

Notice of meeting of

Staffing Matters & Urgency Committee

- To:** Councillors Alexander (Chair), Gunnell, Fraser, Runciman and Gillies
- Date:** Monday, 19 March 2012
- Time:** 1.00 pm
- Venue:** The Guildhall, York

AGENDA

1. **Declarations of Interest**

At this point, 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:

- (a) Annex A to Agenda Item 5 (Access York Park & Ride Land Purchase) on the grounds that it contains information relating to the financial and business affairs of the authority.
- (b) Annex A to Agenda Item 6 (Redundancy) on the grounds that they contain information relating to information relating to individuals and 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 - 6)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 5 March 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 16 March 2012 at 5.00 pm**.

5. Access York Park & Ride Land Purchase (Pages 7 - 18)

This report recommends that the Committee approves the purchase of land at Poppleton Bar and Askham Bar to enable the proposed construction of the sites to progress in accordance with the delivery programme.

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

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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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

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City of York Council

Committee Minutes

MEETING	STAFFING MATTERS & URGENCY COMMITTEE
DATE	5 MARCH 2012
PRESENT	COUNCILLORS ALEXANDER (CHAIR), GUNNELL, FRASER AND GILLIES
APOLOGIES	COUNCILLOR RUNCIMAN

108. DECLARATIONS OF INTEREST

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

Councillor Alexander declared a personal non prejudicial interest in Agenda Items 5 (Organisation Review 2011-12) and 6 (Redundancy) as a member of GMB.

Councillor Fraser declared a personal non prejudicial interest in the same agenda items as a member of the retired sections of UNISON and Unite (TGWU/ACTS sections).

Councillor Gunnell also declared a personal non prejudicial interest in Agenda Items 5 and 6 as a member of UNISON.

No other interests were declared.

109. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during the consideration of annexes A & B to agenda item 6 (Redundancy) on the grounds that they contain information relating to individuals and the financial affairs of those particular persons, which is classified as exempt under Paragraphs 1, 2 and 3 of Schedule 12A to Section 100 of the Local Government Act 2006 (Access to Information) (Variation Order).

110. MINUTES

RESOLVED: That the minutes of the meeting of the Staffing Matters and Urgency Committee held on 20 February 2012 be approved and signed by the Chair as a correct record.

111. PUBLIC PARTICIPATION

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

112. ORGANISATION REVIEW 2011-12

Members received a report which provided them with information relating to the restructuring of Assistant Director (AD) roles and responsibilities with the City of York Council, as part of the 2011-12 Organisation Review. The report asked Members to approve the establishment of an Appointments Sub-Committee to be responsible for the selection aspects of the restructure.

Discussion between Officers and Members took place on information that the Committee would consider when making their selection and the status of this selection process.

Members agreed that they felt that more information should be provided to Members, such as summaries of the candidates' skills and past experiences, in order to make a balanced decision. Some Members felt that the Council's redundancy and redeployment policies and processes should be re-examined to take into account any further information provided by candidates.

The Chair suggested that membership of the Appointments sub-committee should consist of himself, the relevant Cabinet Member and that the rest of the membership should be determined by the Conservative and Liberal Democrat Group Leaders.

RESOLVED: (i) That the report be noted.

- (ii) That more information, as detailed in the discussion above, be provided by Officers for Members to consider at the Sub-Committees.
- (iii) That the Council's redundancy and redeployment policies and processes be examined.
- (iv) That an Appointments Sub-Committee on a 2 (Labour) 1 (Conservative or Liberal Democrat) basis with 4 Labour substitutes, and 2 from each of the Conservatives and Liberal Democrat Groups be established.¹
- (v) That the Appointments Sub Committee be authorised to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures to any of the newly created Assistant Director posts if required.
- (vi) That final arrangements for the final interviews to be held between 16-23 March be endorsed and Democratic Services be authorised to liaise with Groups regarding Members and dates for those interviews.

REASON: To ensure that the appointment arrangements for Assistant Directors are made in line with existing Council Policies.

Action Required

1. Co-ordinate with Groups on the Membership of the Sub-Committees.

JB

113. REDUNDANCY

Members considered a report which informed them of the proposed dismissal of a number of employees.

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

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

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

Councillor J Alexander, Chair
[The meeting started at 1.00 pm and finished at 1.30 pm].



Staffing Matters & Urgency Committee**19 March 2012**

Report of the Director of City Strategy

Access York Park & Ride Land Purchase**Summary**

1. This report recommends that the Committee approves the purchase of land at Poppleton Bar and Askham Bar to enable the proposed construction of the sites to progress in accordance with the delivery programme.
2. Options for the purchase of the land expire on 31 March 2012 which allowed significant slippage in the original programme. Owing to the delays in the project caused by the government's suspension of the Major Scheme programme and unwillingness of the landowners to extend the options under the original conditions it is considered advantageous to purchase the land now. The Council's capital plan will need to be reprofiled to accommodate this change.

Background

3. Expanding the Park & Ride network is a key Council Plan priority under the 'Get York Moving' banner. The full Access York Phase 1 project involves:
 - The construction of 3 new Park & Ride sites at Askham Bar, Poppleton Bar and Clifton Moor.
 - A major upgrade to the A59/A1237 Outer Ring Road roundabout.
 - Associated bus priority measures.
4. The original programme following approval by the Department for Transport (DfT) in March 2010 was for the sites to be operational by the summer of 2012 (construction start in spring 2011).

5. Following suspension of the Major Scheme programme by the government in June 2010 a Best and Final Bid was submitted in September 2011. The overall scope of the project to be delivered in the first phase has been reduced to 2 sites (Poppleton Bar and Askham Bar). This revised project was approved by the DfT in November 2011. Alternative ways to fund the delivery of the Clifton Moor site are being investigated.

Land Purchase

6. All of the sites require land to be purchased. Securing land was identified as a key risk at the commencement of the project. To reduce the risk and provide cost certainty options (conditional agreements) to purchase the land were agreed with the landowners. Non-returnable deposits were paid against the land purchase cost in return for the option to purchase extending for approximately 3 years to 31 March 2012. At the time that the options were agreed it was anticipated that the land would be purchased in early 2011 meaning that approximately 1 year of programme slippage could be accommodated.
7. Approximately 70% of the cost of the project including land is funded by the DfT providing the scheme receives full approval from the DfT. Until full approval has been obtained (only possible to submit for approval after tenders for construction have been received) all costs are considered to be expended at the risk of the council.
8. The DfT have confirmed that it would not be possible to submit the project for Full Approval without the price of the land being confirmed and the purchase mechanism identified.

Askham Bar

9. The majority of the car park area for the new Askham Bar site is to be constructed on the former Sim Hills landfill tip which is owned by the council. A local landowner owns the remainder of the site. A small area of land required for the bus only exit near to the existing Park & Ride site has already been purchased. The option for the land runs out on 31 March 2012.

Poppleton Bar

10. A local landowner owns the land required for both phases of the proposed Poppleton Bar Park & Ride site. Separate options for each phase of the project were agreed in 2009 (phase 1 - 600 spaces,

phase 2 – a further 650 spaces). The option for phase 1 runs out on 31 March 2012. If the option fee for the 2nd phase is paid by 31 March 2012 then the option for this land would be extended until 31 March 2017.

Clifton Moor

11. A local landowner owns the land required for the Clifton Moor site. An option to purchase was agreed in 2009 and expires on 31 March 2012. A separate option has been negotiated for the purchase of the land required for the bus link to the Clifton Moor trading estate. A funding mechanism for delivering the Clifton Moor site is not currently identified.

Current Situation

12. Owing to significant delays to the project, caused by the suspension of the Major Scheme programme by the government in June 2010, the options on the land purchase will expire before the full approval of the scheme by the Department for Transport (DfT). All of the landowners have been approached with a view to extend the options for a year to allow the designs to be completed, the project to be tendered and necessary funding approvals to be obtained.
13. The Askham Bar and Poppleton Bar landowners have indicated that they are not willing to extend the options under the current arrangements. Further discussions are ongoing with the landowner of the Clifton Moor site. A verbal update will be given at the meeting.
14. Failure to acquire land for the Askham Bar and Poppleton Bar sites would prevent the progression of the scheme. There are a limited number of options which could be considered. Detailed costs and further analysis are included in the confidential annex to this report.

Option 1 - Purchase land for Askham Bar and Poppleton Bar prior to 31 March 2012 (Recommended option)

15. The full price for the land would be paid by 31 March and the title would transfer to the Council. This would provide certainty that the project could proceed without delay when the funding was finally approved by the DfT (expected in December 2012).
16. The availability of the land for phase 2 of the Poppleton Bar site would also be secured until 2017 by paying a deposit by the end of

March 2012. This would provide security to enable the site to be expanded if required in the future. We are also investigating the possibility of purchasing an area of the phase 2 land to assist in the delivery of the phase 1 site.

17. The delivery of the full project is dependent on funding being confirmed by the DfT. There is a risk that higher than anticipated tender prices are returned which would require an increased contribution from the council as the DfT have capped their grant. The scheme would remain a key Council priority but delivery may be significantly delayed if a mechanism for providing the additional funding could not be established. There is also a small risk that the DfT will suspend the entire Major Scheme process again.
18. The Council would be left holding an asset which it no longer immediately required. It would be possible to sell the land however the value would be affected by the location in the Green Belt and lack of alternative development opportunity. It should also be noted that there are restrictive covenants including overage payments on the sale of the land for any use other than for a Park & Ride site. Alternatively the land could be rented out until funding became available to progress the scheme. Rental income would be approximately £2,500 per year.

Option 2 – Allow Options to Lapse

19. Under this option no action would be taken and the options for the land would expire on 31 March. This would lead to a substantially increased risk that the project would not progress within the estimated budget and timescale. The deposits already paid for the land would be lost. Tendering for the construction of the project without securing the land in advance is considered to be inadvisable. Possible scenarios for progressing the scheme without securing the land at this stage are included in the confidential annex.

Council Plan

20. Phase 1 of the Access York project is critical to the future economic prosperity and environmental wellbeing of the city and assists in the delivery of the following Council Plan Priorities:

Get York Moving –

- Removes traffic from the city centre
- Increases capacity of the Outer Ring Road.

- Provides bus priority for Park & Ride and service bus routes to encourage transfer to sustainable transport.
- Improves access across Outer Ring Road by walking and cycling

Create jobs and grow the economy –

- Reduces impact of congestion on business
- Provides improved public transport options for staff and customers

Protect the Environment –

- Improves air quality in the city centre
- Reduces carbon emissions.

Implications

Financial

21. The financial implications are dependent on the option approved – details are included in the confidential annex.

Option 1

22. Funding for the land required for Phase 1 of the Access York Project is already included in the Council's capital programme. It was originally anticipated that the funding for the land purchase would be needed in 2012/13. Purchasing the land in 2011/12 (Option 1) would mean that the funding allocated would need to be brought forward in the programme by a year.
23. The payment of the deposit for the Poppleton Bar phase 2 land would ensure that the land is secured for the future extension of the Park & Ride site for 5 years. Funding of this element could be accommodated in the existing 2011/12 Access York budget allocation.

Option 2

24. Under Option 2 the cost to purchase the land is uncertain and would depend on agreement with the landowners. The funding mechanism would need to be agreed in advance of the purchase and before the project was submitted for Full Approval. Funding requirements in excess of the levels included in the original bid may require an additional contribution from the council.

Human Resources (HR)

25. No implications

Equalities

26. No implications

Legal

27. Legal advice is that Option 1 is less risk averse if sites need to be secured (subject to report comments on restrictive covenants) as all agreements are ready to be proceeded upon giving more certainty.
28. Option 2 does not guarantee acquisition of the land and as a result of this the potential sellers are in a strong position to negotiate significant increases in purchase prices. Any Compulsory acquisition is likely to be problematical and will be contrary to funding criteria which requires the sites to have already been secured.

Property

29. Property advice is to purchase the land before the expiry of the options as indicated in Option 1. This would provide the highest degree of cost and time certainty. If the delivery of the project was delayed the land could be rented until funding to progress the scheme became available. If Option 2 was followed then there is a high likelihood that the cost of acquiring the sites would increase especially as land values are currently rising.

Risk Management

30. The risks are dependent on the option approved.
31. Option 1 removes one of the last major 'show stopping' risks associated with the project. Methods to reduce some of the other major risks such as planning consent and funding, have been identified. The extent of the financial commitment to the project would increase before final approval was obtained leading to the potential for increased abortive costs however the overall risk level on the project would be unchanged. – Risk Level: Medium
32. The impact of progressing option 2 is uncertain. This option increases the risk of the project not being delivered within the funding allocation or anticipated timescale. If the landowners are unwilling to

sell then the delivery of the entire project may be jeopardised. Risk Level: Critical

Recommendations

33. Members are asked to approve the recommended option - 'Option 1 - Purchase Land for Askham Bar and Poppleton Bar before Expiry of Land Options' which involves the following elements
- i) Purchase of land for the Askham Bar site in accordance with the conditional agreement.
 - ii) Purchase of Phase 1 land for the Poppleton Bar site in accordance with the conditional agreement.
 - iii) Payment of the deposit for Phase 2 land for the Poppleton Bar site in accordance with the conditional agreement.
 - iv) Authorisation of the Director of CBSS to reprofile the capital plan in accordance with the revised payment profiles.

Reason: To ensure that land is available for delivery of the Access York Park & Ride Project.

Contact Details

Author:

Tony Clarke
Transport Programme
Manager
Ext 1641

Chief Officer Responsible for the report:

Richard Wood
Assistant Director for Strategic Planning & Transport

Report Approved

Date 9/3/2012

Report Approved

Date Insert Date

Specialist Implications Officer(s)

Finance: Patrick Looker Finance Manager City Strategy

Wards Affected: Rural West

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For further information please contact the author of the report

Background Papers:

Access York Phase 1 Park & Ride Development – Update Report
Following Programme Entry – to the Executive 13 April 2010.

Update Report to City Strategy Decision Session – 1 Feb 2011

Access York Park & Ride Funding Bid – Cabinet – 6 September 2011

Confidential Annex

Confidential Annex 1: Access York Park & Ride Land Purchase –
Report to Staffing & Urgency Committee – 19 March 2012

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

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Staffing Matters and Urgency Committee**19 March 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 9 March
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)