



Notice of a public meeting of

Staffing Matters & Urgency Committee

To: Councillors Carr (Chair), Aspden (Vice-Chair) and Looker

Date: Monday, 6 February 2017

Time: 5.30 pm

Venue: The King Richard III Room (GO49) - West Offices

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:

Annex A to Agenda Item 5 and Annexes B & C 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 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 - 8)

To approve and sign the minutes of the Staffing Matters & Urgency Committee meetings held on 21 December 2016 and 9 January 2017.

4. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is on **Friday 3 February** at **5.00pm**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council website following the meeting.

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 (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/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

5. **Redundancy** (Pages 9 - 12)

This report advises the Staffing Matters and Urgency Committee of the expenditure associated with the proposed dismissal of an employee on the grounds of redundancy.

6. Redundancy Summary Report (Pages 13 - 22)

This summary report, covering the period October 2016 to December 2016, provides Staffing Matters and Urgency Committee with details of all expenditure associated with the proposed dismissal of employees on the grounds of redundancy. The report also provides an overview and analysis of all redundancies which have been made by the Council since 2011.

7. Changes to Appointments to Outside Bodies (Pages 23 - 26)

This report asks Members to agree to changes and additions to membership of a number of Outside Bodies

8. Urgent Business

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

Democracy Officer:

Name: Laura Clark

Contact details:

- Telephone – (01904) 554538
- E-mail – Laura.Clark@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 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 (Polish)
własnym języku.**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Staffing Matters & Urgency Committee
Date	21 December 2016
Present	Councillors Aspden (Vice-Chair), Looker and Rawlings (Substitute for Councillor Carr)
Apologies	Councillor Carr

52. 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. None were declared.

53. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the consideration of Annexes 1,3 & 4 to Agenda Item 5 (Decision on Application by Uber Britannia Limited for Renewal of Private Hire Vehicle Operators Licence) (Minute Item 56 refers) on the grounds that it contained information relating to an individual and the financial affairs of a particular person. 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).

54. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 12 December 2016 be approved and then signed by the Chair as a correct record.

55. Public Participation

It was reported that there had been 14 registrations to speak at the meeting under the Council's Public Participation Scheme on the following items:

Gwen Swinburn spoke of her concern at the lateness of Uber's application and stated that due diligence and the correct democratic processes could not take place in such a short time period. She requested the application be rejected on these grounds.

5. Decision on Application by Uber Britannia Limited for Renewal of Private Hire Vehicle Operators Licence

Councillor Crisp spoke on her concerns around DBS checks, safeguarding issues and licensing regulations. She felt a full investigation of the complaints received by CYC should take place before issuing a licence.

There were ten registered speakers on behalf of the taxi trade and several unions. They spoke on a number of issues including:

- Concerns about the legality of Uber's practices – such as touting for business at taxi ranks and arranging pickups without using the Uber 'app'.
- 'Surge' pricing during peak periods being unfair to customers. Large fares being charged for short journeys.
- The lack of control over the safety of vehicles licensed by other Local Authorities. Vehicles with blacked out windows were being used and there were currently no wheelchair accessible vehicles available via Uber in York.
- A significant amount of drivers coming from outside of York meant there was a lack of local knowledge. This was causing safety issues – e.g. driving up one way streets.
- CYC enforcement officers were overstretched and unable to tackle these issues effectively.

Neil Mc Gonagle, General Manager, spoke on behalf of Uber Britannia. He detailed the high standards Uber had around driver/passenger safety, such as GPS tracking of vehicles, a cashless system and the ability see a photo of your driver before they arrived. He stated that drivers and customers appreciated the safety features in place and hoped this would attract more York based drivers to the company.

Helen Fletcher, legal representative for Uber Britannia, stated that she would be available to answer any queries and clarified that there had been no suggestion from Officers that the current licence should not be renewed. She reminded the Committee

that there were limited grounds for refusal, even though she understood the reasons this application has been brought to committee. She also stated that the majority of complaints received by CYC had been shown to be unfounded.

56. Decision on Application by Uber Britannia Limited for Renewal of Private Hire Vehicle Operators Licence

Members considered a report which sought the determination of an application for the renewal of a Private Hire Operators Licence which had been made under Section 55, Part 2 of the Local Government (Miscellaneous Provisions) Act 1976, by Uber Britannia Ltd to operate from Tower Court, Oakdale Road, Clifton Moor, York, YO30 4WL.

Officers explained that, although issuing a licence was usually a decision delegated to Officers, that due to the strength of public feeling on this particular application, it was felt the decision should be made by Members at a public meeting. They clarified that a licence must be issued unless it was found that the applicant was not a 'fit and proper person'. They also clarified that even though the previous licence was issued on the 24 December 2015, Uber had only started operating in the city on the 9 September 2016. No consultation had taken place as this was not a requirement for the renewal of a Private Hire Operators Licence.

In response to Member questions Officers stated:

- There were several reasons someone may not be considered a 'fit and proper person' such as a criminal record, losing a licence in another authority, having had a licence suspended etc.
- It was difficult to say in what circumstances a licence could be issued for less than 5 years, as this was a new legal requirement and therefore there was no case law to consider.
- Some of the difficulties raised by taxi drivers stemmed from the Deregulation Act 2015. This meant drivers could operate across borders legally – providing a booking had been made through a licensed operator.
- City of York Council were involved in a push for more coherence in Taxi Licensing across the county as standards varied greatly.

Uber representatives were then invited to answer Member questions, covering the following issues:

- Uber drivers working in York would all be sent a comprehensive package of materials including the City layout, locations of taxi ranks, and areas where they could/could not pick up passengers.
- Drivers all held DBS checks and insurance. The quality of their vehicle was dependent on the standards of the Local Authority they had been licensed by.
- All complaints were logged via the Uber 'app' or website. Complaints were triaged and anything serious would be dealt with immediately by the team. Access to the platform would be suspended while the complaint was investigated.
- Every driver was licensed and the app stored their photo, in order for customers to be able to check that they were getting into the correct vehicle.

Mr Saf Din, Chair of the York Hackney Carriage Association was also invited to answer Member questions. He made the following points:

- Uber's assertion that all Local Authorities require drivers to be DBS checked may not be true. He pointed out that it was his belief that Rossendale Borough Council did not require this check, and stated that 2500 vehicles had been licensed via this LA in the last year.
- Insurance policies were generally not valid outside of the Local Authority where a licence was held.

During debate Members raised the following issues:

- An underlying difficulty appeared to be the Deregulation Act 2015. Members were fully supportive of Officers' efforts to address the lack of coherence between areas and to bring about more regional enforcement.
- They were concerned by the lateness of Uber's application, for whatever reason, as businesses should be more prepared.
- There was an issue surrounding the number of complaints received that had not yet been investigated or brought to a successful conclusion. This needed to be closely monitored.
- However it was felt that, if a licence was not granted, Uber could still operate in York using out of town drivers, which

would mean even less control over who was operating in the City.

- As Uber had been operating in York for such a short period, it would perhaps be reasonable to issue a licence for a lesser period in order to monitor complaints.

Members considered the following options:

- Option 1 - grant the licence, with the standard licence conditions attached, for a period of 5 years in accordance with the 1976 Act.
- Option 2 - grant the licence, with the standard licence conditions attached, and/or other conditions that are considered appropriate and for a lesser period if considered appropriate by the Committee in accordance with S55 to the 1976 Act.
- Option 3 - refuse the application if satisfied having regard to the facts sets out in the application and this report that any of the grounds set out in Section 62 are made out.

Resolved: That, in accordance with Option 2, the Committee grant the licence, with the standard conditions attached, for a lesser period of 12 months as considered appropriate in accordance with S55 to the 1976 Act.

Reason: To consider the application for renewal of a private hire operator licence as required by the legislation.

Councillor Aspden (Vice Chair), Chair
[The meeting started at 10.00 am and finished at 12.40 pm].

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Meeting	Staffing Matters & Urgency Committee
Date	9 January 2017
Present	Councillors Carr (Chair), Aspden (Vice-Chair) and Looker

1. 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. None were declared.

2. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the consideration of Annex A to Agenda Item 5 (Minute Item 5 refers) on the grounds that it contained 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

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 9 May 2016 be approved and then signed by the Chair as a correct record.

4. Public Participation

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

5. Redundancy

Members considered a report advising them of the expenditure associated with the proposed dismissal of a number of employees on the grounds of redundancy.

A confidential annex which detailed the background and expenditure surrounding the proposal was included in the report.

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

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

Councillor D Carr, Chair

[The meeting started at 5.35 pm and finished at 5.40 pm].



Staffing Matters and Urgency Committee**6 February 2017**

Report of the Deputy Chief Executive & Director of Customer & Corporate Services

Redundancy**Summary**

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

Background

2. The background and detail surrounding this proposal is contained in the individual business case attached to this report as a confidential annex (Annex A).

Consultation

3. The proposed redundancy has 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 this proposal can be found in the business case.

Council Plan

6. Whilst the actions being proposed in the report are not material to the Council Plan they are consistent with the required outcomes of the Workforce Strategy.

Implications

- 7. The implications of the proposal can be found in the respective business case.

Risk Management

- 8. The specific risks associated with this proposal, and how they can be mitigated, are contained in the business case. In summary, the risks associated with the recommended option are financial, legal, operational and reputational.

Recommendation

- 9. Staffing Matters and Urgency Committee is asked to:

Note the expenditure associated with the proposed dismissal of the employee on the grounds of redundancy detailed in the annexes.

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

Contact Details

Author:

Mark Bennett
Head of Business HR
Human Resources
(01904) 554518

Chief Officer Responsible for the report:

Ian Floyd
Director of Corporate and Customer Services

Report Approved

Date 27th January 2017

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

Annex A

Individual Business Case

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

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Staffing Matters and Urgency Committee**6 February 2017**

Report of the Deputy Chief Executive & Director of Customer & Corporate Services

Redundancy Summary Report

1. This summary information, covering the period October 2016 to December 2016, provides Staffing Matters and Urgency Committee with details of all expenditure associated with the proposed dismissal of employees on the grounds of redundancy. The report also provides an overview and analysis of all redundancies which have been made by the Council since 2011.

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 9 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 Customer and Corporate Services (CCS).

On 24 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 CCS as part of the decision making process.
6. An overview of all redundancies made by the council is maintained and a summary of the information is attached at Annex A. Annexes B and C provide a more detailed analysis of these redundancies and, due to the level of detail provided, these are exempt confidential annexes.

Council Plan

7. Whilst the actions being proposed in the report are not material to the delivery of the Council Plan they are consistent with the required outcomes of the Workforce Strategy.

Implications

8. The implications of each proposal has been subject to scrutiny by the Chief Executive and Director of CCS as part of the decision making process.

Risk Management

9. 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

10. Staffing Matters and Urgency Committee is asked to:

Note the expenditure associated with the proposed dismissal of the employees on the grounds of redundancy for the period October 2016 to December 2016 as detailed in the annex C.

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 Human Resources
& Organisation
Development
Human Resources
Tel: (01904) 554518

Chief Officer Responsible for the report:

Ian Floyd
Director of Corporate and Customer
Services

**Report
Approved**

Date 27th January
2017

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

Annex A – Staff Redundancies April 2011 to December 2016.

Confidential Annex B – Analysis of redundancies for the period October 2016 to December 2016.

Confidential Annex C - Summary of redundancies for the period October 2016 to December 2016.

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Staff redundancies 2011 /17**April 2011 to March 2012**

	Voluntary Redundant	Compulsory Redundant	Total
Total	174	39	213

April 2012 to March 2013

	Voluntary Redundant	Compulsory Redundant	Total
Total	92	13	105

April 2013 to March 2014

	Voluntary Redundant	Compulsory Redundant	Total
Total	62	14	76

April 2014 to March 2015

	Voluntary Redundant	Compulsory Redundant	Total
Total	62	21	83

April 2015 to March 2016

	Voluntary Redundant	Compulsory Redundant	Total
Total	46	15	61

April 2016 to December 2016 (year to date)

	Voluntary Redundant	Compulsory Redundant	Total
Total	14	8	22

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

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Staffing Matters and Urgency Committee**6 February 2017**

Report of the Assistant Director - Legal and Governance

Changes to Outside Body Appointments**Summary**

1. At the Annual Council meeting on 26 May 2016, appointments were made to Outside Bodies for the 2016/17 municipal year. This Committee has the authority to deal with changes to membership of bodies in year and this report details various proposed changes. Since then requests have been received for changes and additions to membership of a number of Outside Bodies, as set out

Background

2. The Council makes appointments at its Annual Meeting, to Committees and Outside Bodies. As the Staffing Matters & Urgency Committee has authority to deal with any changes or appointments to those Committees and Outside Bodies the following are put forward for consideration;

- **SACRE (Standing Advisory Council on Religious Education)**

To appoint Cllr Brooks to replace Cllr Rawlings on the Standing Advisory Conference on Religious Education, in view of her previous experience in this capacity.

- **Make it York Board**

To appoint Charlie Croft, Assistant Director of Communities and Equalities as the Council's second Director on the Make it York Board.

- **Mental Health and Learning Disabilities Partnership Board**

To remove Cllr Ayre as the substitute representative on the Mental Health and Learning Disabilities Partnership Board, as substitute Members are no longer required.

Consultation

3. Normal processes to consult the relevant political Group have been applied to ensure the Group nominate the Members of their choice. No other consultation is specifically required in this instance.

Options

4. There are no alternative options available as this is simply for the Groups concerned to nominate appropriate candidates to either replace the Member concerned or to fill the position that has become available.

Council Plan

5. Maintaining an appropriate decision making and scrutiny structure and appointees to that contribute to the Council delivering its core priorities set out in the current Council Plan, effectively.

Implications

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

Legal Implications

7. 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. These rules may only be waived where no Member votes against the proposal.

Risk Management

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

Recommendations

- 9. Staffing Matters and Urgency Committee is asked to agree the changes to outside body membership as outlined in paragraph 2 of the report.

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

Author:

Dawn Steel
Head of Civic and Democratic Services
Tel: (01904) 551030

Chief Officer Responsible for the report:

Andy Docherty
Assistant Director, Legal and Governance

Report

Date 26 January 2017

Specialist Implications Officers

Not applicable

Wards Affected: All

All

For further information please contact the author of the report

Background Papers

None

Annexes

None

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