls Partnership
 - York, North Yorkshire and East Riding LEP Board Member
 - As a substitute on Local Government North Yorkshire and York Housing Board

 - Councillor Levene to replace Councillor Alexander on the following outside bodies;
 - Leeds City Region LEP Employment & Skills Board (Labour substitute)
 - York Central Lead Members
 - York Economic Partnership

 - Councillor Simpson-Laing to replace Councillor Alexander on the following outside bodies;
 - Local Government Association- Councillors Forum
 - Local Government Information Unit
- (ii) Councillor Williams to be retained as the Council's appointee to the Corporate Joint Consultative Committee and North Yorkshire Pension Fund.
- (iii) Councillor Alexander to be retained on the Gambling, Licensing & Regulatory Committee.

- (iv) Councillor Cunningham to replace Councillor Alexander on the City of York Trading Company Shareholder Board/Committee, subject to formal agreement with the Board/Committee, but, in the meantime, clarification be provided on the role of the Chair.¹
- (v) Consideration of the proposed changes to the Local Plan Working Group be deferred to the next meeting pending clarification of the proportionality issues raised.
- (vi) No appointment be made to the West Yorkshire Combined Authority-Investment Committee pending clarification on whether that role should be filled by the Cabinet Member for Transport, as discussed previously by this Committee.²

Reason: In order to make appropriate appointments to the Council's Committees and Outside Bodies for the municipal year.

Action Required

- 1. To provide requested information. JP
- 2. To provide requested information. JP

Councillor T Simpson-Laing, Chair
[The meeting started at 12.05 pm and finished at 12.32 pm].



Staffing Matters and Urgency Committee**19 January 2015**

Report of the Assistant Director, Governance and ICT

Appointments to Committees and Outside Bodies**Summary**

1. Following the Council meeting on 11 December 2014, the appointment of a new Leader of the Council and the subsequent reduction in Cabinet members, a number of changes were required to the previously agreed list of appointments to Committees and Outside Bodies. A list of proposed changes were submitted for consideration by the Staffing Matters and Urgency Committee, at their last meeting on 5 January 2015.
2. Whilst the majority of the changes proposed at the meeting were agreed, clarification was sought in relation to three of the nominations. This report provides further details in relation to the three outstanding appointments. It also seeks approval to some additional changes to Conservative Group places on Committees etc following the recent resignation of Councillor Watt from the Conservative Group.
3. Also at the Council meeting on 11 December 2014 changes in membership and the Terms of Reference of the Health and Wellbeing Board were agreed. In light of the increase in membership of the Board a request has been made for the additional elected representative to be the Portfolio Holder for Children's Services.

Background

4. The Council makes appointments at its Annual Meeting, to Committees for the coming year and the Extraordinary Meeting, held on 23 October 2014, reviewed the allocation of seats, appointments to the Council structure and outside bodies for the remainder of the municipal year. Further changes were requested at the Committee's last meeting, in light of changes in Cabinet membership.
5. Additional changes were also requested at the meeting to the Conservative Group's membership on and the Vice-Chair appointment to the Local Plan Working Group.

6. As the Staffing Matters & Urgency Committee has authority to deal with any changes or appointments to those Committees and bodies within year, this report provides the further information requested at the Committee's last meeting in respect of the following bodies and an appointment to the Health and Wellbeing Board:

(a) **City of York Trading Company Shareholder Committee**

At the last meeting Cllr Cunningham was appointed to replace Councillor Alexander on the Trading Shareholder Committee, subject to formal agreement by the Trading Companies Board. Clarification was however sought in relation to the role of the Chair on this body.

It has since been confirmed that Cllr Cunningham had been nominated as a member of the Committee but not as Chair, the place previously held by Cllr Alexander. At present the Committee's shareholder agreement assumes that the Leader would be a Member of and Chair of the Committee, however this issue will be considered at a future Board meeting.

(b) **West Yorkshire Combined Authority – Investment Committee**

At the last meeting, consideration was also given to the appointment of Councillor Williams in place of Councillor Alexander on the West Yorkshire Combined Authority – Investment Committee. At that time clarification was sought as to whether that role should be filled by the Cabinet Member for Transport.

The Council's current membership of the Investment Committee is:

- Cllr Levene – Cabinet Member for Transport, Planning and Economic Development (CYC's nomination for appointment to the WYCA)
- Cllr Alexander (serving on this Committee as a direct appointment by the WYCA)

Cllr Levene was previously appointed to the Investment Committee by this Council and Cllr Alexander is also on the Committee as a direct appointment by the WYCA. It is therefore suggested that WYCA replace Cllr Alexander with Cllr Williams on the Investment Committee, given that Cllr Williams is the new CYC Council Leader.

(c) Health and Wellbeing Board

At the Council meeting on 11 December 2014, the following changes were agreed to the membership and Terms of Reference of the Health and Wellbeing Board.

“The membership of the Board will consist of:

- i The Leader of City of York Council (“the Council) or his/her nominee, together with a further 3 elected representatives nominated by the Council.*
- ii. Two representatives of the Vale of York Clinical Commissioning Group appointed by them*
- iii. A representative of HealthWatch York appointed by them*
- iv. The Director of Public Health (represented in CYC by the Acting Director of Public Health)*
- v. The Director of Children’s Services, Skills and Education*
- vi. The Director of Adult & Social Services*
- vii. A representative for the York Voluntary and Community Sector*
- viii. A representative of the York Teaching Hospital NHS Foundation Trust*
- ix A representative of Leeds Partnership NHS Foundation Trust*
- x. A representative of the Independent Care sector*
- xi. A representative of the NHS Commissioning Board*
- xii. A representative of North Yorkshire Police*
- xiii. Other members appointed by the Board or the Leader of the Council after consultation with the Board.”*

The current elected member representation on the Health and Wellbeing Board consists of Cllr Cunningham, Chair, (Leader’s appointment) together with Councillors Cuthbertson and Wiseman.

Following the agreed increase in elected representatives by Council to three, Councillor Cunningham has made a request for the Portfolio Holder for Children’s Services to be appointed as the additional elected representative nominated by the Council on the Board, to ensure full coverage of the health and wellbeing service.

(d) Local Plan Working Group

Consideration was given at the last meeting to the following requested changes in membership of the Local Plan Working Group:

- (i) To appoint Councillor Healey, as a Conservative rep, in place of Councillor Watt

- (ii) To appoint Councillor Steward as the Conservative Vice-Chair
- (iii) To appoint Councillor Williams as Labour substitute in place of Councillor Alexander

Members had sought clarification in respect of any potential impact upon overall proportionality on Committee's and other bodies in light of the recent resignation of Cllr Watt from the Conservative Group.

When a Member leaves a political group that does not automatically trigger a review of political proportionalities. Unless Council chooses to review them the proportionalities remain those in place following the last review.

If Council were to review the proportionalities on the committees to which proportionality applies then, overall, the Conservatives would lose two places to the independents.

The Local Plan Working Group is not a Committee of the Council and is not technically covered by the political proportionality rules. Although, the Council has, traditionally, allocated seats to the Local Plan and other Working Groups on a proportionate basis. The loss of one Conservative member has no impact on the number of seats they should have on this Working Group – they are entitled to 2.1 rather than 2.3 seats.

Where the proportionality rules apply the Council has a statutory duty to comply with the wishes of that political group in making appointments. Again the Council has traditionally applied the same principle in allocating seats where the rules do not technically apply.

On that basis, the membership of the Local Plan Working Group, comprising 11 Members would remain as follows:

Labour (5)
Conservative (2)
Liberal Democrat (2)
Green (1)
Independent (1)

Members are therefore asked to consider the requested changes in membership of the Local Plan Working Group, in light of the advice set out above in this report.

Additional Requests received since the agenda was published

(e) Local Government North Yorkshire Spatial Planning and Transport Board

A request has been received to appoint Councillor Levene in place of Councillor Merrett on the Local Government North Yorkshire Spatial Planning and Transport Board.

(f) Additional Change to Health and Wellbeing Board

The York Voluntary and Community Sector named representative on the Health and Wellbeing Board has now been confirmed as:

- Luke Barnett, the Chief Executive of York CVS with Melanie McQueen, the Deputy Chief Executive of York CVS as his named substitute

(g) Staffing Matters and Urgency Committee

Since the agenda was published, a request has been made for a change in the Labour Group membership on the Staffing Matters & Urgency Committee. Councillor Williams to replace Councillor Fraser as one of the Labour representatives on the Committee.

Members will also be asked to consider a change in the start time for future meetings of the Staffing Matters and Urgency Committee.

Other Conservative Group Changes to Places on Committees

7. Since the meeting on 5 January 2014, the Conservative Group Leader, Councillor Steward, has provided details of the following additional changes to nominations from his Group to their allocated places on Committees etc:

- Cllr Healey to replace Cllr Watt as a Member and Vice Chair of Economic & City Development Overview & Scrutiny
- Cllr Richardson to replace Cllr Watt as Gambling, Licensing & Regulatory Committee Vice Chair
- Cllr Barton to replace Cllr Watt as the Conservative Group's Substitute representative on the Without Walls Partnership
- Cllr Richardson to replace Cllr Watt on the Joint Member Working Group on the Joint Mineral and Waste Plan

As a result of these proposed changes, Councillor Watt would remain on the following but as an Independent Member:

- Gambling, Licensing & Regulatory Committee
- Planning Committee
- Area Planning Sub-Committee
- Clifton Backies Management Board
- Local Access Forum

Consultation

8. In accordance with the usual process for gathering nominations to available places, the relevant Groups and individuals have been consulted, as appropriate, and provided with the necessary information.

Options

9. The Committee has the option either to approve or propose alternatives to the nominations proposed in this report.

Council Plan 2011-15

10. Establishing an appropriate decision making and scrutiny structure and appointees to that, contributes to the Council delivering its core priorities set out in the Council Plan, effectively.

Implications

11. There are no known implications in relation to the following in terms of dealing with the specific matters before Members:
 - Financial
 - Human Resources (HR)
 - Equalities
 - Crime and Disorder
 - Property
 - Other

Legal Implications

12. As set out 6 (d) above, the Council is statutorily obliged to make appointments to Committees, Advisory Committees, Sub-Committees and certain other prescribed bodies in accordance with the political balance

rules. The legal requirements and custom and practice around proportionalities in relation to the Local Plan Working Group are also explained in paragraph 6(d).

Risk Management

13. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations in this report.

Recommendations

14. (i) That the Staffing Matters and Urgency Committee is asked to consider and agree the following changes to appointments to Committees and Outside Bodies, for the remainder of the 2014/15 municipal year:
- To appoint Councillor Williams as Labour substitute in place of Councillor Alexander on the Local Plan Working Group;
 - To request WYCA to appoint Councillor Williams, to the West Yorkshire Combined Authority – Investment Committee in place of the former Council Leader, Councillor Alexander, and in line with the WYCA requirements.
 - To appoint Councillor Healey, as a Conservative rep, in place of Councillor Watt on the Local Plan Working Group;
 - To appoint Councillor Steward as the Conservative Vice-Chair of the Local Plan Working Group;
 - To appoint Councillor Healey to replace Councillor Watt as both a Member and Vice Chair of the Economic & City Development Overview & Scrutiny Committee
 - To appoint Councillor Richardson to replace Councillor Watt as Vice Chair of Gambling, Licensing & Regulatory Committee
 - To appoint Councillor Barton to replace Councillor Watt as the Conservative Group's Substitute representative on the Without Walls Partnership

- To appoint Councillor Richardson to replace Councillor Watt on the Joint Member Working Group on the Joint Mineral and Waste Plan
 - To appoint Councillor Levene to replace Councillor Merrett on the Local Government North Yorkshire Spatial Planning and Transport Board.
 - To appoint Luke Barnett & Melanie McQueen from York CVS as the named member and substitute member respectively, to act as representatives from the York Voluntary and Community sector on the Health & Wellbeing Board.
 - To confirm the appointment of Councillor Williams to replace Councillor Fraser as one of the Labour representatives on the Staffing Matters & Urgency Committee.
- (ii) To note the additional information received in relation to the appointment of Councillor Cunningham, previously made to the City of York Trading Company Shareholder Committee.
- (iii) That the Cabinet Member for Education, Children and Young People, as the Portfolio Holder for Children's Services, be appointed as the Council's third elected representative on the Health and Wellbeing Board.
- (iv) To consider a possible change to the start time of future Staffing Matters & Urgency Committee meetings.

Reason: In order to make appropriate appointments to the Council's Committees and Outside Bodies for the current municipal year.

Author:

Dawn Steel
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Democratic Services
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551030

Chief Officer Responsible for the report:

Andy Docherty
Assistant Director, Governance and ICT

**Report
Approved**

Date 15 January 2015

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers - None

Annexes - None

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Staffing Matters and Urgency Committee**19 January 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. This summary information covers the period October 2014 to December 2014.

Background

2. In November 2010 a decision was taken that all proposed redundancies and exit payments needed to be formally presented to Staffing Matters & Urgency Committee (SM&UC).

A new reporting process took effect from January 2011. SM&UC meetings were arranged on a fortnightly basis to ensure reports were received on a regular basis.

At a meeting of group leaders on 9th July 2012, the following proposal was agreed for future redundancies;

- That a quarterly report of all redundancy cases summarising the data for all cases will be presented to SM&UC.
- All individual cases with total costs over £25k (redundancy and employers pension costs) would still be reported in the established way to SM&UC.

Under these new arrangements managers are still required to develop a redundancy business case for every redundancy and these will continue to be agreed by the Chief Executive and Director of CBSS.

On 24th June 2013 it was agreed that the quarterly report would identify all bumped redundancies.

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 has been subject to scrutiny by the Chief Executive and Director of CBSS as part of the decision making process.

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 has been subject to scrutiny by the Chief Executive and Director of CBSS as part of the decision making process.

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 the proposed dismissal of the employees on the grounds of redundancy detailed in the annex.

Reason: In order to provide an overview of the expenditure and to maintain transparency and scrutiny of the process.

Contact Details

Author:

Mark Bennett
Head of HR Directorate
Support
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Chief Officer Responsible for the report:

Ian Floyd
Director of Customer and Business
Support Services

**Report
Approved**

Date 9 January
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

Summary of redundancies for the period October 2014 to December 2014 (confidential and to be circulated at the meeting).

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