



Notice of meeting of

Executive Member For Neighbourhood Services and Advisory Panel

To: Councillors Bowgett (Chair), Ayre (Vice-Chair), Crisp, Holvey, King, Reid (Executive Member), Taylor and Watt

Date: Thursday, 4 December 2008

Time: 5.00 pm

Venue: The Guildhall

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Wednesday 3rd December 2008, if an item is called in *before* a decision is taken, *or*

4:00 pm on Monday 8th December 2008, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

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 excluding the press and public from the meeting during consideration of annexes 2 and 3 of agenda item 11 (2008-09 Second Monitoring Report - Finance and Performance) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. Minutes (Pages 3 - 10)

To approve and sign the minutes of the meeting held on 15 October 2008.

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 Panel's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 3rd December at 5pm.

5. Regulatory Enforcement and Sanctions Act (Pages 11 - 14)

This report advises Members of the implications of the Regulatory Enforcement and Sanctions Act.

6. Neighbourhoods & Community Safety Group Legal Actions (Pages 15 - 20)

This report informs Members of the results of legal actions (prosecutions, cautions and fixed penalties) undertaken by the Neighbourhoods and Community Safety area of the Directorate of Neighbourhood Services (Environmental Health, Trading Standards, and Licensing) for the period 1st July 2008 – 30th September 2008.

7. Reuse of Waste (Pages 21 - 26)

This report considers the practical application of the existing Department for Environment, Food and Rural Affairs (DEFRA) on re-use credits considering both the opportunities and obstacles for the scheme successfully contributing to the Waste Strategy for York.

8. Eco Depot Safety and Security Review (Pages 27 - 34)

This report provides information on changes planned and undertaken at the Eco-Depot to improve the linked issues of site safety and security. The changes are being made in response to an independent review of safety carried out on the council's behalf by the Freight Transport Association (FTA). The FTA had been asked to undertake the review by the directorate management team following concerns about safety and security.

9. Update on the Litter Enforcement Policy and Juveniles (Pages 35 - 52)

This report advises Members on new guidance produced by the Department of Environment, Food and Rural Affairs (DEFRA) on the use of Fixed Penalty Notices (FPNs) and recommends amendments to the current Street environment Service litter enforcement policy, to ensure that procedures are in keeping with best practice when using fixed penalty notice (FPN) enforcement against young people.

10. Neighbourhood Services Capital Programme - Monitor 2 (Pages 53 - 58)

This report informs Members of the likely outturn position of the 2008/09 Capital Programme based on the spend profile and information to October 2008/2009 and seeks approval to any resulting changes to the programme. The report also informs Members of any slippage and seeks approval for the associated funding to be slipped between the relevant financial years to reflect this.

11. 2008-09 Second Monitoring Report - Finance and Performance
(Pages 59 - 86)

This report presents the latest projections for revenue expenditure for the Neighbourhood Services portfolio and reports progress against the directorate plan priorities and key performance indicators.

12. Forward Plan

To review the forward plan for the Executive Member for Neighbourhood Services and Advisory Panel for the 2008/09 municipal year.

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

Democracy Officers:

Name: Catherine Clarke and Heather Anderson (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and heather.anderson@york.gov.uk

(If contacting us by e-mail, please send to both Democracy Officers named above)

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

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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.

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive 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 Executive 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;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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City of York Council

Committee Minutes

MEETING	EXECUTIVE MEMBER FOR NEIGHBOURHOOD SERVICES AND ADVISORY PANEL
DATE	15 OCTOBER 2008
PRESENT	COUNCILLORS BOWGETT (CHAIR), AYRE (VICE-CHAIR), CRISP, HOLVEY, KING, REID (EXECUTIVE MEMBER), TAYLOR AND WATT
APOLOGIES	COUNCILLORS

27. DECLARATIONS OF INTEREST

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

Councillor King declared a personal non prejudicial interest in item 10 (City of York Council Public Toilets Review) as he was an Honorary Member of York Access Group who had had some input into this review.

28. MINUTES

RESOLVED: That the minutes of the meeting held on 4 September 2008 be approved and signed by the Chair and Executive Member as a correct record subject to the name of the Executive Member at the end of the minutes being amended from Councillor A Waller to Councillor A Reid.

29. FORWARD PLAN

The Director of Neighbourhood Services reported that the following items would be brought before the Executive Member for Neighbourhood Services and Advisory Panel at its next meeting on 4 December 2008:-

- Performance and Budget Monitoring
- Regulatory Enforcement and Sanctions Bill
- Depot Security
- Reuse of Waste
- Update on Litter Enforcement Policy
- Neighbourhoods and Community Safety Group Legal Actions
- Regulation of Air Pollution from Crematoria (further information requested by Members)

Advice of the Advisory Panel

That the Executive Member be advised to note the update on the Forward Plan

Decision of the Executive Member

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To inform Members of forthcoming issues.

Action Required

Director of Neighbourhood Services to circulate list of items KS
for next meeting to Members by e-mail.

30. PUBLIC PARTICIPATION

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

31. NATIONAL SERVICE PLANNING REQUIREMENTS FOR ENVIRONMENTAL HEALTH AND TRADING STANDARDS SERVICES

Members received a report seeking approval of the Service plans for food law enforcement, health & safety law enforcement and animal health enforcement which are produced on an annual basis in response to national requirements.

Copies of the service plans were circulated at the meeting for Members' attention.

Advice of the Advisory Panel

That the Executive Member be advised to agree the plans and recommend that they be referred to the Executive for approval.

Decision of the Executive Member:

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.¹

REASON: In order that the Council can discharge its statutory obligations in regard to service planning for environmental health and trading standards services.

Action Required

1. To refer to the Executive for approval

KS

32. NEIGHBOURHOOD SERVICES STAFF WELLBEING INITIATIVES

Members received a report outlining a number of health and wellbeing initiatives being introduced in Neighbourhood Services to tackle absence proactively. The initiatives had been developed with colleagues in Occupational Health and Human Resources and focussed on the directorate's Civil Engineering department, although a number of the initiatives would potentially benefit all staff across the directorate.

The Performance Manager reported that although sickness absences had been reducing steadily across the directorate, absence levels in Neighbourhood Services were still higher than in other directorates. It was acknowledged that this was in part due to the nature of the work which lead to a number of Musculo-Skeletal Disorder (MSD) absences, especially across the Civil Engineering Department. He reported that a Safer Lifting Coordinator worked in those departments where there was an issue and all staff received training in lifting. Furthermore new lifting technology such as flag lifters meant that there was less chance of injury through manual lifting of heavy and awkward objects.

Members welcomed the report and congratulated the directorate on the positive direction they were taking to reduce sickness.

Members asked if the initiative to refer members of staff to an Osteopath/Physiotherapist who call in sick with a MSD absence had commenced and if so whether it was possible to obtain figures on the number of referrals to date. Officers advised that the initiative had only started at the beginning of October but that they would provide Members with these figures.¹

Advice of the Advisory Panel

That the Executive Member be advised to welcome the proposed improvements to staff care and well-being and support the varying projects

Decision of the Executive Member:

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To inform Members of initiatives being taken in Neighbourhood Services to further reduce staff absence levels.

Action Required

1. Officers to provide Members with number of referrals to KS
Osteopaths/Physiotherapists since start of initiative.

33. SALES OF AGE RESTRICTED PRODUCTS

Members received a report informing them of the work undertaken by the Council's trading standards service to prevent the sales of age-restricted products. The report sought specific member approval for the programme of action for the next 12 months in relation to the enforcement of The Children and Young Persons (Protection from Tobacco) Act 1991 in relation to cigarettes/tobacco and the Anti-Social Behaviour Act 2003 in relation to aerosol paint.

The report presented the following options for consideration:

- (a) Option 1 – The Council should continue with a programme of education and enforcement action set out in paragraph 4 of the report for the next 12 months.
- (b) Option 2 – The Council may adopt a different programme of education enforcement.

Officers reported that there had been a large reduction in the number of illegal sales of alcohol taking place. He referred to Annex 1 of the report which indicated that in 2003/04 62 test purchase visits had taken place with illegal sales being recorded at 34% of these. In 2007/08 291 visits were recorded with illegal sales accounting for only 8% of these.

Members welcomed the report and congratulated officers on the reduction in illegal sales. Congratulations were also directed at those young people who had been involved in the test purchasing.

Members asked if it was possible to obtain a breakdown by ward of the results of the test purchasing activity and officers agreed to provide this information.¹

Advice of the Advisory Panel

That the Executive Member be advised to note the report and adopt the programme of enforcement action of the next 12 months

Decision of the Executive Member:

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: In order that the Council can meet its legal obligations.

Action Required

1. Officers to provide breakdown by ward of results of test purchasing activity for last year. KS

34. NOISE COMPLAINTS UPDATE

Members received a report updating them on the current position regarding noise nuisance and the operation of the Council's weekend night time Noise Patrol service.

An updated version of the report was circulated for Members' attention.

Officers reported that the number of noise complaints received by the Environmental Protection Unit had increased greatly since the Noise Patrol was introduced. This increase could be explained by a greater awareness and increased marketing of the Noise Patrol Service and the extended licensing hours. The increase in complaints was now starting to tail off.

Members welcomed the report but stressed that noise disturbance was a serious issue that nobody should have to suffer and it was important not to become complacent as there was still a long way to go in reducing the number of complaints.

Advice of the Advisory Panel

That the Executive Member be advised to:

- (i) note the contents of the report.
- (ii) agree that the Advisory Panel supports the bid of £43,000 in 2009-2010.

Decision of the Executive Member:

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: In order that Members are aware of the activity of the noise patrol service and the necessity to submit a growth bid of £43k in 2009 -10 in order to maintain the service.

35. STATUTORY DECLARATION OF REGULATION OF POLLUTION FROM CREMATORIA

Members received a report which advised them that the Council had received a further statutory direction from DEFRA (Department of Food, Environment and Rural affairs) under the Environmental Permitting (England and Wales) Regulations 2007. This direction required the Council, by 31st October 2008, to notify DEFRA of their intentions with

respect to the fitting of mercury abatement equipment, the number of cremations covered by the abatement, and the steps in place to have it operational by 2012. The report requested Members to review its previous decision taken in June 2006 and confirm its approval to install mercury abatement equipment and submit a formal declaration to DEFRA.

The report presented the following options for consideration:

- (a) Option A – To do nothing. This would place the Council in breach of its statutory obligations.
- (b) Option B – To seek a trading agreement through the CAMEO (Cremation Abatement of Mercury Emissions Organisation) scheme.
- (c) Option C – Install abatement equipment to deal with 50% of cremations.
- (d) Option D – Install abatement equipment to deal with 100% of cremations and remove one cremator, so as to install the equipment.
- (e) Option E – Install abatement equipment to deal with 100% of cremations and retain 3 cremators.

Members discussed the issues surrounding this decision in detail. Concern was raised that if one cremator was removed in order to install the equipment this may cause problems if either of the remaining cremators were to break down. If this was the case, there was doubt over whether York Crematorium would be able to continue to provide a full service.

In response to questions regarding the frequency of breakdowns, officers explained that minor breakdowns of the type that could be resolved quickly were frequent however major breakdowns were very rare as there was a maintenance contract which meant that the cremators were serviced on a regular basis.

Members agreed that only having two cremators would reduce flexibility and put pressure on the remaining two cremators. They agreed that more information regarding how often breakdowns occurred and the severity of these was needed before they could make a decision. Officers agreed to bring a report to the next meeting with the information requested.¹

In response to a suggestion from a Member regarding green burials, officers agreed to investigate this option.²

Advice of the Advisory Panel

That the Executive Member be advised to defer decision on this item until the next meeting in order that further information on past trends, breakdowns etc can be obtained.

Decision of the Executive Member:

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To ensure a fully informed decision is made.

Action Required

1. Officers to present a report at the next meeting to include more detailed information regarding cremator breakdowns. KS
2. Officers to investigate other options including green burials and report back to the EMAP. KS

36. CITY OF YORK COUNCIL PUBLIC TOILETS REVIEW - UPDATE

Members received a report informing them of the progress on the complete review of public toilet provision for York which updated the position reported on 4 June 2008.

An update on user numbers as at 15th October was circulated to Members at the meeting.

Members queried what the procedure was if someone used the pull cord in the disabled toilet in the case of an emergency. Officers explained that if the alarm was activated, a flashing light and buzzer would sound outside the toilet. Concern was raised that there was no sign outside the toilet advising people what the alarm/light indicated and what action to take if it was activated. Members suggested that a sign could be placed advising members of the public who to contact if the alarm sounded and also suggested that it could possibly be linked to a 24 hour call out service. Officers agreed to take Members comments on board.

Advice of the Advisory Panel

That the Executive Member be advised to note the report and project plan.

Decision of the Executive Member:

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To inform the Executive Member of work completed to date.

37. YORKSHIRE IN BLOOM 2008 UPDATE

Members received a report informing them of the outcome of York's entry into the Yorkshire in Bloom competition 2008 and the work undertaken in relation to the entry.

Officers reported that York had been awarded a silver gilt in the competition. They stated that the judges had been very impressed with the community input and that two partners had won discretionary awards. They

advised Members that the judges had praised the work of City of York Council staff and volunteers who had worked hard on the entry into the competition.

The Director of Neighbourhood Services stressed that the award was very good for the city as it promotes York and brings more people into the city. He stressed the need for businesses and others to get involved in the 2009 entry.

Advice of the Advisory Panel

That the Executive Member be advised:

- (i) To note the contents of the report and congratulate all those involved in a successful entry
- (ii) That the Advisory Panel support the City of York's entry into the 2009 competition.

Decision of the Executive Member:

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To inform Members of work undertaken towards and the outcome of the 2008 Yorkshire in Bloom Competition and to obtain Members' support for entry into the 2009 competition.

COUNCILLOR A REID,
EXECUTIVE MEMBER

COUNCILLOR D BOWGETT,
CHAIR

[The meeting started at 5.00 pm and finished at 6.40 pm].



Meeting of the Executive Member for Neighbourhood Services and Advisory Panel

4th December 2008

Report of the Director of Neighbourhood Services

Regulatory Enforcement and Sanctions Act

Summary

1. To advise Members of the implications of the Regulatory Enforcement and Sanctions Act.

Background

2. The Regulatory Enforcement and Sanctions Act 2008 (RESA) received Royal Assent on 21 July 2008.
3. The following sections of RESA came into force on 1st October 2008:
 - Part 1, which establishes the Local Better Regulation Office (LBRO) as a statutory body
 - Part 3, which makes provision for regulators to adopt a variety of civil sanctions as an alternative to criminal prosecution and
 - Part 4, which allows the Secretary of State to place a duty on regulators not to impose unnecessary burdens.
4. Part 2 will come into force on 6 April 2009. Part 2 of RESA establishes the Primary Authority scheme (see later for definition). The effective operation of this scheme requires a statutory instrument (secondary legislation) which will address issues such as the definition of enforcement action and exclusions from the requirement to notify the Primary Authority before any enforcement action can take place. The Department for Enterprise and Regulatory Reform (BERR) published a consultation document of the proposed scope of this secondary legislation in September 2008.

Local Better Regulation Office

5. LBRO is a non-departmental public body, accountable to the Department of Business, Enterprise and Regulatory Reform through the Better Regulation Executive. LBRO's role is to improve local authority enforcement of environmental health, trading standards and licensing. Its purpose is to reduce burdens on businesses that comply with the law while targeting those who flout it.

6. LBRO's overall aim is to secure the effective performance of local authority regulatory services in accordance with the principles of better regulation. Its focus is to ensure that inspection and enforcement are based on an assessment of risk, so that businesses are supported and regulatory resources are focused on those areas that most deserve tougher scrutiny.
7. RESA has imposed certain legal responsibilities on LBRO:
 - Providing guidance to local authorities on regulatory services
 - Advising ministers about local regulatory reform
 - Investing in projects to improve local regulation
 - Updating the list of national enforcement priorities for English authorities
 - Setting up and running the Primary Authority scheme
 - Signing Memoranda of Understanding with five national regulators - Food Standards Agency, Office of Fair Trading, Health and Safety Executive, Environmental Agency and the Gambling Commission.

Civil Sanctions

8. RESA gives regulators, including local authorities, access to new powers to impose administrative sanctions against businesses. However, these powers are not available until a minister has granted them through secondary legislation.
9. BERR have stated that the new administrative sanctions are being introduced in order to provide regulators with a more consistent, flexible and proportionate set of sanctions to use when dealing with regulatory non-compliance. The penalties are civil and are designed to give regulators an option that is not as time-consuming or risky as taking criminal prosecutions.
10. Regulators who are given the power will be able to impose fixed or variable penalties on organisations which they believe are behaving unacceptably. RESA also potentially gives regulators the power to order organisations to stop certain behaviour or even take steps to restore a situation to how it was before the organisation broke any regulations.

Primary Authority Scheme

11. The stated aim of the Primary Authority scheme is to deliver consistency in local regulation. To achieve this any company trading across council boundaries in the scheme is guaranteed access to advice, through the creation of legal partnerships with local regulators.

12. These partnerships can cover the full range of regulatory services or specific functions, such as health and safety, food safety or product labelling.
13. A primary authority will be responsible for liaising with other councils to ensure that inspection and enforcement action reflects the advice given. It can work with its business to produce a national inspection plan, giving guidelines to other councils to avoid unnecessary checks and tests.
14. The scheme also intends to provide a safety net to ensure that local authorities are consistent in the way they regulate. Before a local authority starts imposing sanctions it must check to see whether a company has acted in accordance with the advice given, reducing unwarranted legal action.
15. The question of resourcing the partnership is up to the businesses and councils concerned. It is proposed that a primary authority will be able to recover the costs of providing this service from the business. LBRO will register partnerships, provide guidance and have indicated they will help resolve any disputes.
16. As of 1 November 2008 no York based businesses have indicated they wish to enter into a formal Primary Authority partnership arrangement with City of York Council.

Consultation

17. Not applicable.

Options

18. Not applicable as members are being asked to note the content of the report.

Analysis

19. Not applicable.

Corporate Priorities

20. RESA has the potential to impact on all areas of council activity.

Implications

21. **Financial:** There are no financial implications associated with this report.
22. **Human Resources:** There are no Human Resources implications associated with this report.
23. **Equalities:** There are no equalities implications associated with this report.
24. **Legal:** There are no legal implications associated with this report

- 25. **Crime and Disorder:** There are no crime and disorder implications associated with this report
- 26. **Information Technology (IT):** There are no IT implications associated with this report.
- 27. **Other:** There are no other implications associated with this report.

Risk Management

- 28. There are no known risks associated with this report.

Recommendations

- 29. That the Advisory Panel advise the Executive Member to notes the contents of this report.
- 30. Reason: so that the Executive Member is advised of the potential changes to the delivery of local authority regulatory services thought the introduction of the Regulatory Enforcement and Sanctions Act 2008.

Contact Details

Author:

Colin Rumford
Head of Environmental Health
and Trading Standards
Phone: 551502

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director (Neighbourhoods and Community Safety)
Phone: 551814

Report Approved **Date** 06/11/08

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

Regulatory Enforcement and Sanctions Act 2008



**Meeting of the Executive Member for
Neighbourhood Services and Advisory Panel****4th December 2008**

Report of the Director of Neighbourhood Services

**NEIGHBOURHOODS & COMMUNITY SAFETY GROUP LEGAL
ACTIONS****Summary**

1. To inform Members of the results of legal actions (prosecutions, cautions and fixed penalties) undertaken by the Neighbourhoods and Community Safety area of the Directorate of Neighbourhood Services (Environmental Health, Trading Standards, and Licensing) for the period 1st July 2008 – 30th September 2008.

Background

2. The Executive Member for Environment and Sustainability approved an enforcement policy for Environmental Health, Trading Standards and Licensing Services in March 2008.
3. This report details the results of prosecutions taken in the period 1st July 2008 – 30th September 2008. In accordance with the policy each case is considered on its merits before legal proceedings are instituted.
4. Annex One summarises the prosecutions completed, fixed penalty notices and cautions that have been issued (a caution is a Home Office approved procedure which is an alternative to prosecution. It involves a written acceptance that an offence has been committed and may be drawn to the attention of a court if any subsequent offence is committed within two years of issue).

Consultation

5. Not applicable.

Options

6. Not applicable as members are being asked to note the content of the report.

Analysis

7. Not applicable.

Corporate Priorities

8. Two corporate priorities are “To reduce the actual and perceived impact of violent, aggressive and nuisance behaviour of people in York” and “To improve the health and lifestyles of the people who live in York”.

Implications

9. **Financial:** There are no financial implications associated with this report.
10. **Human Resources:** There are no Human Resources implications associated with this report.
11. **Equalities:** There are no equalities implications associated with this report.
12. **Legal:** There are no legal implications associated with this report
13. **Crime and Disorder:** Formal enforcement action taken by environmental health, trading standards and licensing services contributes to reducing anti social behaviour and dishonest trading.
14. **Information Technology (IT):** There are no IT implications associated with this report.
15. **Other:** There are no other implications associated with this report.

Risk Management

16. There are no known risks associated with this report.

Recommendations

17. That the Advisory Panel advise the Executive Member to note the contents of this report.

Reason: so that the Executive Member is updated on formal enforcement activity undertaken by the Neighbourhoods and Community Safety Group.

Contact Details

Author:

Colin Rumford
Head of Environmental Health
and Trading Standards
Phone: 551502

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director (Neighbourhoods and Community Safety)
Phone: 551814

Report Approved



Date 06/11/08

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

Environmental Health, Trading Standards and Licensing Enforcement Policy (March 2008)

Annexes

Annex One: EH and TS Formal Enforcement Action 1st July 2008 – 30th September 2008.

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Formal Enforcement Action 1st July 2008 – 30th September 2008

Animal Health

An undertaking was signed under the provisions of the Dogs Act 1871.

Food

Defendant	Legislation	Nature of Case	Penalty	Costs	Comp
Jamie-Leigh DAY (Partner – Thomas's Wine Bar and Bistro)	Food Hygiene (England) Regulations 2006	Dirty premises and equipment. No food safety management system.	£2,500.00 fine	£2316.96	£15.00
Shaun Robert BINNS (Partner – Thomas's Wine Bar and Bistro)	Food Hygiene (England) Regulations 2006	Dirty premises and equipment. No food safety management system.	£2,500.00 fine	£2316.96	£15.00

A city centre bar received a Caution under the Food Safety Act 1990 for falsely describing Vodka and Gin. Three bottles sampled by the food standards team were found to be low on alcohol content.

Trading Standards

Defendant	Legislation	Nature of Case	Penalty	Costs	Comp
Susan SIADATAN (eBay trader)	Proceeds of Crime Act 2002	Counterfeit goods sold on eBay	Confiscation Order of £50,424.47 £7988.62 to be paid within 6 months.	£1000.00	

One Caution was issued to a designated premises supervisor under the Licensing Act 2003 for selling alcohol to a person under 18 at a public house

One Caution was issued to a sales assistant under the Licensing Act 2003 for selling alcohol to a person under 18 at an off-licence

One Caution was issued to a shop owner under the Trade Descriptions Act 1968 for falsely describing footwear as leather.

Environmental Protection

Defendant	Legislation	Nature of Case	Penalty	Costs	Comp
Terrence Dale (Private Individual)	Environmental Protection Act 1990 as amended	Failed to comply with a noise abatement notice	12 month Conditional Discharge	£150.00	£15.00

Robert Lawrence (Private Individual)	Environmental Protection Act 1990 as amended	Failed to comply with a noise abatement notice	12 month Conditional Discharge	£250.00	£15.00
Barry NIXON (Private Individual)	Environmental Protection Act 1990 as amended	Failed to comply with a noise abatement notice	£300.00 fine	£300.00	£15.00

Licensing

Defendant	Legislation	Nature of Case	Penalty	Costs	Comp
Ricky Lee BRAY (Designated Premise Supervisor)	Licensing Act 2003	Sold alcohol after permitted hours	£300.00 fine	£450.00	£15.00

Three £50 fixed penalty notices were issued to taxi drivers for smoking in their vehicles (Section 7 of the Health Act 2006). The penalties were paid promptly so each driver was entitled to pay the discounted amount of £30.

Taxi licensing

Defendant	Legislation	Nature of Case	Penalty	Costs	Comp
Philip BEADLE (Taxi Driver)	Local Government (Miscellaneous Provisions) Act 1976	Drove licensed Private Hire vehicle without an appropriate licence	£180.00 fine	£150.00	£15.00
Keith NEWTON t/a ABC Travel (Partner – Taxi firm)	Local Government (Miscellaneous Provisions) Act 1976	Permitted Private Hire vehicle to be driven without an appropriate licence	£600.00 fine	£1850.00	£15.00



Meeting of the Executive Member for Neighbourhood Services and Advisory Panel

4th December 2008

Report of the Director of Neighbourhood Services

Reuse of Waste

Summary

1. To consider the practical application of the existing Department for Environment, Food and Rural Affairs (DEFRA) on re-use credits considering both the opportunities and obstacles for the scheme successfully contributing to the Waste Strategy for York.

Background

2. In April 2006, the Government published new guidance on the Recycling Credit Scheme, which stated that *'Re-use is treated in the same way as recycling for the purpose of the scheme and that credit values should be the same for re-use as they are for recycling'*.
3. The guidance goes on to say that, as regards to the risk of fraud, given that adequate audit trails are a prerequisite for any payment under the recycling credit scheme, local authorities would not be expected to conclude any agreement to pay re-use credits unless they were fully satisfied with the audit arrangements.

Scope

4. Credits can only be paid for **waste**, which is recycled or re-used. Second-hand books or clothes, and the use of returnable or refillable containers will not be eligible for credit payments. As an example, goods donated to charity shops are not classified as waste at the point of donation, therefore charity shops would not be eligible to receive recycling credits on goods donated to their shops. With regard to waste discarded from charity shops, as this is treated as household waste, charity shops would be eligible for recycling credits for items that cannot be sold and are then discarded as waste and recycled rather than being disposed of.
5. Re-use credits can only be paid on the tonnage of items redistributed to households.
6. The items are re-used or otherwise diverted from landfill. Materials which would not usually be presented for landfill disposal as they are diverted as part of the municipal waste management strategy of the

local authority would not usually qualify for re-use credit as the value of the credit is based on the saving made by the disposal authority from the payment of landfill tax.

7. Organisations claiming re-use credits must be 'not-for-profit', or charitable organisations and the payments are based on the weight of items re-used, not items collected.
8. The notional third party recycling and reuse credit rate for 2007/08 was £37.31 per tonne.

Tracking items

9. Local authority audit requirements expect a rigorous system of tracking individual items from source to destination in order to prove the weight of those that re-use credits are paid on.
10. Small organisations often find the claiming of re-use credits not to be feasible as it places an overly complicated administrative burden on these projects, which actually incur more costs than can be reclaimed through the payment of the re-use credits.
11. The national Furniture Reuse Organisations (FRO's) of which York's Community Furniture Store is a member, have systems set up that satisfy the complicated audit requirement of tracking from collection through to final disposal to the appropriate outlets, such as local residents.

What is available in York

12. The York and North Yorkshire Partnership, in partnership with Charity Shops and FRO's across the region are running a re-use campaign called **Choose2Reuse**. The campaign aims to:
 - Increase the quality of goods donated to Charity Shops and FRO's.
 - Encourage more people to buy more pre-owned goods.
 - Increase the number of people involved in volunteering in 're-use' activities in Charity Shops and FRO's through the 'Reuse Champion' programme.
13. Community Furniture Store (York) Limited in James Street, welcome items such as:
 - Desks, tables and chairs
 - Wardrobes and chest of drawers
 - Beds, mattresses and sofas
 - Good quality, working white goods are always needed.

14. The items are resold to benefit the community and there are discounts for low income families.
15. To limit the audit and administrative burden, both from the point of view of the authority and the Community Furniture Store, alternative arrangements have been found to more, indirectly, support York's FRO. This has been achieved by offering first call on any appropriate materials collected through the bulky household collection service, professional advice for waste management, the most recent being around the Waste Electrical and Electronic Equipment (WEEE) Directive, and free disposal of unwanted items.
16. The York and North Yorkshire Waste Partnership (Y&NYWP) has set up a community reuse fund aimed at community groups and charities across York and North Yorkshire, who can apply for funding to set up or improve reuse schemes.
17. The community reuse fund aims to increase the community sector reuse projects and improve existing schemes across York and North Yorkshire and therefore help to divert more waste from landfill.
18. The maximum grant available is £5,000 and applicants are expected to raise at least 25% match funding in cash towards the project costs. The closing date for applicants is November 2008.
19. In addition to the above, the following provide a summary of the reuse schemes operated, or supported by the City of York Council as at 31st October 2008.
20. **Household Waste Recycling Centres (HWRC)** – All sites have reuse facilities for electrical equipment, mobile phones, textiles and shoes. In addition, Hazel Court has facilities for CDs/DVDs, ink cartridges and books.
21. **Bring Sites** – Facilities are located throughout the City:
 - **Textiles** – 17 sites with banks provided by Oxfam, Salvation Army, Scope and the Yorkshire Air Ambulance **(2007/08 - 422 tonnes collected)**
 - **Books** – 13 sites with banks provided by British Heart Foundation and Oxfam. **(2007/08 – 447 tonnes collected)**
 - **Shoes** – 12 sites with banks provided by European Recycling Company and Oxfam. **(2007/08 – 6 tonnes collected)**
22. **Bike Rescue** – is a charity, which refurbishes old and unwanted bikes to sell, with the aim of reducing the number of unwanted bikes being sent to landfill. The City of York helps to support the work of the charity with some funding.

- 23. **Yorkshire Air Ambulance** – Provides a doorstep collection service for clothes, shoes and textiles. Residents can arrange for collection by ringing a freephone number on any weekday between 8am and 8pm. York was one of the first local authorities approached about this service being provided in the area.
- 24. **Recycling Credits** – The following organisations are currently in receipt of recycling credits:

Name of Organisation
Bishopthorpe Scout Group
1st Clifton Sea Scouts
1st Copmanthorpe Scout Group
Dringhouses Scout Group
Elvington Scout Group
New Earswick Community Scheme
North Yorks Moor Railway
1st Poppleton Scout Group
Wheldrake Recreation Association
St Andrews Church
Friends of St. Nicolas Fields
Guide Dogs for the Blind

- 25. **Charity Shops** – The Council’s website lists the charity shops in York that accept donations for items that can be sold, with some accepting donations of specialist items such as toner cartridges, mobile phones, old stamps and spectacles.

Consultation

- 26. Consultation is on going with all the organisations listed above, plus those who have expressed an interest in dealing with materials that could be diverted from landfill.

Options

- 27. Executive member to note the contents of the report.
- 28. Executive member to continue to support the ‘third sector’ reuse organisations who increasingly need to find sources of sustainable material, thus contributing to the achievements of the local waste strategy.
- 29. Executive member to receive reports on specific organisations who both contribute to the local waste strategy, but also provide a wider society benefit by providing employment, training and volunteering opportunities to the vulnerable or socially excluded people of the City.

Analysis

- 30. The ‘third sector’ encompasses a wide range of value-driven organisations, including voluntary and community organisations,

charities, co-operatives and social enterprises with particular strengths in waste prevention, e.g. encouraging behaviour change among individuals and re-use, e.g. through the provision of household appliances and furniture to those in need.

31. The Government wants to make greater use of 'third sector' expertise in waste management and to capitalise on the multiple benefits - Social, Economic and Environmental – it can bring to communities. These wider benefits typically involve training and employment opportunities to disadvantaged members of society and provide low cost furniture and other household items to those in need.

Corporate Priorities

32. This report is important for the following corporate priority:
 - Decrease the tonnage of biodegradable waste and recyclable products going to landfill.

Implications

Financial

33. The costs will be maintained within the existing waste minimisation budget.

Human Resources (HR).

34. There are no HR issues associated with this report.

Equalities

35. This paper has taken equality issues into account. There will be regular update meetings with the councils Equality Team and access groups will be encouraged to participate.

Legal.

36. There are no legal implications at this stage.

Crime and Disorder.

37. There are no crime and disorder implications at this stage.

Information Technology (IT).

38. There are no direct IT implications at this stage.

Property

There are no property implications at this stage.

Risk Management

39. In compliance with the council's risk management policy the main risks that have been identified in this report are those which could lead to the inability to deliver a service review of sufficient quality (operational) which could lead to damage to the Council's image and reputation and failure to meet stakeholders' expectations (governance).
40. Measured in terms of impact and likelihood, the risks at this point need only to be monitored as they do not provide a real threat to the achievement of the objectives of this report.

Recommendations

41. That the Advisory Panel advise the Executive Member to note the report and the current facilities in York.
42. Reason: To inform the Executive Member of the current opportunities to re-use.
43. That the Advisory Panel advise the Executive Member to support the options in paragraphs 28 and 29.
44. Reasons: To support the Governments objectives to make greater use of 'third sector' expertise in waste management and to capitalise on the multiple benefits - Social, Economic and Environmental – it can bring to communities.

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Report Approved Date 5/11/08

Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None



Meeting of the Executive Member for Neighbourhood Services and Advisory Panel 4th December 2008

Report of the Director of Neighbourhood Services

Eco Depot Safety and Security Review

Summary

1. This report provides information on changes planned and undertaken at the Eco-Depot to improve the linked issues of site safety and security. The changes are being made in response to an independent review of safety carried out on the council's behalf by the Freight Transport Association (FTA). The FTA had been asked to undertake the review by the directorate management team following concerns about safety and security. The work was commissioned in June 2008.
2. The changes are intended to improve the safety and security of staff and visitors to the depot.

Background

3. Neighbourhood Services (NS) moved into the Eco-Depot in December 2006. The new site offers a significantly improved amenity to both staff and visitors alike.
4. On moving in, NS had initial concerns about the safety and security of the site, due to the lack of a physical barrier to stop or check vehicles or pedestrians entering or leaving the site. The directorate initially concentrated on actively managing site safety (issues caused by pedestrians and vehicles moving round what is basically an industrial site) and security issues.
5. Since December 2006, a number of changes and improvements to the site have been made including attempts to foster a disciplined approach to site safety and security from the workforce. However concerns have continued over the potential level of risk to the safety of site users, which stems from the inability to control site access. This issue also impacts on security at the depot.
6. In June 2008, NS commissioned a review of site safety from the FTA, who were asked to provide a safety assessment of the depot as a working environment.
7. In July 2008, the directorate suffered a high profile theft of equipment from the depot. This prompted a further review of site security arrangements.
8. This report sets out the issues and informs members of the actions we propose to take (or have already taken) in response to FTA's assessment.

Site Safety

9. Neighbourhood Services moved into the new Eco-Depot in December 2006. As a busy working site, which also includes a public reception office, health and safety of all users is a key issue. The risk to safety is high because vehicles (many of which are heavy commercial vehicles) are moving around a site close to pedestrian walkways. The proximity of pedestrians and vehicles brings the potential for a fatal accident, as the two cannot be totally segregated. When people (likely) or vehicles (less likely) move into parts of the site where they should not be, the potential risk is greatly increased. Uncontrolled access to the site is a major risk which we need to address.
10. The uncontrolled access has in the last two years led to examples of visitors (the vast majority of whom will not be wearing high visibility clothing) walking in through the vehicle entrance or walking around the site to try to find the reception area. We have also had numerous examples of members of the public missing the entry to the Household Waste Recycling Centre and driving round the depot to effect a U-turn. Each of these non-essential 'visits' heightens the level of risk.
11. In July 2007, the council's Principle Environmental Health Officer (H&S) audited workplace transport at the site and made a number of recommendations. In response, we have taken steps to mitigate the risk and to improve the safety of site users. During 2007 and 2008, various work has been undertaken to improve signage, to improve the clarity and definition of pedestrian walkways, to slow traffic using traffic calming measures, to clarify and extend site rules (eg the use of high visibility clothing) and (where practical) to place physical barriers between pedestrians and vehicles at key points.
12. There have not been any reportable accidents on the site since December 2006 relating to vehicles hitting people. However despite the mitigating work carried out, uncontrolled vehicle access means that the potential for fatal accidents remains higher than it need be.
13. We have also been working to develop a strong health and safety culture among all staff. In March 2008, we introduced a 'Safety Observation Booklet' (SOB) in Neighbourhood Services that would give all staff a simple means to report health and safety issues that they observed at any time. These reports could be filed anonymously. A large number of the forms returned to our Health & Safety Advisor in the first couple of months of that initiative mentioned a range of site safety issues at the Eco-Depot.
14. In response to remaining concerns about transport safety, and to the concerns being raised by staff through the SOB route, the directorate management team commissioned an independent review of the site from the FTA in June 2008. Their review was undertaken during the summer, and we received feedback in late August. Their review made recommendations which they saw as essential (immediate), important (short term) and desirable (medium term).
15. The FTA's assessment placed gaining control of access to the site as a number one priority. They made a number of other recommendations about vehicle and pedestrian movements on site that we are keen to take forward as well. Many of the site safety recommendations will help to improve the related issue of site

security. Good site security will help to reduce levels of risk to health and safety by reducing the likelihood of visitors wandering round the site, without a clear understanding of the inherent dangers of a busy site where heavy vehicles operate.

Site Security

16. The Eco-Depot is a busy working site. It serves as a base for about 350 employees and about 250 work vehicles. The site includes a public reception point at the back of the main eco-office building, where visitors can request a service or meet members of staff. While it is not a busy reception compared with the city centre reception points, having any visitors means that the site must be open and accessible, and safe.
17. The single means of entry into the Depot is at the end of Hazel Court. There is a perimeter fence around the site, which is checked daily. There is an additional pedestrian exit gate at the rear of the site, but this is locked at all times.
18. The buildings on the site are secured using a key card system. This means that only card holders are able to gain entry to the buildings, and are able to move within the building through internal security doors. Staff can only access those areas of the site that they need access to, and this is controlled via the key card system.
19. The depot is in use 24 hours per day. Although the bulk of movement on and off site occurs between 6am and 5pm, services such as Civil Engineering (eg winter gritting crews, emergency drainage team) and Neighbourhood Pride (eg mechanical sweeper drivers) require 24 hour access. The main eco-office houses the Night Service Co-ordinator (NSC) for the council. This member of staff is on site every night from 4.30pm to 8am, and during weekends. The NSC's role is to coordinate out of hours service queries and requests from across the council and other agencies. While the NSC provides a pair of eyes on the site at all times, they are not a night watchman for the site. Their role in relation to intruders or suspicious activity is to call 999 rather than to tackle the intruder themselves.
20. In light of the work already commissioned from FTA, a review of security arrangements was undertaken following the theft in mid July, which has led to a number of additional security proposals being made.

Proposed actions.

21. This section of the report sets out the most significant actions being taken to improve safety and security at the depot.

Tighten up Site Access

22. The key problem to address is our lack of facility to control vehicle access through the vehicle entrance at the end of Hazel Court. Potential solutions have been thoroughly considered. Any solution must work for both staff and visitors who arrive driving a variety of vehicles and needing to access the site for a variety of reasons. An added complication has been that the site

reception is at the far end of the eco-office – out of site of the front gate. The solutions that have been considered have included the need to get visitors safely to where they need to be.

23. In the medium term, a capital bid to the value of £205k has been made to build a permanent gatehouse and customer/visitor reception area near the entrance. This would stop visitors whether on foot or in vehicle entering the site in an uncontrolled manner. If the bid is successful it would at best take a couple of years for the gatehouse solution to be built.
24. Therefore in the mean time, a temporary Portakabin gatehouse has been put in place. The current reception area will be moved from the eco-office into this gatehouse.
25. In addition card operated vehicle barriers will be put in place to control access to both the car park at the rear of the eco-office, and to the main depot site itself. This will allow card-holders to access the site without intervention, but will require visitors to enter the reception area, make themselves known, and be told where to park. Visitors who need to see a member of staff will then be picked up by that member of staff from the temporary gatehouse. Both the temporary and permanent solutions will put in place a control over both vehicle and pedestrian access. The advantages of this proposed solution are to:
 - (a) Further reduce vehicle speed at the entrance. A speed table was put in place in April 2008, but the barrier forces vehicles to stop/queue.
 - (b) Remove the opportunity for pedestrians to enter through the vehicle entrance.
 - (c) Provide an opportunity to make site Health and Safety rules clear to all visitors – for example speed limits, danger areas, protected walkways, parking rule, and directions.
 - (d) Provide an opportunity to redirect members of the public who have got lost, rather than have them drive round the site.
26. At the same time we propose to improve control over access through the pedestrian entrances at the end of Hazel Court. Detailed proposals for the pedestrian access gates are under consideration. We intend to work with representatives from York Access Group to help us ensure that a more secure depot remains accessible to all visitors.
27. Further consideration is also being given to access and facilities for cyclists. We want to encourage staff to use cycles to get to work and have upgraded cycle storage facilities once already. In considering the options for the pedestrian access, we need to weigh up whether cycles would be better to access the site through the vehicle access, or whether the pedestrian access should be modified for use by cyclists.
28. We consider that taking a more stringent approach to vehicle and pedestrian access will solve many of the safety and security problems.

Workplace Transport Issues

29. Clearer signage is needed. A lot of new signs have been put up in the last couple of years, which tends to reduce their impact. FTA recommended that all of the signs on site were reviewed and that a more cohesive set of signs (or

markings on the road) be put in place. Once the entry barriers are in place, a full review of signage will be carried out and put in place.

30. FTA have suggested that the speed limit should be raised from 5mph to a more realistic 10mph. Some of the vehicles entering the site cannot be controlled at the slower speed. At the same time, we intend to purchase a radar gun to allow us to enforce the more realistic speed limit.
31. We have renewed and enhanced the areas of the site where high visibility garments must be worn – and this message has gone out to all staff based at the site through their team meetings and also through the staff newsletter.

CCTV

32. CCTV cameras on site will be relocated to improve sightlines. Additional cameras are also being considered in areas of the site not currently covered.

Tighter Internal Security Processes

33. A number of low cost measures have already been taken to reduce the risk of theft. Each department has put in place stronger procedures to improve vehicle security within their work issue rooms. The work issue rooms on site are now being locked from 5pm each day, and keycard access has now been introduced into those rooms to bring them into line with the rest of the site.
34. A new operating procedure manual has been adopted, which has tightened up rules regarding start and finish times, clarifying who should and should not be on the site out of normal working hours.

Other Issues

35. FTA suggested a number of improvements that we are unable to take forward. For example they recommended that pedestrian barriers be installed in the run up to and around the hammerhead at the end of Hazel Court, to force pedestrians to enter and exit the site via the pedestrian rather than vehicle entrances. This would be very expensive, and we have no jurisdiction over the road as it is unadopted. In any case the vehicle entrance barriers should reduce the likelihood of people walking in through the vehicle entrance.
36. FTA also suggested some changes to the site which would have required further planning consents to be gained. For example they recommended that additional parking should be provided. These have not been taken forward.

Costs

37. A number of the changes can be made without incurring any spending – for example introducing tighter site rules, or reinforcing messages through training. However most of the changes recommended have a financial implication.
38. The one off costs of the short term work relating to transport issues and site access, including the construction of the temporary gatehouse and relocation of reception total approximately £38k, based on initial estimates. It is recommended that this work commences without delay and as it is one off can be funded from a reserve set aside by Neighbourhood Services specifically to fund depot improvements. There is a recurring cost of £3k per year to cover

rental of the portakabin until the permanent solution is in place and this cost can also be funded from the reserve.

39. The one off cost of additional CCTV cameras is estimated at £20k. As this is also a one off cost it is anticipated that this can be funded from the above reserve.
40. A capital bid of £205k will be submitted in the 2009/10 capital investment (CRAM) process to cover construction costs for the permanent building. Due to the timescales required to submit the bid, the costs are best estimates at this stage but work is ongoing to finalise these estimates. Ongoing revenue costs of the gatehouse are not expected to be significantly more than current budgets and it is envisaged that these will be covered by existing repairs and maintenance budgets.

Summary

41. The issues of user safety, and site security are closely linked. Following reviews of safety issues regarding vehicle movements and site usage, and site security following a theft in July, a number of new processes have been put in place, and a number of capital works have been started.

Consultation

42. Consultation about the work around the site has been undertaken with the Facilities section in Resources. Unison have been asked to help us ensure the Health and Safety of staff and visitors to the site. York Access Group will be asked to consider the issues raised by the planned changes to the entry onto the site.
43. A newsletter covering these changes, along with other Health & Safety issues is being produced and will be circulated to all staff in the directorate.

Options

44. The report is to inform EMAP members about measures to be undertaken and therefore no options are presented.

Analysis

45. The report is to inform EMAP members about measures to be undertaken and therefore no analysis of options is presented.

Corporate Priorities

46. The issues contained in the report will act to improve the directorate priority of 'Improve our health and safety culture'.

Implications

47. **Financial:** Financial Implications are covered in the body of the report. Short term one off costs of approximately £64k can be funded from the Neighbourhood Services depot contingency, although it should be noted that it is unlikely that any unbudgeted or unforeseen increases to costs could be covered by the reserve. This assumes that the permanent gatehouse will be in

place by April 2010. Approval of a 2009/10 CRAM bid for £205k is required to progress the permanent gatehouse solution.

48. **Human Resources:** None.

49. **Equalities:** None

50. **Legal:** None

51. **Crime and Disorder:** None

52. **Information Technology (IT):** None

53. **Property:** None

54. **Other:** None

Risk Management:

55. The report is primarily to provide members with information and as such there are no significant risks associated with this report.

Recommendations

56. That the Advisory Panel advise the Executive Member to note the proposed improvements to site safety and security.

Reason: To inform members of initiatives being taken in Neighbourhood Services to improve site safety and security.

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Report Approved **Date** 6/11//2008

Specialist Implications Officer(s)

None

Wards Affected:

For further information please contact the author of the report

All

Background Papers: None.

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**Meeting of the Executive Member for
Neighbourhood Services and Advisory Panel**

4th December 2008

Report of the Director of Neighbourhood Services

Tackling Environmental Crime – Litter Enforcement against Young People

Summary

1. To advise members on new guidance produced by the Department of Environment, Food and Rural Affairs (DEFRA) on the use of Fixed Penalty Notices (FPNs) and to recommend amendments to the current Street environment Service litter enforcement policy, to ensure that procedures are in keeping with best practice when using fixed penalty notice (FPN) enforcement against young people.

Background

2. York's current litter enforcement policy was agreed by members on 14 January 2004. The policy was launched with a successful education campaign in April 2004. Details of the legal interpretation of litter and the authority's procedure for enforcement can be found in Annex 1.
3. In 2005, the Clean Neighbourhoods and Environment Act extended the use of fixed penalty notices across a range of environmental offences, to enable local authorities to deal more efficiently with first-time offenders; and those who commit offences at the more minor end of the scale. To assist local authorities on the appropriate use and enforcement of FPNs, guidance was published in 2007 entitled 'Local environmental enforcement -Guidance on the use of fixed penalty notices'.
4. The guide should be used by those already using the FPN powers "*to ensure that they are used in a way that minimises risk and builds credibility in the system...and above all else are used in such a way so they help achieve the broader aim that we are all seeking to realise; namely, cleaner, safer and greener places to live*".
5. Section Four of the guidance deals specifically with the use of FPN enforcement against young people. This was produced in addition to DEFRA guidance "Issuing Fixed Penalty Notices to Juveniles" in 2006.
6. A 'juvenile' or 'young person' is someone between the age of 10 and 17 years of age, inclusive.
7. This report highlights current council procedure in relation to young people, compared against best practice taken from the two guidance documents. Direct quotes from the guidance is given in *italics*. Recommendations are

Litter Enforcement and Juveniles

8. Current council policy states the following in relation to issuing FPNs to young people, point 22:-
- i) Fixed Penalty notices be issued under section 88(1) Environmental Protection Act 1990 by Street Environment Officers, for the offence of littering as defined by section 87, EPA 1990.
 - ii) On payment of the FPN, within 14 days, no further legal action will be taken by the local authority.
 - iii) For non-payment of the FPN formal legal action will ensue. Where this is the first offence formal cautions will be used if the offender admits the offence.
 - iv) Subsequent offences committed by the same person shall result in summary proceedings in Magistrates' Court, rather than issuing a further FPN.
 - v) In the case of minors FPN will be issued on those aged 14 or more. Action will be taken as necessary as detailed in (i)-(iv) above. (Note that summary proceedings will be taken in Youth Court).
 - vi) FPN will be issued to children between 10 and 13 if it is demonstrated that they have been subject to education to make them aware of the offence.
 - vii) FPN will not be issued for under 10's. Should a minor of this age commit an offence an informal letter will be issued to the parents and the child.

(Tackling Environmental Crime – Litter Enforcement, 14 January 2004).

9. In 2005, a second report to Members approved adopting the revised FPN charge of £75.00, which is reduced to £50.00 if paid within 10 days of receipt of the notice.

DEFRA Guidance 2007

10. DEFRA guidance states *it is considered sensible practice to develop separate approaches to those aged 10-15 years of age, and those aged 16 and 17.*
11. The difference between these age groups is that with young people below 15 years of age, a parent or legal guardian should be informed at the earliest opportunity, ideally by letter, explaining the action taken, and to give the opportunity to discuss the case with an officer. With both age groups, the Youth Offending Team (YOT) should be consulted on what is the best course of action for that young person ideally before an FPN is issued.

12. In 2007, the authority's current strategy was amended to ensure that appropriate work was undertaken with YOT when considering to issue an FPN to someone under 18, to ensure that the young person is not already within the judicial system and if so, to consider whether an FPN would be the best course of action. Following this consultation, the young person's parent/guardian is then contacted in writing to arrange for issue of the FPN by post or in writing.
13. York's policy does not differentiate between the two age groups as all FPNs are issued either in the presence of a parent or guardian, or a copy letter sent to them.

DEFRA Guidance: Safeguarding Child Welfare

14. When taking enforcement action against young people, DEFRA guidance states *authorities have a duty to ensure that they are acting in accordance with the Children Act 2004; this requires local authorities to discharge their functions having regard to the need to safeguard and uphold the welfare of children.*
15. This has bearing on the approach that officers should take having witnessed a young person committing a littering offence. Best practice states that *staff should always be in uniform, officers should never physically touch a young person, approach should be made from in front of a young person, and not behind, the officer should identify themselves and offer identification at the earliest opportunity and should work in pairs. Officers must provide an enhanced Criminal Records Bureau Certificate.*

York's Practice

16. Officers comply with all elements of best practice detailed at point 15.

DEFRA Guidance: Issuing Fixed Penalties

17. DEFRA guidance states that *it is important for an authority to think about the circumstances when it will issue FPNs so that should prosecution be required they will be able to show that the action they are taking is an action of last resort. To achieve this the LA may want to consider the following additional steps; before and after issuing the FPN:-*
- *Take school assemblies explaining the laws and consequences;*
 - *In the instance of a first offence, offer a warning; and/or*
 - *If an offence is committed, ask the alleged offender to pick it up*

York's Practice

18. Although we have carried out school visits in the past, many schools choose not to have SEO presentations, leaving the service reliant on school's educating against litter themselves, which is not clearly reported back to the service. In November 2007 all schools were written to asking them to raise awareness of the litter law, and we offered our services to attend. However, only two schools took up this offer.
19. In order to ensure that education is continually carried out and that all school children are made aware that littering is wrong and liable to a fine, it is

considered best practice to have educational visits every year, at all secondary schools. Consideration could also be given to interventions with primary and junior schools, thereby educating at a younger age. However it is unlikely that this level of education could be taken into consideration, once the young person is over the age of 11.

20. Street Environment Service are in the process of developing a DVD training aid to assist with delivery of education in the secondary schools. It is believed that schools will be more interested in assembly talks if the Service can offer a professional presentation.
21. Displays in schools could also be devised to provide a focal point for several weeks to reiterate the anti-litter message. A proposal could be to carry out this initiative each September and to make this an annual occurrence. Posters designed by young people to engage with the target audience could be developed through competitions, raising media interest and helping to more widely promote the educational message.
22. With regard to warnings or asking the offender to pick up the litter, York currently does not include either steps in its enforcement policy. We are therefore heavily reliant on a good educational programme in the schools.

DEFRA Guidance: Paying for an FPN

23. *The guidance states that parents and guardians are not responsible in law for paying an FPN issued to a young person in their care. However, if non payment is successfully prosecuted in the youth court, and they are punished with a fine, the parent or guardian does become responsible for payment.*
24. *Alternative means of payment should be considered by:*
 - Allowing payment by instalments*
 - Allowing a longer payment window*
 - Offering an alternative to the payment such as a litter pick*
25. *If the additional steps, set out above, are undertaken or offered, it is easier to demonstrate in the youth court, should a prosecution be taken, that it was in fact a last resort.*

York's Practice

26. A parent may choose to pay an FPN to keep their child from entering the judicial system and if a parent is required to pay a fine in court, both situations could result in the young person learning nothing from their punishment.
27. To overcome this, the Street Environment Service does arrange instalments and longer payment windows. To date we have accepted payment by instalment for 22 FPNs and all were paid in full, of these 4 were under 18 years. However, we do not currently arrange reparation.
28. The authority is a member of the Yorkshire and Humberside Environmental Enforcement Group, the majority of these authorities offer 2-3 hour litter picking as a form of reparation, via their warden service (akin to Street Environment Service) or via YOT.

DEFRA Guidance: Non Payment

29. *Under the youth justice system, prosecution is a measure of last resort, this can make prosecution of young people for minor environmental crimes in the court problematic.*
30. *Given that potentially every FPN that is issued to young people could end in prosecution in the youth court, any authority that plans to issue FPNS to young people needs to consider their approach carefully.*
31. In addition to DEFRA guidance, the new suite of national indicators includes a measure for all local authorities (and the police) to reduce the number of first time entries into the criminal justice system by young people (up to the age of 17), known as NPI 111. This measure is a local indicator in the current Local Area Agreement. It is therefore essential that everyone involved in working with young people within the council, are working in the same way.
32. DEFRA recognises that the decision to use FPN enforcement against juveniles is a political decision. However they do view that *any enforcement against young people, is carried out in a way that does not damage the credibility of the system.*
33. *It is considered good practice for an authority to meet the magistrates or the clerk of the youth court when preparing its own policy in this area and to get their views on the approach the authority plans to take in relation to issuing FPNS to young people.*

York's Practice

34. Since adopting the FPN powers, we have not had a single non payment by a juvenile. Courts are unlikely to want to see young people with no previous criminal record being brought to court for dropping a sweet wrapper. Nor do we want to be associated with giving a young person a criminal record and ruining their prospects of employment or being able to apply for travel VISAs.
35. Experience from other authorities has found that courts tend to give conditional discharges or small fines. A Youth Court cannot award the prosecutor with costs above the maximum penalty for the offence, in this case £75.00. Therefore, the work carried out by the officers to bring the case before the courts is likely to go unrecovered.
36. A meeting took place in July 2008 with the Clerk to York's Youth Court and York Magistrates' Court Chief Clerk to discuss the new guidance. Their advice was that DEFRA guidance should be followed and that all available measures should be taken before bringing a young person to court for a littering offence. These measures should include education, warnings and alternative means to payment via reparation.

Recommendations to York's current Litter Enforcement Policy

37. Annex 2 and 3 contain a revised procedure for Litter enforcement against young people, taking DEFRA guidance into consideration. Annex 2 covers young people aged between 10-15 years, and Annex 3 covers young people aged 16-17 years inclusive.

Consultation

38. Consultation has been held with York Magistrates Court Chief Clerk and Youth Court Clerk.
39. City of York Council Children's Services were consulted on the changes to policy and are in support of the educational campaign in schools.
40. City of York Council's Youth Offending Team were consulted on the changes to policy.

Options

41. Members could decide to support the revised policy in Annex 2 and 3, in their entirety, with any of the proposed steps set out being amended or removed, or decide to keep the current enforcement policy unchanged.

Analysis

42. No analysis is required.

Corporate Priorities

43. This proposal supports the following corporate priorities:

- *To reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York;*
- *To improve the actual and perceived condition and appearance of the city's streets, housing estates and public spaces.*

Implications

Financial

44. Since November 2003, local authorities have been permitted to retain receipts from FPN's for litter offences, under section 119 of the Local Government Act 2003. Local authorities are permitted to use the sums of money it received only for functions under Part IV of the EPA 1990, i.e. in relation to litter enforcement. By issuing warnings in lieu of FPNs the income generated would be reduced.

Other Implications

45. There are no significant HR, equalities, legal, crime and disorder, IT, property or other implications other than those set out in the body of this report.

Risk Management

46. There are minimal risks associated with the recommendations of this report.

Recommendations

47. That the Advisory Panel advise the Executive Member to agree to the changes in policy highlighted in Annexes two and three of this report.

Reason: To ensure that the authority's litter enforcement policy and procedures are compliant with DEFRA's best practice on the issuing of FPNs to young people.

Contact Details

Author:
Jackie Armitage
Enforcement Manager

Chief Officer Responsible for the report:
Terry Collins
Director of Neighbourhood Services

Report Approved Date 6/11/08

Wards Affected:

All

Specialist Implications Officer(s)

Implication ie Financial

Name Sarah Kirby
Title Finance Manager, Neighbourhood Services
Tel No. 55 3109

For further information please contact the author of the report

Background Papers:

1. Environmental Protection Act 1990
2. Clean Neighbourhoods and Environment Act 2005
3. Tackling Environmental Crime – Litter Enforcement, 14 January 2004
4. Local environmental enforcement -Guidance on the use of fixed penalty notices. DEFRA, 2007.
5. Issuing Fixed Penalty Notices to Juveniles. DEFRA, 2006.

Annexes:

Annex 1 The Legislative Framework
Annex 2 Proposed new procedure for young people aged between 10 and 15 years of age
Annex 3 Proposed new procedure for young people aged 16 and 17 years of age
Annex 4 Warnings Proforma

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The legislative framework

Littering is defined by the Environmental Protection Act 1990 (EPA) section 87 as occurring if any person throws down, drops or otherwise deposits any litter in any place and leaves it. The land must be open to the air and includes water.

Litter was given its natural meaning, of miscellaneous rubbish left lying about, by Case law in July 1995. [Westminster City Council v Riding]. It was determined that it could include commercial waste because if the waste was put out at the wrong time it is litter. The word litter is therefore given a wide interpretation and can include a sweet wrapper, bag of rubbish, food waste, crisp packet or cigarette butt.

Section 27 of the Clean Neighbourhoods and Environment Act 2005 provided a clear definition of 'litter' as including (a) the discarded ends of cigarettes, cigars and like products, and (b) discarded chewing-gum and the discarded remains of other products designed for chewing.

Littering is a criminal offence, which can lead to a fine of up to £2500. The offence is summary only and therefore cannot lead to imprisonment. There are a number of factors which determine if an offence has been committed under section 87 of the EPA 1990.

- Has a person thrown down, dropped or otherwise deposited litter?
- Did the person leave the litter?
- Is the land upon which it was thrown down, dropped or deposited an open space?
- The offence can also occur on relevant highways, relevant roads and trunk roads, relevant Crown Land, relevant land designated by a statutory undertaker or an educational establishment.

An offence is not committed if the deposit is authorised or it has been done with the consent of the owner, occupier or other person having control of the place into which the thing is deposited.

Section 88 EPA 1990 provides powers to local authorities, as Litter Authorities, to issue Fixed Penalty Notices (FPN) to an individual who causes an offence under section 87 of the EPA 1990. The current fine level, introduced on the 7th April 2005, is £75.00.

The FPN is served on the offender (section 88(1) EPA1990) issuing on a notice prescribed by the Litter (Fixed Penalty Notices) Order 1991. This requires the payment of the fine in 14 days. If the fine is paid within 10 days, this is reduced to £50.00. If the fine is not paid then the local authority may prosecute in a magistrate's court for the summary offence.

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Proposed new procedure for young people aged between 10 and 15 years of age

Education

1. Street Environment and Enforcement Service will carry out educational visits to all secondary schools at the beginning of each academic year where practicable.
2. Educational material will be sent to all secondary schools and higher education establishments for display.

Enforcement Monitoring

3. The officers will routinely patrol school approaches and problem areas for littering offences, in accordance with DEFRA guidance.

Procedure when witnessing an offence

4. Where littering is witnessed, the two enforcement officers will introduce themselves and show identification.
5. The officer will explain to the young person that given their age, they will be given the chance to put right what they have done, by agreeing to pick up their litter, and dispose of it properly.
6. The officer then obtains the name, address, age and date of birth of the alleged offender, together with the name and address of his or her parents or legal guardian.
7. The officer hands the young person a leaflet explaining what has happened, how a warning may be issued following consultation with YOT. An example leaflet is found in Annex 4.

Office procedure

8. On return to the office, the officer will verify records to confirm that the young person has not had a litter warning before, they will then liaise with YOT as to best course of action for that young person.
9. If not involved with YOT, an advisory letter will sent to the parent/guardian, asking to confirm whether a warning is to be issued in person or by post.
10. A verbal or written warning will be given to the young person. The service will keep a record of all warnings until the child turns 18 years of age.
11. Where officers establish that the littering was a second littering offence, the letter to the parent will notify that an FPN is to be served on their child, and ask to confirm whether the FPN is to be issued in person or by post.

Paying the FPN

12. Every young person will be offered

- payment in full (reduced to £50.00 if paid within 10 days)
- payment by three instalments of £25.00, or
- two hours of littering picking in lieu of payment.

13. The chosen option will be confirmed in writing.

14. Litter picking will take place under the supervision of the SEO either during audit work in the ward, or at suitable hot spot areas, such as approaches to schools, car parks, recreational land and school grounds. The young person will carry out the pick after school or during lunch time periods, and be equipped with tabard, gloves and litter picker.

Non Payment

Non payment of an FPN will result in prosecution of a young person in the Youth Court.

Proposed new procedure for young people aged 16 and 17 years of age

Education

1. Street Environment and Enforcement Service will carry out educational visits to all secondary schools at the beginning of each academic year where practicable.
2. Educational material will be sent to all secondary schools and higher education establishments for display.

Enforcement Monitoring

3. The officers will routinely patrol school approaches and problem areas for littering offences, in accordance with DEFRA guidance.

Procedure when witnessing an offence

4. Where littering is witnessed, the two enforcement officers will introduce themselves and show identification.
5. The officer will explain to the young person that given their age, they will be given the chance to put right what they have done, by agreeing to pick up their litter, and dispose of it properly.
6. The officer then obtains the name, address, age and date of birth of the alleged offender, together with the name and address of his or her parents or legal guardian.
7. The officer hands the young person a leaflet explaining what has happened, how a warning may be issued following consultation with YOT. An example leaflet is found in Appendix 4.

Office procedure

8. On return to the office, the officer will verify records to confirm that the young person has not had a litter warning before, they will then liaise with YOT as to best course of action for that young person.
9. If not involved with YOT, a verbal or written warning will be given to the young person. The service will keep a record of all warnings until the child turns 18 years of age.
10. Where officers establish that the littering was a second littering offence, the young person will be served with an FPN by post.

Paying the FPN

11. Every young person will be offered
 - payment in full (reduced to £50.00 if paid within 10 days)
 - payment by three instalments of £25.00, or
 - two hours of littering picking in lieu of payment.
12. The chosen option will be confirmed in writing.

13. Litter picking will take place under the supervision of the SEO either during audit work in the ward, or at suitable hot spot areas, such as approaches to schools, car parks, recreational land and school grounds. The young person will carry out the pick after school or during lunch time periods, and be equipped with tabard, gloves and litter picker.

Non Payment

14. Non payment of an FPN will result in prosecution of a young person in the Youth Court.



Street Environment & Enforcement Service
City of York Council
EcoDepot, James Street
York
YO10 3DS

LITTER WARNING

To:

Address:

On you were stopped by an authorised officer of the City of York Council for leaving litter, namely

.....
in the area of
.....
.....
.....
.....

Littering is an offence under section 87 of the Environmental Protection Act 1990.

On this occasion, you are being given a written warning for littering.

If you are seen to litter again, you will receive a fixed penalty notice for £75.00. A fixed penalty is offered rather than taking the offence to a Youth Court, but if not paid, could result in a court appearance, where, if found guilty of a littering offence you could receive a fine and a criminal record.

Littering spoils our city and costs £2 million a year to clear away. We would rather spend this money on improving York for those who live here. How would you spend it?

Please help keep York tidy by always using a litter bin. Please share this information with your friends.

Dated **Name**
.....

Signature
Authorised officer

I understand that this warning replaces a Fixed Penalty Notice for littering and I will help City of York Council keep York clean in future by taking responsibility for litter. I

understand that if I litter in future I could receive a Penalty Notice for £75.00 under the Section 88 of the Environmental Protection Act 1990.

Signature

Name in CapitalsDate

.....
(If 10-15 years inclusive)

Parents Signature

Date:.....

Please complete and return this slip to:

Street Environment & Enforcement Service, FREEPOST RRHE-EJKA-ARAH,
Ecodepot, James Street, YORK, YO10 3DS



Street Environment and Enforcement Service
 City of York Council
 EcoDepot, Hazel Court
 James Street
 York
 YO10 3DS
 Telephone: (01904) 553138



Annex 4
 Street Environment and Enforcement Service
 City of York Council
 EcoDepot, Hazel Court
 James Street
 York
 YO10 3DS
 Telephone: (01904) 553138

Stopped for Littering

To:

Address:

.....

Date of Birth:

Date:

You have been stopped today by a City of York Council Enforcement Officer, for dropping and leaving litter at:

.....

You were asked to pick it up and dispose of it properly.

Littering not only spoils our city and costs money to clear away, it is also a crime.

As you are under 18 years of age, checks will now be carried out by the enforcement officer to decide how best to deal with this matter and could result in a fixed penalty notice for £75.00 or a warning.

A letter will be sent to your parent or guardian in the next few days advising them of what action is to be taken.

Signed:

Title:

Stopped for Littering

To:

Address:

.....

Date of Birth:

Date:

You have been stopped today by a City of York Council Enforcement Officer, for dropping and leaving litter at:

.....

You were asked to pick it up and dispose of it properly.

Littering not only spoils our city and costs money to clear away, it is also a crime.

As you are under 18 years of age, checks will now be carried out by the enforcement officer to decide how best to deal with this matter and could result in a fixed penalty notice for £75.00 or a warning.

A letter will be sent to your parent or guardian in the next few days advising them of what action is to be taken.

Signed:

Title:

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Meeting of the Executive Member for Neighbourhood Services and Advisory Panel

4th December 2008

Report of the Director of Neighbourhood Services

NEIGHBOURHOOD SERVICES CAPITAL PROGRAMME MONITOR 2

Summary

1. The purpose of this report is to:
 - Inform Members of the likely outturn position of the 2008/09 Capital Programme based on the spend profile and information to October 2008/2009;
 - To seek approval to any resulting changes to the programme;
 - Inform Members of any slippage and seek approval for the associated funding to be slipped between the relevant financial years to reflect this.

Background

2. The 2008/09 – 2010/11 capital programme was approved by Council on 21st February 2008. Since then a number of amendments have taken place as reported to Executive Members in the 2007/08 Capital Outturn report. These changes have resulted in a current approved capital programme for 2008/09 of £0.944m, financed by £0.414m of external funding, leaving a cost to the Council of £0.530m. Table 1 illustrates the movements from the original budget to the currently approved position.

	Gross Budget £m	External Funding* £m	Capital Receipts £m
Original Budget Approved by Council at 21 Feb 2008	0.370	0	0.370

Additions to 08/09 from 07/08 outturn report	0.172	0.015	0.157
Re-profiling to 09/10 & 10/11 from 07/08 outturn report	0	0	0
Additions / Reductions	0.402	0.399	0.003
Current Approved Capital Programme	0.944	0.414	0.530

*External funding refers government grants, non government grants, other contributions, developers contributions and supported capital expenditure.

Table 1 Current Approved Capital Programme

- The capital receipts column above implies receipts generated from the sale of Council assets will be used to fund the difference between the gross budget less all other specified funding sources. Due to the current economic climate not being favourable to achieving maximum receipt value from asset disposals, consideration will be given to the use of prudential borrowing to fund the capital programme as a temporary measure. When the economic climate returns to a more favourable state assets will be sold with the receipts being applied to finance the programme thus replacing the temporary borrowing.

Consultation

- The capital programme was developed under the Capital Resource Allocation Model (CRAM) framework and agreed by Council on 21 February 2008. Whilst the capital programme as a whole is not consulted on, the individual scheme proposals do follow a consultation process with local Councillors and residents in the locality of the individual schemes.

Summary of Key Issues

- Against the current approved budget of £0.944m, there is a predicted outturn of £0.619m, a net decrease of £0.325m.
- The net decrease is comprised of:
 - Re-profiling current year budget into future years of £325k
- Table 2 highlights scheme specific information:

Gross Neighbourhood Services Capital Programme	2008/09	2009/10	2010/11	Total	Para Ref
	£m	£m	£m	£m	

Current Approved Capital Programme	0.944	0.361	0.133	1.438	
Re-profiling:					
Silver Street Toilets	(0.075)	0.075	0	0	15
Waste Infrastructure	(0.250)	0.250	0	0	18
Revised Capital Programme	0.619	0.686	0.133	1.438	

Table 2 Capital Programme Forecast Outturn 2008/09 – 2010/11

8. The main highlights of this report are:

- Slippage of £75k in to 2009/10 on the Silver Street Toilet Scheme
- Slippage of £250k into 2009/10 on the Waste Infrastructure Capital Grant
- All other schemes are expected to complete on target

Scheme Specific Analysis

Ward Committees

08/09 Budget: £172k (CYC resources)

08/09 Forecast: £172k

9. The total budget of £172k was carried forward from 2007/08. There is no new capital funding in 2008/09 as it was agreed that all ward committee schemes will be funded from revenue.

10. All schemes are expected to complete on target.

Air Quality Management

08/09 Budget: £12k (Defra Grant)

08/09 Forecast: £12k

11. The total budget of £12k was carried forward from 2007/08. The grant relates to air quality monitoring, air quality modelling and air quality action planning and was used to upgrade existing air quality monitoring equipment, modelling software and publicity/ education.

12. The remainder of the grant will be used to continue this work.

Contaminated Land Investigation

08/09 Budget: £42k (Defra Grant)

08/09 Forecast: £42k

13. Defra provide a capital grant to support detailed contaminated land investigations at three sites in accordance with obligations placed on the council by Part 11A of the Environmental Protection Act 1990.
14. £39k additional funding was received from Defra in 2008/09 to support further investigations. The remaining budget of £3k was carried forward from 2007/08.

Silver Street Toilets

08/09 Current Budget: £338k (CYC Resources)
08/09 Revised Budget: £263k
08/09 Forecast: £263k

15. This project is to replace Parliament Street Toilets with a purpose built modern facility that better reflects the needs of users. Work is not currently expected to complete until May 2009 because of the resubmission of planning applications, therefore slippage of £75k into 2009/10 is forecast.

Improvements to Towthorpe HWRC

08/09 Budget: £20k (CYC Resources)
08/09 Forecast: £20k

16. Funding was approved to make structural improvements at Towthorpe HWRC. Work is ongoing and should complete in this financial year.

Waste Infrastructure Capital Grant (WICG)

08/09 Current Budget: £360k (Defra Grant)
08/09 Revised Budget: £110k
08/09 Forecast: £110k

17. This is a new grant from Defra for which we will receive funding over the next three financial years (2008/09 £360k, 2009/10 £361k and 2010/11 £133k). The purpose of this grant is to enable local authorities to invest in front end waste infrastructure, notably for recycling and composting.
18. The Waste Strategy Report to Executive on the 23rd September 2008 outlines the proposals for this grant to purchase containers to extend the recycling service across the city. It will not be possible to spend the full allocation in this financial year because the choice of container type is dependant on the outcome of the Groves pilot. It is expected that £250k slippage will occur in 2008/09 and this will be carried forward.

Summary

19. Adjustments to the capital programme since the first monitor are required for slippage of £75k on the Silver Street Toilets scheme and £250k on the Waste Infrastructure Capital Grant.

Options

20. The report is primarily an information report for Members and therefore no options are provided to Members.

Corporate Priorities

21. The capital programme is decided through a formal process, using a Capital Resource Allocation Model (CRAM). CRAM is a tool used for allocating the Council's scarce capital resources to schemes that meet corporate priorities.

Implications

Financial Implications

22. The financial implications are considered in the main body of the report.

Human Resources Implications

23. There are no significant HR implications as a result of this report.

Equalities Implications

24. There are no significant equalities implications as a result of this report.

Legal Implications

25. There are no significant legal implications as a result of this report.

Crime and Disorder

26. There are no significant crime and disorder implications as a result of this report.

Information Technology

27. There are no significant information technology implications as a result of this report.

Property

28. There are no significant property implications as a result of this report.

Risk Management

29. The capital programme is regularly monitored as part of the corporate monitoring process. In addition to this the Capital Asset Management Group (CAMG) meets regularly to plan monitor and review major capital receipts to ensure that all capital risks to the Council are minimised.

Recommendations

30. That the Advisory Panel advise the Executive Member to :

- Approve the 2008/09 revised budget of £0.619m as set out in Table 2.
- Approve the net slippage of £0.325m into future years

Reason : to enable the effective management and monitoring of the Council's capital programme

Contact Details

Author:
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Finance Manager
Neighbourhood Services
Tel No.553109

Chief Officer Responsible for the report:
Terry Collins
Director Neighbourhood Services

**Report
Approved**



Date 6th November 2008

Specialist Implications Officer(s)

N/a

Wards Affected:

All

For further information please contact the author of the report

Background Papers - 2008/09 Capital Monitoring papers held at
Neighbourhood Services



Meeting of the Executive Member for Neighbourhood Services and Advisory Panel

4th December 2008

Report of the Director of Neighbourhood Services

2008/09 SECOND MONITORING REPORT – FINANCE & PERFORMANCE

Summary

1. This report presents two sets of data:
 - a) The latest projections for revenue expenditure for the Neighbourhood Services portfolio.
 - b) Progress against the directorate plan priorities and key performance indicators.

Background

2. Service provision and financial performance are strongly linked. This paper reports on service and financial performance for the second quarter of 2008/09. The Executive Member will normally receive three monitoring reports during the year.

Management Summary

Financial Overview

3. Overall, the Neighbourhood Services portfolio is forecasting an overspend of £232k, a variation of 1.7% of the net expenditure budget. This compares to an overspend of £277k at monitor 1. This shows an improvement since last year as the forecast overspend at 2007/08 monitor 2 was £484k.
4. The current general fund revenue budget for the Neighbourhood Services Portfolio is £15.28m, excluding the budget contribution to Safer York Partnership.
5. Current projections for the general fund portfolio show expenditure of £15.42m compared to budget, an overspend of £139k which represents a variation of 0.9% on the net expenditure budget.
6. The financial position for each General Fund service area is dealt with separately in the following sections. The overall position can be summarised as follows:

	Exp Budget £000	Income Budget £000	Net Budget £000	Forecast £000	Var'n £000	Var'n%
Env Health & Trading Standards	2,662	637	2,025	2,055	30	1.5
Licensing & Bereavement Service	1,097	1,957	(860)	(860)	0	0.0
Registrars Service	280	355	(75)	(75)	0	0.0
Neighbourhood Management	1,239	346	893	869	(24)	(4.5)
Ward Committees	1,063	0	1,063	1,063	0	0.0
Neighbourhood Pride Service	2,464	73	2,391	2,425	34	1.4
Enforcement and Environment	695	5	690	690	0	0.0
Waste Mgmt, Refuse & Recycling	11,882	2,772	9,110	9,209	99	1.1
Pest Control	101	56	45	45	0	0.0
General Fund Total	21,483	6,201	15,282	15,421	139	0.9

7. Details of the variances are covered later in the report but the significant variances on the General Fund Account are as follows:
- There is an overspend forecast on fuel of £49k in Refuse & Recycling, based on current year prices.
 - Staff costs in Refuse and Recycling are forecast to overspend by £107k which is covered in further detail later in the report. In summary, the main reasons for the overspend are bank holiday payments, the short term cost of an additional crew to supplement a recycling round and agency costs to cover vacant posts.
 - Unbudgeted security costs at Towthorpe HWRC are forecast at £84k.
 - There is a forecast overspend on bin and container replacements of £62k, mainly due to an increase in prices.
 - The above overspends are offset by a projected underspend of £203k on waste disposal costs, due to a reduction in tonnage of waste sent to landfill.
 - Significant variances relating to the trading accounts are covered in further detail later in the report in confidential Annex 2. In summary;

- The Civil Engineering Service is forecasting additional surplus of £82k.
- Commercial Waste are forecasting a £129k reduction in surplus due to a reduction in their customer base.
- In total within the trading accounts, there is an overspend on fuel of £96k, based on current prices.

Performance Overview

8. This paper reports on progress against the measures and actions in the Neighbourhood Services directorate plan.
9. Headline figures for the second quarter of 2008/09 are that Neighbourhood Services has:
 - Continued to see a reduction in sickness absence. The forecast for 2008/09 is a loss of between 13 and 14 days per fte (15.5 in 07/08). In the 2nd quarter we lost less than one day per fte per month – the best quarter since 2003 when we started recording figures in this way.
 - Undertaken a second cleanliness survey, during which we found better than target levels of litter (5% of the areas surveyed were unacceptable), but worse than target levels of detritus (11% unacceptable) and graffiti (4% unacceptable).
 - Continued to increase the proportion of waste recycled and composted – with a 2008/09 forecast of 45.17% (43.37% in 07/08).
 - Continued to reduce the incidences of missed bins to 44 per 100,000 (50.6 in 07/08), with 96% of those put right by the next working day (79% in 07/08).
 - Continued to improve performance on housing repairs. Over the first 6 months, 96% of urgent repairs were done within government time limits (90% in 07/08), and the average time taken to complete a non-urgent repair fell to 7.17 days (7.97 days in 07/08).

Financial Performance

General Fund

Environmental Health and Trading Standards

10. The current projection forecasts that there will be an overspend of £30k or 1.5% of the net expenditure budget. The same overspend was reported at monitor 1. The key reasons for the overspend are as follows:
 - Legal fees are forecasting to overspend by £46k, relating to the cost of the Elvington Air Field appeal. The forecast takes a prudent approach and assumes that these costs will not be recovered. If the appeal is successful we could be awarded costs in the region of £100k.

- This is offset by a net underspend of £17k on staff costs due to vacancies

Licensing and Bereavement Services

11. The current projection forecasts that there will be no overspend, as reported in monitor 1.

Registrars Service

12. The current projection forecasts that there will be no overspend, as reported in monitor 1.

Neighbourhood Management

13. The current projection forecasts that there will be an underspend of £24k, or 4.5% of the expenditure budget. This compares to an underspend of £30k reported at monitor 1. The key reasons for the variance are as follows:

- Staff vacancies amounting to £35k. Several attempts have been made to recruit to vacant neighbourhood management officer posts in this area by advertising internally, including offering secondments, advertising externally and using recruitment agencies, but have not been successful. Further attempts are ongoing. It is unlikely the staffing situation will be resolved until the pay and grading exercise is completed, and a restructure implemented.
- An overspend of £6k on the running costs of Sanderson Court House. Budget transferred in this financial year from LCCS to fund the running costs but it is insufficient to cover actual costs.
- An overspend of £16k on the production and delivery of Your Ward publication. There is insufficient budget to cover actual costs because printing and delivery costs have increased over the last few years without a corresponding increase in budget.
- The above overspends relating to Sanderson Court and Your Ward require an increase in budget and growth bids have been submitted in the 2009/10 budget process.

Ward Committees

14. The projection is that net expenditure will be as budgeted. A nil variance was also reported at monitor 1.

Neighbourhood Pride Service

15. The outturn position shows an overspend of £34k, or 1.4% of the expenditure budget. The same overspend was reported at monitor 1. The key reason for the overspend is:

- An overspend on graffiti removal of £36k. This relates to removal of graffiti from public land. The total budget for this service is £46k and the forecast spend is £82k based on a straight line profile from a

year to date spend of £41k. A growth bid of £25k to increase base budget was submitted for 2008/09.

16. The operational costs of street cleansing and ground maintenance are held within the trading accounts. This is covered in further detail in Annex 2.

Enforcement and Environment

17. The current projection forecasts that there will be no overspend, as reported in monitor 1.

Waste Management, Refuse & Recycling

18. The outturn position shows an overspend of £99k, or 1.1% of the expenditure budget. This compares to an overspend of £180k reported at monitor 1. The key reasons for the overspend are:

- Staff costs are overspent by £107k. There are 3 main reasons for the overspend. Bank Holiday enhanced payments were not included in the budget as it was assumed that these would not be required after the implementation of pay and grading. An overspend of £34k was incurred to cover bank holiday working. Budget for an additional kerbsider vehicle was approved in this financial year but the vehicle will not be delivered until later in the year because of long lead in times. In the short term a vehicle is on hire but because it is smaller and does not have a compactor a spare vehicle is used to supplement the round. There is an overspend of approximately £35k to crew the spare vehicle. Finally, there is a forecast overspend of £20k relating to agency staff required to cover vacant posts.
- Unbudgeted expenditure of £84k is forecast relating to security at Towthorpe HWRC. This is required because previous withdrawal of security has resulted in break ins.
- There is an overspend on fuel costs due to the increase in petrol prices amounting to £49k on refuse and recycling operations.
- There is an overspend of £62k on bin and container replacements. Prices have increased significantly over the last few months (for example 240 litre bins have increased by 28%) and are likely to continue to rise due to the cost of raw materials and excess demand across Europe. A growth bid of £103k was submitted to cover both increased demand and increased prices.
- An overspend of £20k on unbudgeted repairs due to vandalism at Beckfield Lane HWRC.
- The above overspends are offset by a saving in waste processing costs of £203k resulting from a reduction in tonnage of waste sent to landfill.

Trading Accounts

19. Detailed information is provided in Confidential Annex 2.

Directorate Performance

Priority 1: Improving Absence Management

Key actions from Directorate Plan:	Milestone	On target?
Examine successful approach taken in HASS to using HSE stress management standards.	Sept 08	Complete
Temporarily redirect resources to provide additional support to managers in managing absence	Dec 08	Yes
Explore how to incentivise staff to improve health outside work	Dec 08	Yes

20. Work is continuing to manage absence within the corporate absence management policy. We are also developing more proactive approaches to staff health and well-being. A report to EMAP in October 2008 set out the range of approaches being trialled.
21. We lost 4204 fte days in the first half of the year – about 6.4 days per fte. This is about 2.3 days better than at the same point last year, allowing an annual forecast of 13-14 days. Our performance, while improving, remains behind the corporate figure of 4.3 days per fte for the half year. Performance during the second quarter was good - on average over the quarter we lost less than 1 day per fte per month.
22. We lost 748 fte days to stress in the first half (1.13 days per fte, compared with the corporate figure of 0.83 days per fte). Stress absence made up 18% of NS absence, which is in line with the corporate rate of 19%. In developing the well-being initiatives being piloted at present, we considered the HSE approach to managing stress, but the small number of stress cases we see are almost always non-work related. The health questionnaire being piloted in Civil Engineering should provide information on the underlying causes of stress absence, and help us develop more successful approaches to reducing the problem. Stress related absence is managed carefully, and all stress cases are immediately referred through to Occupational Health.

Key measures from Directorate Plan:	2006/7	2007/8	2008/9 (1 st 6 months)	2008/9 Forecast based on 6 months data	2008/9 Target (days)
BV12: Number of working days/shifts lost to sickness (per fte).	16.8 days	15.5 days	6.37 (4204 days lost / 660 fte)	13-14 days	14 (NS)

CPA13a. Number of days lost to stress related illness (per fte).	2.79 days	2.53 days	1.13 (748 days lost / 660 fte)	2-2.5 days	2 (NS)
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Priority 2: Staff Development

Key actions from Directorate Plan:	Milestone	On target?
Hold regular meetings between the Director and front line staff.	Ongoing	Yes
To hold quarterly meetings of the DNS Managers Forum to further develop leadership skills.	Ongoing	Yes
To hold quarterly 'tool box talks' between AD's and front line staff.	Ongoing	Yes
Review our approach to developing managerial and supervisory skills, and develop proposals.	Oct 08	No

23. A number of staff communication mechanisms are in place. We have developed the directorate's performance management framework to incorporate regular meetings with heads of service to discuss and progress specific areas of performance. A regular managers forum meeting provides an opportunity to discuss live issues and in some cases to support the development of policy. The Director and Assistant Directors meet with different staff groups regularly. A staff newsletter is in place, which aims to inform all staff about key developments across the directorate. A new approach to communicating health and safety issues will be trialled in November 2008.
24. We have a target to appraise 92% of staff during the year. Due to the diverse nature of the directorate, we deliver appraisals in a range of ways, with most appraisals for front line staff delivered in group meetings with an offer of individual appraisals being made. A new group appraisal scheme is now being implemented, and will provide better awareness of service objectives within teams.
25. An initial review of training for supervisory staff has shown that a number of departments are using a range of providers, programmes and approaches. The work on developing managerial and supervisory skills has been brought within a wider proposed work programme whose focus would be developing customer care and organisational culture. It is unlikely that this piece of work will be completed in 2008/09 – but it would be picked up in the 2009/10 directorate plan.
26. A number of staff survey measures were set out under this heading. The survey has been postponed until the spring of 2009, so we will not receive updated staff satisfaction figures during this year.

Priority 3: Implementing job evaluation / pay and grading

Key actions from Directorate Plan:	Milestone	On target?
Implement new pay and grading structure, and support staff through the appeals process.	Sept 08	Late, ongoing

27. The second ballot has now been undertaken and received a positive outcome. Neighbourhood Services is well placed to work through the corporately led implementation of the new pay structure, and the appeals process.
28. The qualitative measure set for this priority was around the level of detriment to industrial relations. While no industrial action has been taken so far on pay and grading, staff morale has been hit by both the agreement and the delay. Many staff will at least be pleased to see progress being made.

Priority 4: Improving equalities culture

Key actions from Directorate Plan:	Milestone	On target?
Complete priority Equality Impact Assessments (EIAs) of Waste Management Strategy and Community Safety Strategy.	Sept 08	Complete
Set out an Equality Plan for Neighbourhood Services, to include a forward programme of EIAs.	Sept 08	Complete
Set out a strategy to promote the development of female staff in the directorate.	Oct 08	Late, ongoing

29. Both of the initial priority Equality Impact Assessments (EIAs) are now complete, and ready to go for public consultation through the appropriate route. The waste EIA was discussed at a corporate equalities event in early November. A simple interim directorate equality plan has been agreed to take us through to the development of a statutory plan in July 2009. This focuses on training, awareness raising, and a programme of seven further EIAs. One of these seven EIAs will explore the issues around promoting equality of outcome for female staff in the directorate.
30. The measure set for this priority was around the proportion of our EIA programme delivered during the year. We will be able to report on this at year end.

Priority 5: Improving Health and Safety culture

Key actions from Directorate Plan:	Milestone	On target?
Implement any changes arising from the corporate health and safety review.	Sept 08	Yes, ongoing
Implement the new model of site inspections, training and communications.	Sept 08	Yes, ongoing
Develop an improved database to record staff training records.	Oct 08	Late, ongoing
Implement, review and evaluate the success of the near miss reporting mechanism.	Dec 08	Yes

31. Work on health and safety (H&S) remains a very high priority. While the actions are largely on track and progress is still being made, that is not yet flowing into reduced numbers of RIDDOR accidents. The implementation timetable following the corporate review of health and safety is on target.
32. A new approach to on-site inspections has been introduced. This provides greater clarity over the respective roles of H&S staff and managers. This is in line with the new corporate role for H&S staff and will ensure more proactive work is done with staff in the field. Work continues on training issues. We are working to roll out an in-house training records database across the directorate. This will in due course be complemented by a corporate training records system which is being developed by corporate health and safety team.
33. A new approach that allows all staff to report health and safety near misses has now been in place for over 6 months, and is due to be evaluated. A new approach to feedback related to these near miss reports will be trialled during November.

Key measures from Directorate Plan:	2004/5 to 2006/7	2007/8 actual	2008/9 Q1	2008/9 Q2	2008/9 Target
Total number of accidents reported.	124 (ave)	120	24	17	None set
Number of RIDDOR accidents.	27 (ave)	29	8	7	10% reduction
Number of RIDDOR major injuries	Not available	2	0	0	20% reduction
Number of RIDDOR dangerous occurrences	Not available	2	0	0	0

Priority 6: Improving financial management

Key actions from Directorate Plan:	Milestone	On target?
Provide financial regulation, procurement and budget monitor training for Budget Managers.	Ongoing	Yes
Reduce creditor days by developing a web based system to pay Yorwaste.	Oct 08	Late – by Dec 08
Review the directorate's approach to risk management and implement within the new performance management framework.	Oct 08	Complete

34. The aim of the new approach to budget monitoring is to continue to develop a culture of financial accountability among all budget managers. Budget managers are involved in the process at a detailed level, and detailed monthly forecasts are provided at the appropriate level within the directorate to allow the issues to be managed. Overall at the end of the half year we are forecasting a 1.7% overspend.
35. Training on budget monitoring, procurement and financial regulations was provided to Heads of Service, who are the key budget managers within the new monthly monitoring system, in 2007/08. Further budget management training will be provided as part of the implementation of the new FMS system in April 2009. Refresher training on procurement has been provided.
36. Significant progress has been made on developing a software package to authorise Yorwaste invoices on-line. The site does now provide a streamlined payment system that will meet the needs of both parties. Audit have now signed off the system, which will now be tested and should be implemented by the end of December 2008.
37. A more robust quarterly performance management process is in place. In line with other directorates, we will (from quarter 3) be using a more coordinated approach to risk management that will allow managers to focus on the risks rather than the system.

Key measures from Directorate Plan:	2007/8	2008/9 Q1 forecast	2008/9 Q2 forecast	2008/9 Target
Reduction in outturn variance against budget	£162k underspend (1.2%)	£277k overspend forecast (2.0%)	£232k overspend forecast (1.7%)	Zero variance

Priority 7: Implement Corporate Restructure

Key actions from Directorate Plan:	Milestone	On target?
Agree detailed proposals for new services to be transferred to Neighbourhood Services	July 08	Late, complete
Implement service transfer.	Sept 08	No

38. A detailed report on all aspects of the proposed transfers of service areas was discussed at the Staffing Matters committee on 6th November. Members asked for further information and an implementation plan to be prepared for a further meeting.

Priority 8: Tackling violent, aggressive and nuisance behaviour (Corporate priority)

Key actions from Directorate Plan:	Milestone	On target?
Monitor and evaluate the impact of the Westfield Capable Guardian scheme and assess the potential resource requirements of adopting it in other parts of the city.	June 08	Late, ongoing
Develop Neighbourhood Services' contribution to the Safer York Partnership's anti-social behaviour strategy.	July 08	Yes, ongoing
Implement the new performance management framework through the SYP Executive.	Dec 08	Yes, ongoing

39. The Director of Safer York Partnership is currently undertaking an independent evaluation of the Westfield Capable Guardian scheme. This involves evaluating whether the scheme has had a measurable impact on anti-social behaviour within the ward. Initial views are mixed, and the scheme has placed a heavy resource burden on the Neighbourhood Management Unit. Following the evaluation, a report will be prepared for members setting out options regarding the future of this type of scheme.
40. The other two actions are ongoing. New performance management arrangements through the Safer York Partnership Executive have been put in place, but will need to bed down over time. A key issue remains the maintenance of partner engagement in the delivery of the Community Safety Plan.
41. We are able to report on two of the six measures in the directorate plan. The Home Office made changes to BCS violent crime categories earlier in the year, which has required an amendment to the 2008/09 overall BCS crime target. Crime levels in the first 6 months of 2008/09 suggests that York is likely to beat the amended target this year. However this overall positive picture hides variations in crime levels by category. In general terms, serious acquisitive crime is staying steady, while within this, cycle and vehicle theft is down, while domestic burglary is up.
42. Where the police and council work together to target action we are continuing to be effective. For example, the summer's 'Operation Altern8'

campaign reduced levels of crime in the Cumulative Impact Zone by 38% on the previous year. Within the Clifton alleygating designated area, reported crime levels fell by 68% in August/September 2008 compared to the same area in August/September 2006.

43. The results of the 31st Talkabout survey (July 08) show a jump in the percentage of residents who feel that York is safe. The survey also reports a fall in levels of concern with a number of types of crime that have been targeted within the Community Safety Plan such as burglary and car crime, robbery and physical assault, and anti-social behaviour (vandalism, noise, young people hanging about).

Key measure from Directorate Plan:	2006/7 actual	2007/8 actual	2008/9 Q1+Q2	2008/9 Target
Total Crime (BCS total crime)	13304	11119	9584 (forecast based on 1st 6 months)	10948 (amended to 9846)
Percentage of residents who feel York is a safe city.	53%	55%	64% (Talkabout 31 – July 08).	68%

Priority 9: Neighbourhood management service review and improvement

Key actions from Directorate Plan:	Milestone	On target?
Develop a model for a corporate action plan showing how local democracy and participation can be improved.	Dec 08	Yes, ongoing
Implement new best practice coming out of the Local Government Bill	Dec 08	Yes, ongoing

44. The actions under this priority are long term in nature. Work on implementing the Local Government Bill (e.g. duty to consult) has been linked into the new corporate single improvement plan, and in particular the work being led by the Chief Executive to develop a corporate engagement strategy. Ward committees, and Neighbourhood Action Plans will play an important role in the council's approach to engaging its communities. The Head of Neighbourhood Management Unit is involved with a cross-directorate group working to develop the draft engagement strategy.
45. York's approach to participatory budgeting was recognised at national and regional level during the second quarter as a national pilot authority.

Priority 10: Building maintenance service review and improvement

Key actions from Directorate Plan:	Milestone	On target?
Work with Office of Government Commerce (OGC) and Jewson to improve material supply further.	Ongoing	Yes
Extend existing partnership working with other internal clients.	Dec 08	Yes
Consolidate the gas servicing contract within the Building Maintenance department	Mar 09	Complete

46. The agreement with Jewson to consolidate material supply to our building maintenance department went live in November 2007. The agreement is subject to continual review and performance management. The Office for Government Commerce is currently cost benchmarking on our behalf, and we are also benchmarking Jewson's costs with another similar council.
47. Since May 2008, we have been monitoring a monthly set of performance measures with Jewson to help both parties improve performance. In general the repairs partnership with housing is improving performance - performance on the two national housing repair targets (below) improved significantly in the first half of the year. A number of housing staff are based at the EcoDepot in order to improve understanding of joint processes in this highly complex business.
48. We have been exploring the possibility of increased partnership working with Facilities Management, which is a key element of the service's business plan. Initial meetings have gone well, with Facilities Management open to the idea of a partnership – and further development work will be undertaken.
49. The service took over the east side gas servicing contract from 1st April 2008, and has integrated this additional work with minimal disruption.

Key measures from Directorate Plan:	2007/08 actual	2008/09 Q1+ Q2	2008/09 target
Urgent repairs completed within Government time limits	90.0% (5532 of 6150 jobs)	96.2% (2944 of 3059 jobs)	99%
Days taken to complete non-urgent repairs	7.97 days (21,544 jobs)	7.17 days (11,891 jobs)	8 days

Priority 11: Local environment (corporate priority)

Key actions from Directorate Plan:	Milestone	On target?
Keep the new approach to street cleansing under review, and implement ongoing improvements as appropriate.	Ongoing	Yes
Develop environmental action plans, to support ward based delivery of the environmental aspects of the 18 neighbourhood action plans.	Sept 08	No, ongoing
Complete the review of provision of public toilets, including making budgetary proposals.	Dec 08	No, ongoing

50. Head of Neighbourhood Pride Service meets staff regularly to work through issues that arise. The NI195 survey results and customer satisfaction results are discussed at these meetings. The operational processes such as cleansing routes and use of equipment is kept under review. Maintaining momentum among staff is probably the key issue facing the service.
51. Ward profiles are being developed by gathering ward level customer information and local environmental quality information. This data gathering exercise will allow the Street Environment Officers to draft ward action plans, ready for consultation at ward level during January 2009. These action plans will support the environmental objectives within each of the Neighbourhood Action Plans.
52. Members received a report on the progress made on the review of public toilets at the October EMAP meeting. Additional usage monitoring has taken place over the summer, and we have taken longer to hear back concrete results from Encams – who were investigating the potential for a community toilet scheme. We expect to be able to bring a final report to EMAP in March 2009.

Key measures from Directorate Plan:	2007/8 Actual	2008/09 1 st survey	2008/09 2 nd survey	2008/09 1 st + 2 nd surveys	2008/9 Target
NI195a: % of relevant land with levels of litter below acceptable standards	8%	10%	5%	8%	8%
NI195b: % of relevant land with levels of detritus below acceptable standards	9%	8%	11%	10%	8%
NI195c: % of relevant land with levels of graffiti below acceptable standards	2%	8%	4%	6%	2%
BV89: % of people satisfied with local cleanliness	71%%	Survey to be undertaken			72%

53. NI195 and BV89 are the key measures of this corporate priority. NI195 measures the cleanliness of the local area as members of the public perceive it. The new NI195 is measured using the same survey technique as the old BV199, but the survey results are then used differently to calculate the final figure. The measure is based on a survey of at least 900 sites across the city each year. We complete three surveys each year that each covers about 300 sites in 5 city wards. The figures in the tables above and below are the results of the first and second of these annual surveys – together covering Acomb, Clifton, Fishergate, Haxby & Wigginton, Heslington wards in June 2008, and Bishopthorpe, Derwent, Guildhall, Holgate and Skelton, Rawcliffe and Clifton Without wards in October 2008. The table below converts the NI195 scores back into BV199 scores to allow comparison over time. Detritus and graffiti exceeded their targets in the October survey.

% of sites with unacceptable levels of:	2007/8 1 st survey (May 07)	2007/8 2 nd survey (Oct 07)	2007/8 3 rd survey (Feb 08)	2007/8 actual	2008/9 1 st survey (Jun 08)	2008/9 2 nd survey (Oct 08)	2008/9 1 st + 2 nd survey
BV199a Litter fail rate	4%	13%	21%	12%	16%	7%	12%
BV199a Detritus fail rate	7%	7%	31%	15%	13%	18%	16%
BV199b: Graffiti fail rate	1%	5%	6%	4%	11%	5%	8%

54. The problem of graffiti was less obvious in the October survey – in fact it was in line with the graffiti result in October 2007 and February 2008. While the fail rate was half that of the June survey, 47% of survey sites in Oct 08 had some graffiti (compared with 58% in the June 07 survey). However this still remains much higher than the level experienced in the 2006 and early 2007 surveys – where we saw graffiti in only 25% of survey sites. Encams considers our graffiti performance to be ‘good’ – although slightly less ‘good’ than the national average level.
55. The picture on graffiti is confusing. It is probably too early to say that the problem peaked in summer 2008. Members agreed to set up a dedicated team at the June EMAP, which may have had a bearing on the NI195c score. Equally however, a number of enforcement actions may be having an impact – either by taking some offenders out of action, or by showing that offenders can and are caught. Performance on graffiti removal remains excellent – at just under 1 day on average to remove.

Other Street Scene Indicators

56. These measures are not included in the directorate plan - but street scene work impacts on the local environmental quality priority. The

indicators show strong performance against target on removal of graffiti and fly-tips.

57. Performance on abandoned vehicles has been poor in the first half of the year. The Head of Neighbourhood Pride Service has been talking to the contractor to ensure that performance improves. The contractor is contributing to the Easy @ York phase 2 project to ensure that systems are effective.

Indicator	06/07 Actual	07/08 Actual	08/09 Q1	08/09 Q2	08/09 Q1+Q2	08/09 target
BVPI 218a. % of new reports of abandoned vehicles investigated within 24 hours of notification	99.8%	98.1% 256/261	96.6% 57/59	82.6% 38/46	90.5% 95/105	100%
BVPI 218b. % of abandoned vehicles removed within 24 hours (from the point at which we can legally remove them)	91.0%	85.7% 30/37	53.3% 8/15	100% 7/7	68.2% 15/22	100%
COLI 77a. Average time taken to remove obscene graffiti (days)	1.55	1.46	1.05 (20 jobs, 95% in time)	0.87 (27 jobs, 100% in time)	0.95 (47 jobs, 98% in time)	2
COLI 77b. Average time taken to remove non-obscene graffiti (days)	2.46	2.50	0.97 (97 jobs, 99% in time)	0.89 (71 jobs, 97% in time)	0.94 (168 jobs, 98% in time)	4
VH5b. Average time taken to remove fly-tips (days) (NS figure)	0.87	1.08	1.03 (310 jobs, 88% in time)	1.03 (289 jobs, 86% in time)	1.03 (599 jobs, 87% in time)	1

Priority 12: Waste management (corporate priority)

Key actions from Directorate Plan:	Milestone	On target?
Explore options for kerbside recycling service, including the Groves pilot (to meet central govt targets)	Ongoing	Yes
Continue to embed enhanced recycling to schools and council offices (linked to NS13)	Ongoing	Yes
Continue to implement the review of commercial waste (link to NS13)	Ongoing	Yes
Complete procurement to provide access to a short term waste facility	Sept 08	Complete
Refresh waste strategy for York.	Dec 08	Complete

58. This has been a busy first half of the year under this priority. The Groves pilot scheme has started – with the scheme in relation to terraced properties getting underway in mid October. The service will review progress on a weekly basis – for example on the first day 61% of residents in the pilot areas participated in recycling, with generally good quality presentation, and 2.2 tonnes of recycling was collected. The pilot in relation to flats will start in mid-November.
59. Executive agreed three waste strategy papers in September. This included a proposal for a permit scheme at York's three recycling centres, which will be implemented early in the new year.
60. The service has completed a full Equality Impact Assessment exercise, which went to a SIWG sponsored consultation day in early November. Issues raised will be included in the Waste service plan for 2009/10.
61. The York & North Yorkshire Waste Partnership have procured an interim treatment solution (ie prior to a waste private finance initiative solution coming on stream) that should be operational by April 2009. City of York is looking at ways to exchange our 09/10 allowance for 10/11 when we are more likely to need it. Meanwhile the Private Finance Initiative process continues.
62. Work is continuing to establish a recycling scheme for existing commercial waste customers. We will be offering the service to about 150 customers in the second half of 2008/09. We need a scheme to be fully operational by the end of 2008/09 so that we can reduce the LATs costs during 2009/10.
63. Forecasts for the three new national indicators are set out below. The figures are full year forecasts based on activity in the first half. They suggest that residents remain on target to reduce their level of household waste being production, as well as to increase the proportion of household waste that is either reused, recycled or composted.

Key measures from Directorate Plan:	2007/8 Actual	2008/09 Forecast based on Q1+Q2	2008/9 Target
NPI191 - Kilograms of residual household waste per household (LAA indicator)	660kg	624kg	640kg
NPI192 - Percentage of household waste sent for reuse, recycling and composting	43.37%	45.17%	45.13%
NPI193 – Percentage of municipal waste landfilled	57.45%	55.97%	55.30%
BV90a – satisfaction with household waste collection	75%	Place survey being undertaken at present	76%
BV90b – satisfaction with waste recycling facilities	77%		78%

Priority 13: Waste service review and improvement

Key actions from Directorate Plan:	Milestone	On target?
Implement new integrated commercial waste management system.	June 08	Late, ongoing
Review working patterns in light of developing waste strategy and pay and grading, and implement.	July 08 + ongoing	Late, ongoing
Review policy on assisted collections, linked to completion of an equality impact assessment (link to NS4)	Dec 08	Yes
Review need for permitting schemes to prevent illegal use of Household Waste Recycling Centres	Jan 09	Yes

64. A new 'whitespace' commercial waste computer system continues to provide some teething difficulties. We are continuing to work with the supplier to overcome these initial difficulties.
65. Round data is being collated with a view to a possible round rebalancing exercise. The delay to pay and grading being agreed has been a problem and we will have to wait and see (at time of writing the 2nd ballot is ongoing) what the outcome is before we start to review working patterns with a view to increasing the reliability, flexibility and efficiency of the refuse collection service. Any review will need to link to any new service developments that follow the Groves pilot. This would then help to ensure that changed work processes that will be developed through the Easy @ York phase 2 programme will deliver improved service performance and customer response.
66. Performance on the key quality measures of missed bins and proportion of missed bins collected by next day both continued to be significantly improved on the 2007/8 level. The challenging target of 40 missed bins per 100,000 was achieved in quarter 2. Work is going on within the Easy @ York phase 2 project to re-engineer the service's administrative processes to reduce and simplify 'back office' work in order to speed up

customer service and free up supervisory staff to provide customers with a higher quality service.

Key measures from Directorate Plan:	2006/7	2007/8 actual	2008/9 Q1	2008/9 Q2	2008/9 Q1+Q2	2008/9 Target
COLI3: Missed bins per 100,000 collections	77.63	50.60	48.8	39	44	40
VW19: Missed bins put right by end of next working day.	58.24%	79.86%	98%	94%	96%	99%
Number of Customer Relationship Management system complaints	67 per month	51.7 per month (620 total)	47 per month (141 total)	41 per months (122 total)	44 per month	<50 per month
BV90a: % of people satisfied with household waste collection	72%	75%	Place survey being undertaken at present			76%

Consultation

67. The report is primarily an information report for Members and therefore no consultation has been undertaken regarding its contents.

Options

68. The report is primarily an information report for Members and therefore no options are provided to Members.

Corporate Priorities

69. Three of the council corporate priorities are directly supported under this portfolio. They are:

- Decrease the tonnage of biodegradable waste and recyclable products going to landfill
- Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces
- Reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

Financial

70. The report provides details of the portfolio revenue forecasts and therefore implications are contained within the report

Human Resources

71. There are no significant human resources implications within the report

Equalities

72. There are no significant equalities implications within the report.

Legal

73. There are no significant legal implications within the report

Crime and Disorder

74. There are no significant crime and disorder implications within the report

Information Technology

75. There are no significant IT implications within the report.

Property

76. There are no significant Property implications within the report.

Risk Management

77. The report is primarily a look back at finance and service performance and therefore there are no significant risks in the content of the report.

Recommendations

78. That the Advisory Panel advise the Executive Member to approve the financial and performance position of the portfolio.

79. Reason – In accordance with budgetary and performance monitoring procedures.

Contact Details

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Chief Officer Responsible for the report:

Terry Collins
Director Neighbourhood Services

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Report Approved



Date *6th November
2008*

Specialist Implications Officers

Financial: None, **Human Resources:** None, **Equalities:** None

Legal: None, **Crime and Disorder:** None, **Information Technology:** None

Property: None, **Risk Management:** None

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers – 2008/09 Budget Monitoring papers held at
Neighbourhood Services

Attached Annexes

- Annex 1 Major service variations against budget for non-traded services
- Annex 2 (Confidential) Monitor 1 report for the traded accounts
- Annex 3 (Confidential) Major Service variations against budget for the traded accounts

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**Major Service Variations Identified Against Budgets
2008/09 Monitor 2**

	Forecast £000	%
Environmental Health and Trading Standards Overspend on legal fees Staffing variances: Vacant Posts Misc Variances Total	46 (17) 1 30	 1.5
Licensing and Regulation Services No significant variances Total	0 0	 0.0
Bereavement Services No significant variances Total	0 0	 0.0
Registrars Service No significant variances Total	0 0	 0.0
Neighbourhood Management Staffing variances: Vacant posts Overspend on Sanderson Court Overspend on Your Ward publication Misc Variances Total	(35) 6 16 (11) (24)	 (4.5)
Ward Committees No significant variances Total	0 0	 0.0
Neighbourhood Pride Service Overspend on Graffiti removal Misc Variances Total	36 (2) 34	 1.4
Enforcement & Environment No significant variances Total	0 0	 0.0

Waste Management, Refuse & Recycling		
Overspend on operational staff costs	107	
Overspend on security	84	
Overspend on Fuel	49	
Overspend on bin replacement	62	
Overspend on R&M at Beckfield Lane HWRC	20	
Underspend on Waste Processing	(203)	
Misc Variances	(20)	
Total	99	1.1
Total General Fund	139	0.9

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